

## Southern Campaign American Revolution Pension Statements & Rosters

Pension application of John Hays R4794

Mary

fn38NC

Transcribed by Will Graves

4/27/11

[Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Where the meaning is not compromised by adhering to the spelling, punctuation or grammar, no change has been made. Corrections or additional notes have been inserted within brackets or footnotes. Blanks appearing in the transcripts reflect blanks in the original. A bracketed question mark indicates that the word or words preceding it represent(s) a guess by me. Only materials pertinent to the military service of the veteran and to contemporary events have been transcribed. Affidavits that provide additional information on these events are included and genealogical information is abstracted, while standard, 'boilerplate' affidavits and attestations related solely to the application, and later nineteenth and twentieth century research requests for information have been omitted. I use speech recognition software to make all my transcriptions. Such software misinterprets my southern accent with unfortunate regularity and my poor proofreading fails to catch all misinterpretations. Also, dates or numbers which the software treats as numerals rather than words are not corrected: for example, the software transcribes "the eighth of June one thousand eighty six" as "the 8<sup>th</sup> of June 1786." Please call errors or omissions to my attention.]

State of North Carolina Buncombe County: February 1<sup>st</sup> 1849 Personally appeared before me James Sharp a Justice of the peace for the County aforesaid Mary Hays of said County aged eighty-five years who being first duly sworn according to law doth on her oath make the following Declaration in order to obtain the benefit of the provisions made by the act of Congress passed July 7th 1838 entitled an act granting half pay and pensions to certain [widows]. That she is the widow of John Hays who was a private in the war of the Revolution – she further declares she has a distinct recollection of hearing her husband the aforesaid John Hays say he was in several Towers [tours] in the war of the Revolution against Great Britain and was in several battles and that he was very little at home during several years and she further declares she saw him have a legal Discharge since their marriage she further declares the said Discharge is lost or mislaid – she further declares she was married to the said John Hays in May 1791 having no documents Evidence to prove the said marriage but from the age of her oldest child which was born 1792, that her husband the aforesaid John Hays died on the 15th day of July 1830 and that she was not married to him prior to his leaving the service but the marriage took place previous to the first of January 1794 viz. at the time above stated – she further swears she is now a widow and that she has never before made any application for a pension and the reason she has never applied before was she was informed that she was not entitled from the fact her husband died before the act was passed for the benefit of Revolution Soldiers.

Sworn to and subscribed the day and date above.

Test

S/ Jas Sharp, JP

S/ Mary Hays, X her mark

State of North Carolina Buncombe County: January 2nd 1849 personally appeared before me James Sharp a Justice of the peace for said County Adam Philips<sup>1</sup> of the County aforesaid aged eighty-six years and made oath in due form of law that he became acquainted with John Hays

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<sup>1</sup> [Adam Phillips \(Phillips\) S8955](#)

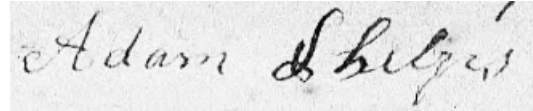
whose name appears in the foregoing Declaration before the Commencement of the Revolution War and he further swears he entered the service of the United [States] with the said John Hays at Baties Ford [Beatties Ford] in North Carolina against the British and that they was commanded by General Davidson and Colonel Lock [Francis Locke or Matthew Locke] and that him and said John Hays was in the Battle at Cowans Ford on the Catawba River when and where General Davidson was killed and that him and said John Hays served that 3 month Tower and was then separated and it was a general report that the said Hays served out several Towers and he further declares when he again became acquainted with the said Hays which was forty-six years past the said Hays was then married to the said Mary Hays who maketh the foregoing Declaration they then had a family of children and they lived together as husband and wife up to his death which took place nineteen years past and as to the legality of this marriage he never heard it contradicted and that the said Mary Hayes has remained a widow ever since.

Sworn to and subscribed the day and date above.

Test

S/ Jas Sharp, JP

S/ Adam Phelps

A rectangular box containing a handwritten signature in cursive script that reads "Adam Phelps".

[fn p. 7: On June 2nd, 1849 in Buncombe County North Carolina, Jane Wolf, 54, gave testimony that she is the 2nd child and daughter of John and Mary Hays; that she was married December 14, 1794 according to a record in her possession; that she had a brother near 2 years older than herself.]

[fn p. 10: On February 7, 1853 in Buncombe County North Carolina, Adam Philips, 89, gave another supporting affidavit confirming his prior statement as to the service of John Hays in adding that Hays served much longer in the service of the United States during the revolution and he thinks as much as 3 years or more; that Mary Hays continued to be the widow of John Hays up to the time of her death which took place on March 9, 1851 in Buncombe County; that Mary Hays left surviving her the following children Mrs. Jane Wolff, James Hays & Sarah Spiva [sic, Spivey?] .]