

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Henry Hayes (Hays)¹ S30455

f38VA

Transcribed by Will Graves

3/5/14

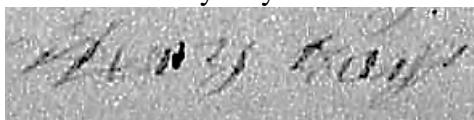
[Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Where the meaning is not compromised by adhering to the spelling, punctuation or grammar, no change has been made. Corrections or additional notes have 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. The word 'illegible' or 'indecipherable' appearing in brackets indicates that at the time I made the transcription, I was unable to decipher the word or phrase in question. 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 skills fail 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 8th of June 1786." Please call material errors or omissions to my attention.]

[Note: the images of the following document as posted on both Fold3.com. and HeritageQuest.com are of very poor quality and very faint. Consequently, more than normal caution should be used in relying upon the following transcript.]

State of Kentucky County of Barren: SS

On this third day of June A.D. 1853 personally appeared before me a Justice of the Peace within and for the County aforesaid, Henry Hayes, aged 91 years a resident of Barren County in the State of Kentucky who being duly sworn according to law doth on his oath make the following declaration in order to obtain the benefits of the act of the 7th of June 1832, and of the subsequent acts passed for the benefit of Revolutionary Soldiers; that he entered the service in Lunenburg County Virginia as a private in the Company commanded by Captain William Dawson [?] on or about the 25th day of February 1781, and continued in actual service for the term of three months a portion of the time in North Carolina; that he was at the battle of Guilford C. H. [March 15, 1781]; and that a portion of the service was rendered under the Command of Captain Colinder Walker [??] in the Regiment commanded by General Stephens [Edward Stevens]; that at the expiration of said service he was honorably discharged at Deep River 100 miles from home. He further states that he again entered the service at Petersburg Virginia for the term of three months on or about the 10 day of September 1781 under the Command of Captain Joseph Knight [?] and continued under his Command until the close of his service when he was again honorably discharged at Richmond Virginia; that he was at the Capture of Lord Cornwallis [October 19, 1781] and that his service was claimed and recognized as 6 months service; for which he has never received nor applied for any pension or bounty under any act of Congress.

S/ Henry Hays

A handwritten signature in dark ink, appearing to read "Henry Hays", written on a light-colored, textured surface.

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Revolutionary Bounty Land Claim

¹ BLWt36607-160-55

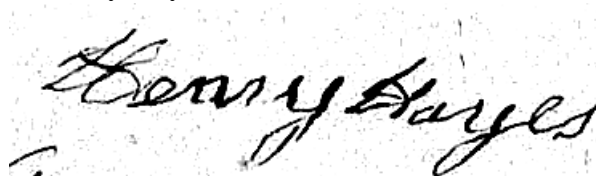
Declaration of a Soldier, who has never received Bounty Land
State of Kentucky County of Barren: SS

On this 26 day of April in the year of our Lord 1855, personally appeared before me, a Justice of the Peace, within and for the County and State aforesaid, duly authorized by Law [to] administer oaths, Mr. Henry Hayes, aged ninety-three years, a resident of Barren County in the State of Kentucky who being duly sworn according to law declares that he is the identical Henry Hayes who was a private soldier, in the Company commanded by Captain Dowsen, in the Regiment of Virginia Militia, commanded by Colonel Cox or Coke in the war with Great Britain, declared against the United Colonies, known as the Revolutionary War. – That he was in the battle of Guilford Courthouse, – soon after which Captain Dowsen's time expired and a man by the name of Walker took the command of his Company. That he volunteered, and entered the service at Lunenburg Court-house in Lunenburg County Virginia on or about the last of February 1781 – and continued in actual service in said war, for the term of 14 days and upwards, and was discharged honorably at Deep River in North Carolina on or about the last of Me, 1781. That no written instrument was given him, at the time of his discharge, but the Company was merely told that the term of service having expired the men composing it were at Liberty to return home. That in case no record evidence of his service, as related above should be found in the Pension or War Office, he refers to another term of service which he performed in said war, – in which he was drafted, at Lunenburg Court-house in Lunenburg County Virginia where he was drafted into the service under Captain Night, of the Virginia Militia on or about the first of September, 1781. That during this term of his service he was at the siege of Yorktown and Gloucester point on Little York River, That Major Street, and Governor Nelson [Thomas Nelson], accompanied the Virginia Militia on this occasion, – and he continued in actual service in said war for the term of 14 days and upwards, and was honorably discharged, by Captain Night, together with his whole Company, after having marched with about 30 Tories who had been taken at the surrender of Cornwallis, and put in charge of his company with instructions that said Tories should be left in Richmond Jail. That said service was performed and his discharge took place in Richmond Virginia on or about the first of December 1781, – not in writing, but by merely stating to his company that they were at Liberty to return home.

He makes this declaration for the purpose of obtaining the Bounty Land to which he may be entitled under the act of Congress approved March 3rd 1855. He also declares that he has not received a Warrant for Bounty Land, under this or any other act, nor made any other application therefore.

[Several words written through] authorized to receive any Land Warrant which may be issued on this, my claim, and the Commissioner of Pensions is hereby requested to forward to him said Land Warrant, or any other information which may become necessary in relation thereto.

S/ Henry Hayes

A handwritten signature in cursive script that reads "Henry Hayes". The ink is dark and the handwriting is somewhat slanted to the right.

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This is to certify, that it appears from a list in this office of such Officers and Soldiers of the Virginia Continental Line as settled their accounts and received certificates for the balance of

their full pay, according to an act of assembly, passed the November session 1781, directing the Auditors of Public Accounts to settle and adjust the pay and accounts of said Officers and Soldiers from the first January 1777 to 31st December 1781, (see Hening's Statutes at Large, vol. 10, p. 462,) that a settlement was made on the 19th day of July 1784 in the name of Henry Hayes as Soldier Infantry and evidence of the indebtedness of the State to him was £27.6.8, delivered to himself but as the original settlements or copies thereof or not to be found in this office, the term of service embraced therein cannot be stated.

Given under my hand at the First Auditor's Office, Richmond, this
1st day of April 1854.

S/ G. W. Clutter
Auditor Public Accounts

[No Seal of Office]

[Note: the above certification clearly does not apply to the applicant in this case because this applicant never claims to have served in the Virginia Continental line.]

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State of Kentucky County of Barren: SS

On this seventeenth day of October in the year of our Lord 1855 personally appeared before me the subscriber a Justice of the Peace within and for the County and State aforesaid, Mr. Henry Hayes, aged 93 years, who being first duly sworn according to law, doth on his oath make the following Declaration in order to obtain the benefit of the provision made by the act of Congress passed June 7th 1832.

That he is ninety-three years of age, and has resided for the term of fifty-two years last passed on the premises where he now resides in the County of Barren and State of Kentucky. That he was a private soldier in the Army of the Revolution, and served to terms, of three months each. That he volunteered at Lunenburg Court House in Lunenburg County Virginia on or about the last of February or first of March in the year of our Lord 1781 in a Company of Virginia Militia commanded by Captain Dowsen, Lieutenant Murry and orderly Sergeant Mackey. That two companies marched from this Court House on the same day, and joined General Green [Nathanael Greene] and his Army at Dan River, where his said company was put in a Regiment commanded by Colonel Cox or Coke [Colonel Daniel Cocke]. That he then marched in the ranks of the American Army from one point to another in order (as it was said at the time) to avoid an attack of the British, under Cornwallis, – until a sufficient number of recruits were enlisted to enable us to engage in a direct battle, – which we ultimately did at Guilford Court House, where General Stephens [Edward Stevens] of his Brigade was badly wounded, and a man by the name of Lawson [Robert Lawson] promoted. – And his Lieutenant Murry was also wounded in this engagement. That from the scene of this conflict, the American Army fell back to Speedwell's Ironworks, or lead mines, on Troublesome Creek, leaving the enemy in possession of the field. And that it was here ascertained, that so many of his comrades (those of his Company) had been killed, and others left to take care of the wounded, that the remnant of his company were attached to that of another company commanded by Captain Walker, under whom he served the remainder of this tour. That the British almost immediately evacuated Guilford, when we followed in their pursuit, to Ramsey's Mills on Deep River, in the direction of Charleston South Carolina, where his term of service expired, and he was honorably discharged; at a distance of about 150 miles from the place of his enlistment in Virginia, to which place he traveled on foot in company with a few of his late companions in arms. His discharge took place on or about the last of May or first of June in the year of our Lord 1781.

That in the second term of his service, he was drafted, and entered the service on or about the first of September in the year of our Lord 1781 at Lunenburg Court House in Lunenburg County Virginia in a Company of Virginia Militia commanded by Captain Joseph Night or Knight, – That he thinks his No. in the draft was 2. That his said Company was then marched to a place called Newsome's Spring, Virginia – where he was stationed to await the coming of other recruits, – and when they arrived were all marched to Gloucester Point on Little York River, where a portion of Cornwallis's Army was then stationed, – the remaining portion occupying Little York town on the opposite side of the River. – That he and his aforesaid company together with many others were kept stationed here, and continued to invest this place from sometime in September until near the middle of October. – And thus cooperated with General Washington and the French forces who hemmed in Cornwallis on the Yorktown side, while we pressed him on the Gloucester side, until he was forced to surrender. That he was there present at this surrender of Cornwallis, and his Army on which occasion many of the Tories who fought under him, were said to have escaped on the water, under cover of darkness, the night preceding the surrender, but about 30 he well knows and remembers were taken and put in charge of his Company, commanded as aforesaid by Captain Night, together with two other companies, one of which was commanded by Captain Graves. With these Tories under guard he marched in the ranks of his company to Richmond Virginia Where they were securely locked in Jail, by order of Captain Night, to await their trial for bearing arms against their Country. That his term of service having now expired, he was honorably discharged at Richmond Virginia on or about the first of December in the year of our Lord 1781. He thinks the Tories above alluded to work kept in Richmond Jail until peace was made, when they were set at liberty, – but is not certain of this. That the service within narrator, was by him well and truly performed, and he received his pay in some kind of Continental or Virginia Currency, which was valueless to him at the time, except for paying his annual Taxes, and which was counted to him in pounds, shillings and pence. That he does not remember the exact amount of pay he received, but he well knows that he did not receive it until about the year 1784, some three years after his discharge or near that time. That his brother William Hayes was also a soldier of the Revolution, and served one year he thinks under Captain Samuel Garland, and a tour against the savages on Holston River &c after which his said brother William served three different tours of three months each, and that he thinks his brother died in the State of Tennessee, sometime during the year 1838. – That he and the brother above alluded to mustered, when at home (on training days) under Captain Samuel Garland, – and were required (together with all others of the militia) to keep themselves in constant readiness to join the Army, whenever any call for additional troops should be made. But they were only required to go in sufficient numbers to meet any demand for additional troops which might be made hence every man was expected to respond to a certain No. set down opposite to his name, – and if a certain No. had volunteered, or was drafted, to serve against the enemy, at the last call for troops, – he was exempted from serving in the next. So Captain Garland, having performed his tour to Holston River against the savages, was considered exempt when the call was made for the Gloucester point service as aforesaid. That when he arrived at Gloucester point, he and his said company were put in a Regiment of infantry and served as such, and hence he was paid as a soldier of Infantry. That when about to start from Little York with the Tories, as aforesaid, three Companies were detailed for their guard by the way, but, after starting so much difficulty was experienced to obtain proper subsistence for so great a number of men, in traveling from a country already greatly impoverished, – that after consultation, it was agreed, that two of the Company should be disbanded, especially as Captain Night declared that his company alone

was sufficient for the purpose intended. That these two companies were disbanded, two days march from Richmond, after which Captain Night distributed the Tories among the men, one to two as long as number held out, after which each soldier took a Tory, – and thus they were guarded and marched on to Richmond, where his discharge took place not as he thinks by any written instrument but by being told by Captain Night, that he was at liberty to return home.

That from extreme old age and consequent infirmity, he is entirely unable to go and attend Court, to make his declaration, or for any other purpose whatever – having with very few exceptions, then unable for several years past to move beyond a few rods from his door, even in the finest weather.

That he made declaration for Pension in 1853 being then 91 years of age and his claim was suspended. And that he would have asserted his claim at an earlier period but for the simple reason that he did not then wish to claim a reward for services rendered in defense of his country – and that while he was younger, and at a time when he could easily have proved his service he look upon his six months claim as a small matter – as it had not then accumulated through lapse of time. That he then retained about him, a numerous family of sons, who could see that his affairs moved briskly Ford, and consequently felt less need. That he knew he could assert his claim, and was frequently asked why he did not do so? – But he had amassed some property – was able to labor, – and considered himself more independent, than his more mature years, and lengthened experience will now justify. That he wants regarded it as unpatriotic to exact such a claim from his Government. But that now he has grown very old, and the blood creeping more slowly through his veins, – he feels more keenly the occasional exactions of necessity, and less security against want in the future. And that while he thinks he is no less a patriot than formerly, – he now regards his pension claim as a debt, lawfully and honorably due him from the Government, for services rendered. That he thinks the intention of the Government, as tacitly expressed in the adoption of his pension laws, evidently is, – that soldiers who have served in its defense, may have an Honorable means of support, in their declining years – when age and infirmity have rendered them unfit for the ordinary occupations of life. – That he is now a fit object to become the recipient of this debt, and feels it a duty incumbent upon him to make every effort to have the claim adjusted while he is yet living. Because after he shall have passed away the matter of obtaining it by his children will if possible become a more perplexing difficulty, then it even now is. That he deems it his duty to settle his affairs, for those who may inherit his estate, – leaving no debts unpaid & no claims uncollected. – That he wishes to give one reason, why his claim should not now be rejected, which is, – That having aided in establishing his Country's independence, – so he has, by his personal influence, and that of his sons also, – ever contributed to the elevation and perpetuity of these pure principles which now govern its affairs. And that having preferred a just claim, he ought not now to be coldly and in differently told, "to prove it, by one who occupied positions to know of his said service," &c Especially at a time when his companions in arms have (so far as he knows) all gone to their last account, – and when, to make such proof, is with him, after diligent inquiry, and utter impossibility. – That he refers to the annexed prove as to his respectability and the correctness of his statements &c and to the evidence of Robert Hayes, now on file in the Pension Office.

That James G Austin of Washington City DC is hereby authorized & empowered as my friend & Attorney to prosecute this my claim, I revoke and all former powers by me made & given, to any person whatsoever, – and he is hereby authorized to receive any certificate of Pension, which may be issued thereon.

S/ Henry Hayes

[Veteran was pensioned at the rate of \$20 per annum commencing March 4th, 1831, for service as a private for 6 months in the Virginia service.]