

Southern Campaigns American Revolution Pension Statements & Rosters

Pension application of Aaron Deveny (Diviny)¹ S8321

f91NC

Transcribed by Will Graves

9/14/09 rev'd 12/4/14

[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.]

[p 86]

State of North Carolina Rutherford County

Personally appeared before me the undersigned a Justice of the Peace for said County & State aforesaid William Jones and after being duly sworn according to law depose and saith that he was well acquainted with Captain Aaron Deviny the Revolutionary War that he well remembers that he served a tower [tour] of three months in guarding the Frontiers that he was stationed a part of the time in Mumfords Cove with his men this he thinks was in the early part of the year 1781 he also recollects at one time when he Deviny [was] out one Tower the Tories robbed and burned his house and all he had I know he served as an officer from that time to the end of the Revolutionary War. Sworn to and subscribed before me this 25th day of August 1834
S/ Jno. M. Grayson, JP

S/ Wm Jones, X his mark

[p 84]

State of North Carolina Rutherford County:

Personally came Colonel William Graham² before me William G. Irvine one of the Justices of the peace for said County after being duly Sworn deposes and says that he became acquainted with Aaron Deviney in the year 1776 at McFadden's Fort and at McGauhey's Fort [sic, McGaughey's Fort]-- acting as a Lieutenant in Captain Rankin's Company guarding the said forts the said Deveney served in not less than 6 months at the said forts. 6th September 1834
Sworn to before

S/ W. G. Irvine, JP

S/ William Graham, X his mark

[p 82]

State of North Carolina Rutherford County:

Personally appeared before me the undersigned a Justice of the Peace for said County William Dalton³ and after being duly sworn according to law saith that he became [acquainted] with Aron Diviny in the year 1780 that he knows that he commanded a company at the Time of

¹ Because this surname is spelling so many different ways in the documents, I have tried to preserve the spelling as set out in the documents to reflect the variations in spelling.

² [William Graham S8624](#)

³ [William Dalton S8295](#)

the Battle of Ramsour's Mill [June 20, 1780] and continued to command a company and had the charge of two stations in Munford's Cove Rutherford County North Carolina in the year 1781 I at that time belonged to the horse and he Diviny commanded the Militia I do not know anything about his having a commission but I do remember he had the command of a Captain and exercised his Authority. Sworn to and subscribed before me this 8th day of September 1834
S/ Martin Beam, JP

S/ William Dalton, X his mark

[p 3]

State of North Carolina Rutherford County:

On this 29th day of October 1834 personally appeared in open court before the Justices of the Court of Pleas & Quarter Sessions now sitting, Aron Diviny [Aaron Deveny] a Resident of the United States in the County & State aforesaid aged 87 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 Act of Congress passed the 7th of June 1832 Saith that from Old age and consequent loss of memory he cannot swear to the precise length of his service or the dates but to the best of his Recollection not less than the periods mentioned below and the dates and in the following grades and for which service I claim a pension Saith in the year 1772 he moved from York County State of Pennsylvania and settled on the Frontiers of North Carolina Tryon now Rutherford County near where he now Resides in the year 1775 I was elected and commissioned by Colonel William Graham a Lieutenant in Captain Robert Rankins Company of Militia in the fall and winter we had several scouting parties after the Indians and through the year 1776 in the year 1777 we were ordered to take charge of the forts in Mumford Cove by Colonel William Graham we was kept moving to Different places for 3 months I held and served as first Lieutenant during this Tower [tour] soon after our return home Captain Rankins left this Country and an election for a Captain was held I was Elected and Commissioned by Colonel Andrew Hampton. This I think was in the fall 1777. I was ordered by Colonel Hampton to meet him at Gilbert Town on a certain day with all my Company to suppress a Gang of Tories that had embodied near that place we met them on the day appointed when they found we were in pursuit of them they scattered we pursued them and took a good many of them prisoners but we could not prove anything against them and they were released this was the company of Tories commanded by Captain ___ who was shortly after taken and hanged I was Out on this Tower not less than 2 weeks I think my next Tower was in the year 1780 I received orders from Colonels McDowell [probably Charles McDowell, possibly Joseph McDowell] & Hampton to raise my Company and be at a certain place on the South fork of the Catawba [River] on a given day but on the day we arrived at our place appointed the battle of Ramsour's Mills was fought we was in a few miles of the place we was there put under the command of General Rutherford [Griffith Rutherford] we was sent in pursuit of the Tories in all Directions we Drove them as we thought out of our Reach I was out in this Tower three months not long after this time Ferguson [Major Patrick Ferguson] was marching through our County and we gathered our men together in order to meet him near the head of Cane Creek I was informed by a Runner in the morning before the Battle that he was Retreating back I set out myself to inform the Burke Troops but before I got to their encampments I was taken prisoner by three of Ferguson's Spies and he kept me in confinement 13 or 14 days, before he paroled me after the battle of Kings Mountain [October 7, 1780] I thought my parole was out and I was ordered to take the Charge of the forts in Munford's Cove of where I was Stationed for 3 months to the Different Forts I served three months as Lieutenant and eight and ½ months a Captain and 13 or 14 days as a prisoner which is the term of service that I served in the Revolutionary War

and for which I claim a pension I hereby Relinquish every claim whatsoever to a pension except the present and Declares that my name is not on the pension Roll of the Agency of any State or Territory whatsoever

Question 1st by the Court: Where and in what year were you born

Answer: I was [born] in York County Pennsylvania in the year 1747.

Question 2nd: have you any Record of your Age and if so where is it

Answer I have it taken from the Original list at home

Question 3rd: Where were you living when called into Service where have you lived since the Revolutionary [war] and where do you now live

Question: I was living in Tryon now Rutherford County North Carolina where I have lived ever since.

Question 4th How were you called into Service were you Drafted, did you volunteer or were you a Substitute, and if a substitute for home --

Answer: I was a volunteer and served when and where I was directed by the commanding Officers obeyed every order promptly

Question 5th: State the names of some of the A regular Officers who were with the Troops where you served such Continental and Militia Regiments as you can Recollect and the General Circumstances of your Service

Answer: I have given as full a Detail of my service as my memory will justify I was under General Rutherford Colonels Graham, Hampton, Porter & McDowell

Question 6th: did you ever Receive a commission and if so by whom was it signed and what has become of it

Answer: I think that my first commission was signed by Colonel William Graham I think I was commissioned Captain Colonel Andrew Hampton I do not Recollect that they was signed by any other person but During the war I had my house and all things that was in it burnt by the Tories and amongst them all the papers I had Relative to my Service in the Revolutionary War.

Questions 7th: State the names of persons to whom you are known in your present neighborhood who can Testify as to your character for veracity and good behavior your service as a soldier of the Revolution

Answer: John Padgett & John Logan Esquire

Sworn to and subscribed the day and year aforesaid

S/ T. F. Berchett, Clk

S/ Aaron Deveny {Seal}

A handwritten signature in cursive script that reads "Aaron Deveny". The signature is written in dark ink and is positioned below the typed name "S/ Aaron Deveny {Seal}".

[John Padgett, a clergyman, and John Logan gave the standard supporting affidavit.]

[p 60: letter dated Jan. 30th 1840 Duncan's Creek Rutherford Co.NC, from Jas McFarland stating (in very poor English) that Aaron Deveny did not serve in the Revolution as he claims.]

[p 62: letter dated March 19, 1839, from Jas McFarland to the commissioner of pensions saying that Aaron Deveny is his grandfather; that his grandfather is 95 years old and 'not fit to do business.']

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Amended Declaration of Aaron Devamy

He states as in his original declaration that in the year 1775 he was commissioned a Lieutenant of Militia in Captain Rankins' Company by Colonel William Graham. His commission was printed & for the signature of the Governor whose name he thinks was Martin. In the autumn of the year 1776, acting under the same commission, my house was plundered and burned and I saw the commission never after. In the year of 1777 upon Captain Rankins' removal from the Country I was elected Captain of the Militia, & was commissioned in manuscript by Colonel Andrew Hampton, he being then the highest authority there being no regular organization of the civil government within reach from which to obtain commissions. The war being on the spot, between what was then called Whigs and Tories, it was my lot to war against my neighbors and required an almost constant service. This last commission being considered of no value to me, has been lost for many years. My service as Lieutenant was at McGaha's Fort [McGaughey's Fort] & at Montford's Cove [sic, Mumford's Cove] in Williams & Grants stations, protecting the inhabitants from the Indians who were then near us, and the Tories who were amongst us. In this service my best recollection is, that I served about 6 months instead of 3, commencing in 1776 & running into 1777. In the spring of 1777 I was called on by Colonel Hampton to meet him with my Company to attack a band of Tories, on the night before the appointed meeting the Tory Captain Aquilla Hall with some of his band came to my house & he attempted to hang me by putting a rope about my neck which I resisted & he then exacted an oath of me to not leave home that night. After he left me I went out and gave notice to the neighbors & went to Burke to McDowell for assistance. On the day following we met and pursued the Tories as already stated. Captain Hall was afterwards taken & hanged at Kettle Creek. I was engaged in this service about as before stated twelve [? could be "two"—the word is written over] weeks.

In 1780 I was ordered with my Company to Catawba & failed a few miles to reach the battle at Ramsour's mill, but was in service before my return about 3 months.

About the month of August or September Ferguson came through the Country; we were ordered out to meet and oppose him; the forces met near the head of Cane Creek and had a skirmish: I was on the ground but had been taken prisoner by the British the same day, in the morning, I was returning from Burke whither I had been to obtain assistance. I was detained some days and then paroled. The Battle of King's Mountain came on, and I afterwards considered my parole discharged, went home, & was ordered to take command of the stations in Mumford's Cove where I served a tour of 3 months. I served in the intervals of service here mentioned, very short tours of a few days or weeks but at this distance of time I am unable to state with sufficient precision either the date, the duration or the particular character of the service, to claim for it. For the same reason it is impossible, most of the men of that day being dead, left the Country, or supernumerated, to show otherwise than I have done, by what authority I was commissioned, or how I conducted myself as a soldier and officer. My service as Lieutenant in 1776 & 1777 were of two tours of three months duration each in charge of the station in Montford's Cove and McGaha's fort. As Captain I served in 1780 a tour of three months in pursuit of the Tories after the affair at Ramsour's, and in protection of the country against them. Another tour of three months guarding & commanding the stations in the Code, and about two weeks as a prisoner --

Sworn to & subscribed before me the 18th day of Marched 1836

S/ John Logan, JP

S/ Aaron Deveny

[p 29]

Rutherford County NC August 1st 1840

Sir, I am a legal pensioner, and deprived of my just rights by some underhanded and mysterious proceedings, by some malicious person (or persons) -- because I have filed my declaration in your office legally authenticated by good and Respectable Testimony -- and now am at a loss to know how to proceed further you Sir have wrote to my agent that it has been represented to you that I did not perform the services required by law to entitle me to a Pension -- now Sir there is not a man alive in all my acquaintance to testify to the services I have done for my Country -- everyone having died and gone the way of all the earth -- which Sir my adversary knows -- But Sir it is strange to me that my declaration supported by Testimony and that too by a Colonel Commandant in United States service at the same time and place should be so little regarded and an unauthenticated representation be the cause of me being deprived of my right by law of the land -- Now Sir in the year of 1777 I entered into the service of my country as a private soon became an Ensign next Lieutenant then Captain which office I filled when I was taken prisoner by Ferguson two months before he was defeated at King's Mountain --. I was paroled and immediately took the command again regardless of the injunction upon me but was not suffered to go to battle at Kings Mt. I continued in office an active service in guarding the frontiers from the scalping knife to the close of the war I commanded at two stations or forts under Colonel Hampton long since dead -- I have suffered many privations in the service of my Country have sustained great loss -- at one time my house and my all consumed in the flames by the Indians & all that I ever got as a reward for all was a 20 shilling of proc money and many curses from the Tories and Indians -- But the grateful acknowledgment of my Country are ample amends for all but Sir I am now deprived of that and I can find no remedy -- Now Sir this is the first Communication to you and all also my dying word I do not expect to survive an answer to these lines -- I am now entered on my 94th year almost helpless and painless & Sir my heart bleeds at the injustice I suffer from misrepresentations of some of my own relations.

S/ Aaron Deveny

Please Sir Send an Answer to the above and a copy of the representation of my adversary with the Signature to it

S/ A. D.

[to] J. L. Edwards
Commissioner Pensions

Direct to Gardners Ford

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State of North Carolina Rutherford County: This day came before me John H. Alley one of the acting Justices of said County, Jonathan Hampton Senior being of the age of eighty-eight years, says that he was acquainted with Aaron Deveny before & During the Revolutionary War & that he was a patriot & Rendered Service in Defense of the Country & so well as can now recollect he was then a Lieutenant.

Sworn to & subscribed before [me] this 4th day of May 1842

S/ J. H. Alley, JP

S/ Jonathan Hampton

[p 68]

State of North Carolina Rutherford County: Personally appeared before me one of the acting Justices of the Peace in and for said County William F. Whiteside and after being sworn

Deposeth and saith on his oath, that he was personally acquainted with Aaron Daviney in the time of the Revolutionary war and that he was a true Patriot and in the American service also that said Daviney was a Captain and had command of a company and that since the war he has frequently heard the active services of Daviney spoken of both by weeds and Tories.
Sworn to and subscribed this 13 day of July 1843.

S/ Wm F. Whiteside

Attest: S/ William Richardson, JP

[p 66]

North Carolina Rutherford County

This day personally appeared before me Thomas Jefferson one of the Acting Justices of the said County William Watson and after being sworn according to law says as follows that he was well acquainted with Aaron Deveney during the Revolutionary War and that the said Deveney served as Captain in Captain Rankins Company and was taken prisoner by Ferguson's men and kept under guard at Gilbert town a short time, and further States that the said Deveney was called a true patriot and that he has no reason to doubt but he served as stated in his Deposition. Sworn to and subscribed before me this 9th day of January 1846

S/ Thos. Jefferson, JP

S/ William Watson⁴

[p 5: On November 25, 1854 in Rutherford County North Carolina Anne Diviney aged about 78 testified that she is the daughter of Aaron Diviney, a pensioner of the United States; that her father disposed of the proceeds of his pension as he saw fit; that some of his children and grandchildren were dissatisfied because the pensioner would not share it with them; that they took steps to have the pension stopped including her nephew James McFarland writing to the war department that his grandfather Aaron Diviney never was in the service; that she has heard her sister Margaret, the mother of James McFarland threaten to have the pension stopped because her father would not share it with her and her children; and that "she heard her Father said after his Pension was stopped that he would have removed the difficulty, but, that it would have been at the expense of degrading his daughter Margaret, and rather than do that he would do without it;" that her father was a member of the Presbyterian Seceder Church; and that "...she states that she heard her Mother and Father both state a Circumstance of the Revolution in her Father's Case -- a Scouting party of British Soldiers under Colonel Ferguson some short time before the Battle of Kings Mountain took her Father Aaron Diviney prisoner in the County (now of McDowell) together with several others, they put them under a guard her Mother followed and entreated Colonel Ferguson to release her husband, Ferguson gave him a parole, made him swear that he would not take up arms against Great Britain, when Ferguson was pursued some of those paroled followed Ferguson to Kings Mountain but her Father did not but assumed his position of Guarding the Forts against the Indians, -- she states she heard her Mother say that when she was pleading with Ferguson for her husband that Ferguson remarked that he would rather see twenty dead man than one woman in tears; she states that her Mother said she was sorry when she heard of the death of Ferguson as he had treated her so kind." She signed her affidavit with her mark.]

[p 7: power of attorney dated November 25, 1854, given by Elizabeth Stewart and Anne Deviney, residents of Rutherford County, NC, to their sister Rachel Waters to pursue the claims they might have as heirs of Aaron Diveney for his service in the Revolution.]

⁴ [William Watson S7831](#)

[p 11 family record]

The Birth of Aaron Deveny his Wife &c. Children

Aaron Deveny Born April ye 16th -1747

Sarah Deveny wife of Aaron Deveny Born Oct ye 26 1748

Robert Deveny Son to Aaron Born April 14 1773

Margret Deveny Born October ye 29 1774

Ann Deveny Born June ye 26, 1776

Aaron Deveny Born January ye 26, 1778

Jane Deveny Born November ye 11 1780

Rachel Deveny Born March 7 1782

Mary Deveny Born March the 26 1784

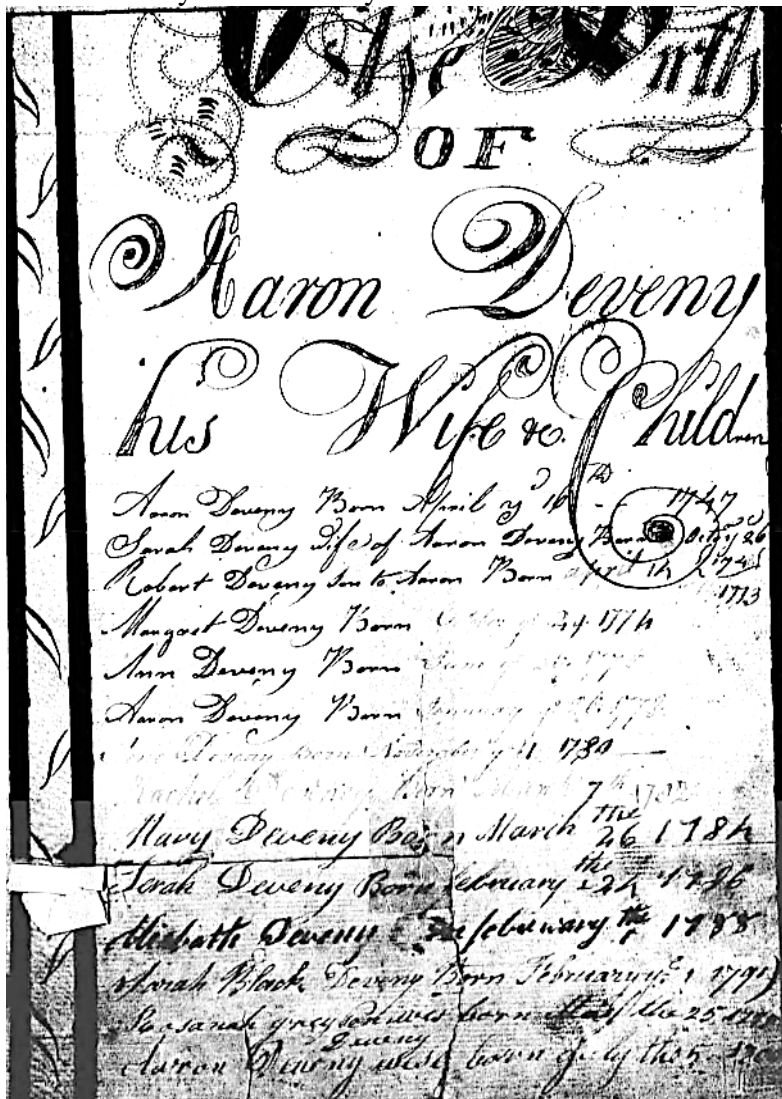
Serah Deveny Born february the 24 1786

Eliabath Deveny Born february the 1 1788

Sarah Black Deveny Born February 1, 1791

Rosanah greyson Deveny born May the 25, 1796

Aaron Deveny was born July the 5 1800



[p 12: Affidavit dated Nov. 27, 1854, given in Rutherford County by R. L. Gilky, Clerk of Court, in which he states that the only children who survived Aaron Diviney "are by the name as follows: Rachel Waters, Elizabeth Stewart, Margaret McFarland, Jane Love & Sally Dunlap."]

[Facts in file: veteran died March 16, 1842, in Rutherford County, NC.]

[Veteran was pensioned at the rate of \$160 per annum commencing March 4th, 1831, for service as a Lieut. for 3 months and as a Capt. for 6 months in the North Carolina militia.]