Southern Campaigns American Revolution Pension Statements and Rosters

Pension Application of Pascow (Pasco) Herbert R43 VA Sea Service/ Half Pay
Transcribed and annotated by C. Leon Harris. Revised 12 May 2015.

Journal of the Navy Board./ Saturday the 24th day of April 1779.
Present. The same members as yesterday.
This Board do recommend to his Excellency the Governor, and the Honourable the Council, Mr. Pascho Herbert, as a proper person to be appointed a Lieutenant in the Navy of this State.
And then the Board adjourned till Tuesday next Ten OClock.
Signed. Thos. Whiting [Thomas Whiting] first Com'r.
[Copy certified 27 Sep 1833]

I do Certifye that Pascow Herbert was appointed a Lieutenant of the Navy of this State in 1777 and continued to act as one till 1781. Given under my hand this 28th day of January one thousand seven hundred and ninety four. Thos. Herbert [Thomas Herbert, pension application R15006] Late Capt. of Brig Liberty.

[Copies certified 27 Sep 1833]
(Copy of Endorsement on the above)
Allowed as a Lieutenant of the Virginia Navy from the end of the war to the 3rd April 1801 & to be paid to P. H. Lively of Hampton Va the Attorney of the Distributees.
(Signed) R. B. Taney/ Secretary of the Treasury/ 25th Nov'r. 1833

I do hereby Certify that Pascow Herbert served in the State Navy as Lieutenant on board the Boat Liberty, and served from year 1777 to the latter part of the year 1780, and was in Company with him in taking seven or eight prises in the [Chesapeake] Bay, which was in the year 1780, and the Brigg Jefferson was blown up in April 1781, which a little time after the navy was discontinued.
Given under my hand this 14th day July 1794.
1. V. Kautzman [John Valentine Kautzman R59] late Lieut. State Navy

I do Certify that when I presented Capt. Pascow Herberts Petition for his Depreciation to the Assembly, he delivered me his Commission as Lieutenant in the Navy, & signed by Patrick Henry Esq'r. Governor of Virginia, and dated in the year 1777, which Commission, is now in my trunk at Hampton, and I do further Certify that I have seen Capt. Pascow Herbert act as Lieutenant on board the Boat Liberty. Given under my hand this 14th day of July 1794. Miles King [possibly W20342]

I do hereby certify that I was intimately acquainted with Captain Pasco Herbert before the Revolutionary War, and during the whole of its continuance, and until his death after that war – and that, I knew that he was an officer in the Naval Service of the State {a Lieutenant, I believe}.
(Signed) James Barron [pension application W12264]
United States Navy Yard/ Gosport January 1st 1830

My impression is that Capt. Pasco Herbert was an officer in the State Navy of Virginia during the whole of the Revolutionary War, but I cannot be so positive at this distant period as to sware to the fact.
(Signed) James Barron/ September the 26th 1833

I William Jennings [S5615] do make oath that I was well acquainted with Capt. Thomas Herbert a Captain and Pascow Herbert a Lieutenant in the Virginia State Navy, for I well recollect that I was discharged at the end of the war which was in the year 1783 at which time the said Capt. Thomas Herbert

and Lieut Pascow Herbert was discharged 7th Mch. 1831. (Signed) Wm. Jennings

Pension Office/ February 1 1850

I certify that I have examined the claim of the legal representatives of Pascow Herbert deceased, and that I find him to have been a Lieutenant on board of the Liberty, under the command of Commodore Barron in the war of the revolution, and to have served until the end thereof, and that he was consequently, under the opinion of the Attorney General and the decision of the Secretary of the Interior, entitled to commutation of five years full pay eighteen hundred and twenty five dollars with interest at six per cent per annum from the twenty second of April seventeen hundred and eighty three to this date; that there should, however, be deducted from that amount the half pay three thousand two hundred and nine dollars heretofore paid at the Treasury under the Act of Congress of the 5th of July 1832, entitled, "An Act to provide for liquidating and paying certain claims of the State of Virginia." Interest on interest cannot be allowed. The money is payable to Joseph Segar Esquire Attorney of William Lowry Administrator de bonis non with the will annexed of the said Pascow Herbert dec'd.

Approved/ Secretary of the Interior Commissioner of Pensions

[From Library of Virginia Legislative Petitions Digital Collection/ Elizabeth City County]

To the Honble the Speaker and Members of the General Assembly

The petition of Thomas Herbert and Paschow Herbert respectfully.

Sheweth That in the year 1777 they entered into the service of this State on board the Liberty boat, and Liberty Brig, both armed Vessels belonging to this State, and continued in actual service to the conclusion of the War, that they conceive they are intitled to the depreciation of their pary your petitioner Thomas as a Captain, and Paschow Herbert as a Lieutent. in the said navy. And pray that the Auditor may by Law be directed to settle their Accounts and issue Certificates therefor and warrants for the Interest.

The Petitioners have not received depreciation of pay as Officers in the State Navy

Aud'rs Office/ 1 Nov. 1793 J. Pendleton

1 Nov'r. 93 Claims/ reasonable/ 6th Nov'r. 93

[The following are from rejected claims in the Library of Virginia.]

Bascow Herbert is entitled to the proportion of land allowed a Lieutenant of the Navy of this State for the War. Samuel Coleman

Council Chamber/ July 14th 1794/ [Gov] Henry Lee

A warrant no 4638 for 2666⅔ acres issued to Bascow Herbert 14th July 1794

a True Copy from the records of the Virginia Land Office

Teste [illegible signature] 13 May 1832

Robert Lively of Hampton for himself & the other heirs of Lieutenant Pasco Herbert represents that said Pasco Herbert was a Lieutenant in the Navy of the State during the war of the revolution & served for three years or more – for which he became entitled to a bounty of 4000 acres & has rec'd. a warrant (No 4638) for only 2666 leaving a balance of 1333 acres due, which he prays may be allowed

J W Murdaugh for Lively & Als

The Petition of Robert Lively and others heirs of Lieutenant Pascow Herbert respectfully states that said Pascow Herbert was a Lieutenant of the Virginia Navy during very nearly the whole war of the Revolution. Upon his application to the Executive for his land Bounty, that Honorable Body directed the

Register to issue to him a warrant for such quantity of Land as was due a Lieut of the Navy. Yet no larger quantity was rec'd. than was due to Lieutenants & Ensigns in the Land service. As this error has been corrected in favor of the Heirs of other Lieutenants of the Navy, your Petitioners pray that the same rule may be extended to them, and that the Register be directed to issue to the Heirs of Pascow Herbert, the warrant for the quantity of land due a Lieut of the Navy – deducting the quantity heretofore received.

Thos. Green atto. for P. Herberts heirs.

NB. The warrant issued to "Bascow Herbert". the real name id "Pascow" and the P was made B accidentally

[The following are from bounty-warrant records in the Library of Virginia.]

I certify that Bascow Herbert served as first Lieutenant on board the Boat Liberty under Commodore Barron [James Barron, Sr.] until the end of the war. Given under my hand at Richmond this 14th Day of July 1794.
[Thomas Herbert]
formerly Captain of Big Liberty

To The Governor of Virginia

The Petition of Margaret Latimer Jno Lively for themselves & the other heirs of their Father Pascow Herbert Respectfully states.

That he was a Lieutenant of the Va. Navy during the Revolution and rec'd. a Warrant for 2666⅔ acres of land. He was entitled to 4000 acres – and your petitioners claim the remaining 1333⅓ acres. This claim was once rejected – but since that time every other Lieutenant who has asked for the additional 1333⅓ is believed to have been allwed that quantity. The question has been repeatedly settled – and this is believed to be the only case of a Lieutenant whose claim to the additional land, has been rejected. The claims of Lieut Boush [Charles Boush R12] – Lieut Parker [William Harwar Parker R82] – Lieut Richardson [Daniel Richardson R86] – Lieut Tompkins [Christopher Tompkins R2636] (and many others can be enumerated) have been allowed the 1333⅓ acres since this claim was rejected.

On reference to the 1 Vol Journals of Congress page 549 it will be seen that while the Superior Officers of the Navy took Rank according to the size of the vessel, that, it is expressly stated that all Lieutenants in the Navy shall rank as Captains on Land.

Vessels under 10 Guns were to be commanded by Lieutenants. and the "Lieutenants Commanding" such Vessels had the same pay as Lieuts of 40 gun ships – and the other Lieutenants of vessels under 10 guns had the same pay as when in vessels over 10 & under 20 guns.

It might be supposed that Captains of small vessels in the Va. Navy should be considered as ranking with these Lieuts Commanding in the U.S. Navy & that Lieuts in the Va Navy should rank lower under the belief that there were no Lieuts in U.S. Navy inferior to these "Lieuts. Commanding" under 10 guns. But the regulations of Congress which describes the Commander of vessels under 10 guns as "Lieutenants Commanding" must have been in contra-distinction to the other Lieuts of such vessels – otherwise the exception would have been: "The Lieutenant" of a 10 gun ship. simply naming the rank as in all the other cases. It is observable too that after enumerating as the officers of vessels under 10 guns, all who could belong to it – except the Lieutenants & Midshipmen – the regulation of Congress says "the other officers & men the same pay, as in vessels under 20 & over 10 guns" – this must have had reference to the lieuts & mids – Every officer named, in the regulation relative to vessels under 10 guns has pay, just as high as in the larger vessels. Your Petitioners are therefore of opinion that the allowance to all other Lieutenants has been properly fixed at 4000 acres and pray that they may no longer be made the only exceptions. T Green for The Petitioners

NB A "Lieut Colonel Commanding" has been decided by the Executive to rank as full Colonel. the term "Commanding" distinguishes him from "Lieut. Colonel" simply.

Lieut P. Herbert/ Claim for difference between 2666 & 4000 acres.
It is clear in this case that the Register ought to have issued the warrant for 4000 acres.

Enter the same order as in the case of Matthew Nightingale [VAS422]

D. Campbell [Gov. David Campbell] Certified & Reported May 26 1838

NOTES:

The file includes an account of the pay received by Pascow Herbert.

The file contains a copy of the following document:

Elizabeth County Court 23rd day of Dec'r. 1830.

Gill A Cary of lawful age and first sworn in open court deposith and saith that Pascow Herbert died leaving five [sic] children to wit. Barbara who intermarried with Roe Latimer, Amelia who intermarried with Robert Lively, John Curle who died under age and without issue and Thomas J. Herbert who also died without issue. Whereupon the court certifies that the said Barbara, Amelia, and John [sic] are the heirs at law of the said Pascow Herbert deceased.

On 15 Apr 1845 Pascow Latimer of Hampton wrote a letter of inquiry on behalf of his mother, Barbara Latimer, one of the children and heirs of Pascow Herbert.

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Addendum to Pascow (Pasco) Herbert R43

Transcribed and annotated by C. Leon Harris. 8 Nov 2024.

[The Virginia Half-Pay pension records on fold3.com include a copy of the will of Pascow Herbert dated 24 March 1801 and proved on 25 June 1801, giving to his "loving wife Mary Herbert all that may be due from the estates of John Jones, Barbara Jones and Amelia Jones deceased except three hundred pounds mentioned in the will of Barbara Jones, and also "the liberty of cuting what timber she may think proper either for use or sale," and also stock, furniture, and real and personal estate. The will also lent to daughters Barbara Curle Herbert and Amelia Herbert the use of half his house and ten acres of land for as long as they remained single. In addition the will devised to Barbara Curle Herbert "a negro man named Peter and a girl named Julia," and to Amelia Herbert "a negro man named Dick and a girl named Dianna." Son John Jones Herbert was willed the plantation Pascow Herbert then lived on. Sons Curle Herbert and Thomas Jones Herbert were willed a plantation on James River.