

[Southern Campaigns American Revolution Pension Statements and Rosters](#)

Pension Application of Thomas Herbert R15006

VA Sea Service/ Half Pay

Transcribed and annotated by C. Leon Harris. Revised 12 May 2015.

[The following is from [rejected claims in the Library of Virginia.](#)]

J W Murdaugh on behalf of Robert Lively & wife of Hampton and the other heirs of Captain Thomas Herbert decd. respectfully represents that said Captain Herbert was commander of one of the vessels in the Virginia state Navy during the whole of the war and became entitled to a bounty in land equal to the quantity allowed a Colonel in the army – and he also represent that Captain Herbert has recd. warrant No 3316 for 4000 only when he was entitled to 7777<sup>2</sup>/<sub>3</sub> acres – leaving a balance now due of 3777<sup>2</sup>/<sub>3</sub> acres which he prays may be allowed the heirs August 27<sup>th</sup> 1830

[The following are from the federal pension file]

Thursday July 30<sup>th</sup> 1778

Captain Herbert having produced an account of wages paid by him to the crew of the Brig Liberty while under his command and desiring to be reimbursed the same, the governor is advised to request Mr. Miles King of Hampton, many of the crew being there, to examine the said account & the vouchers for the money so paid, & repay Captain Herbert what shall appear to have been paid by him; also to pay any arrears of wages which may be due to any individuals of the said crew to such of them as may apply to him and demand the same, which money shall be reimbursed Mr. King upon his order or application to this board

Executive Department/ 7 Feby 1833

The above is a true copy from the Journal of the Council of Va. Wm H Richardson Secy Com'th.

I cannot extend Captain Herbert's pay beyond the 30 July 1778 as it appears from the terms of an entry on the Journals of the Council board that he could not have had command of the Brig Liberty after that period  
J. Pendleton/ 20 Feb. 94

[The original of the following is in the [Library of Virginia Legislative Petitions Digital Collection/](#) Elizabeth City County]

To the Honorable, the Speaker of the House of Delegates

The Petition of Thomas Herbert humbly sheweth: That in the year 1777 your petitioner commanded the Brig Liberty, and made a Voyage to Nantz [sic: Nantes, France]; and in the course of his Voyage he captured several Brigs, one of which [the *I. D. Ann*] he put into Martinique addressed to Mr Richard Harrison, agent for Virginia [Prize Master, i.e. broker for ships and cargo captured by privateers]. Mr. Harrison shipped the greatest part of the Cargo to America, most of which arrived safe, and will appear by the agents certificate. Your petitioner had a Commission appointing him Captain in the Navy, and has not received any depreciation on his pay; he also paid a considerable sum for mens advances, and has not been repaid him. Your petitioner prays your Honourable House, that you will direct the Auditor to settle his accounts for money advanced while in the Liberty, for mens wages &c; also for his part of the prize Brig sent to the State agent, and the balance of his depreciation. Your petitioner begs leave to observe that on his return, the Brig under his command was run ashore by the enemy, which occasioned the loss of his papers, and hopes your Honourable House will direct it shall be settled in a just and equitable mode, and your petitioner will ever pray &c.

[Read to the House of Delegates on 4 Nov 1791; approved. Copy certified 13 Mar 1833.]

Thomas Herbert				Cer Specie
1777	June	Received £4 paper } equal to }	Dolls	Cents
			5.	33
	July, Aug't, Sep., Octo. Nov.	£60.	66.	66
	December Received	£12.	10	
1778	January		£12.	10
	February, March, April }			
	May, June, & July }	£72	48	
			<u>\$139.99</u>	

Rec'd. a Certificate for \$410.1 cent A Warrant for \$295.17 cents in full of the above statement.

Test/ Rich'd. Booker

Thos Herbert

5 Mar. '94/ Rec'd. a Cert'e. for 83 Dollars & Int. W't. for \$59.50.

Thos Herbert

I do certify that the within is a true copy of the settlement of Capt Herberts depreciation account, filed in this office. Given under my hand this 7<sup>th</sup> day of Feb. 1833. Jas. E. Heath/ Aud[ito]r of Va.

I do hereby testify that I knew Captain Thomas Herbert well, and that I am under the impression, he served during the whole of the revolutionary war in the State Navy of Virginia as a Captain; and that on one occasion we were associated in the land service on a scouting party in Nansemond County and there, I saw the said Capt. Thomas Herbert shoot one of the hands who was rowing the boat of a tory who was suspected of returning from carrying supplies to the enemy, whose fleet then lay off New Port News [Newport News] point. [2 Apr 1833] (signed) Spivy Wyatt [Spievy (Spivey) Wyatt, pension application S6456]

I John Cox [pension application S8223] of the Town of Portsmouth in the State of Virginia, aged 80 years, do hereby certify, that during the War of the Revolution I sailed from James River to Foreign Ports, that in or about the year 1779 or 1780 I became acquainted with Capt. Thomas Herbert of the Virginia State Navy, that I believe Capt. Herbert continued in the service of the State of Virginia until the close of the war; after the peace I settled in the Town of Portsmouth, and resided within two or three doors of Capt. Herberts residence, and was well acquainted with his Brother, Pascow Herbert [Pasco Herbert, R43]. I have no distinct recollection of the period of his death, (being probably at sea when he died) but I think it was some time between 1798 and 1800. Signed Jno. Cox [4 Apr, year not given.]

I do hereby testify that I knew Captain Thomas Herbert well. He was uncle to my first wife, served his time to the sea under my father [Commodore James Barron, Sr.], and entered the naval service of this state early in the revolutionary war, as a Lieutenant, and was promoted to Captain, sometime during the war, and continued in the service to the close of it. The last active service that I recollect him to have been engaged in, was in command of a Flotilla of small Craft, employed to watch the movements of Lord Cornwalli's [sic: Cornwallis's] army, and to aid in supplying General Washington's army with provisions, during the Siege of York Town [28 Sep - 19 Oct 1781]; the principal supplies were landed at Trebell's landing on James River [6 mi W of Yorktown].

When there were no vessels in which those officers could be employed (and that sometimes was the case) Captain Herbert generally employed himself in annoying the tories, and in this service he was very conspicuous.

I do further certify that John Herbert; Amelia Lively; Barbara Lattimer; Wilton Hope; Garet J Pendergrast; George S Blake; Francis C Herbert; Susannah C Herbert; Elizabeth C Herbert; Thomas Herbert Edward Lattimer; Mary Ann Lattimer; and Margaretta Elizabeth Tuttle are as I believe the only Heirs at law of Capt. Thomas Herbert. The three last named Heirs Margaretta Elizabeth Tuttle Edward Lattimer & Mary Ann Lattimer are minors having no guardian.

[16 Apr 1833]

(Signed) James Barron [pension application W12264]

[The following is from [bounty-land records in the Library of Virginia.](#)]

H[ei]rs of Thomas Herbert Captain – State Navy.

Thomas Herbert commanded (there is reason to believe) more than 70 men. He received land, as Captain in the land service. He should have received the quantity allowed by law to a major in the land service. His heirs are now entitled to the difference between the land allowed a major & that allowed a Captain in the land service for 3 years. (reported in printed list No 5.)

Resp[ectful]ly subscribed  
To his Excellency/ Gov [John] Floyd

John H Smith Com[missioner] &c  
March 18<sup>th</sup> 1834

NOTE: Thomas Herbert was nicknamed “Silverfist” from a metal device he used in place of the left hand he had lost.