## ON THE AGE FOUND IN INQUISITIONS POST MORTEM; AND ON THE PARENTAGE OF THOMAS PERCY, BISHOP OF NORWICH, 1355.

As a Genealogical Calendar, compiled from the Inquisitions *post mortem*, is appearing from time to time in this Magazine, it may not be out of place to write a few words of caution respecting an argument frequently drawn from one part of these records. It was one of the duties of the jurors in these inquests to find the age of the heir; and the fact so found is frequently of use in testing the probability of assumed descents. To take an imaginary example, suppose that in the pedigree in question it is stated that John le Blund was the son of William le Blund, of Derby, and that we know that the latter was fifteen years old in 1364. If John le Blund was found by inquisition to be of the age of ten years on the death of his father, William le Blund, in 1370, we may conclude that William, the father of John, was not identical

[25] This was a member of the family of Campion of Combwell, in Kent, and Danny in Sussex. See Berry's Sussex Gen. pp. 9 and 82. Rachel, sister of Sir Henry Campion, mar. Thomas Chowne, Esq.

[26] A pedigree of this ancient family is in Berry's Kent Genealogies. Some confusion exists in the affiliations of those who lived in Kent, which it would be worth while of the Kentish genealogist to rectify.

[27] An interesting paper on "Capt. Nicholas Tattersall and the escape of Charles the Second" is in vol. xxxii. of Sussex Arch. Coll.

with William of Derby, since, if we accepted the assumed descent, the son would be only eleven years younger than the father. The inference in this instance would be well founded. But, suppose the inquisition to have taken place thirty years later, and the jury to have found in 1400, that John was William's son and of the age of forty years. The arithmetical process would lead in this case to the same conclusion as in the former; but the argument in disproof of the assumed descent would not be so satisfactory. In the former case the heir being an infant at the time of the inquest, his exact age was of importance, as the duration and value of the wardship depended upon it. In the latter case the only material point, namely, that the heir had long since attained his majority, being beyond question, it was altogether a matter of indifference to everyone, whether the jury found him to be forty or fifty years of age, and if any juror could answer for his having been living forty years before, there was no reason to enquire further. This consideration would tell with especial force in the case of female heirs. For it is not to be supposed that a lady of thirty-seven, in the fourteenth century any more than in the nineteenth, would feel gratified by her precise age being found by the inquest of a jury; and a courteous escheator might very well be satisfied if the jury found that she was of the age of thirty years, or of twenty-five years and more.

The uncertainty of these returns is shewn by the inquisitions taken at the same time in different counties, in which the age of a person of middle or advanced life varies in the findings of the different juries. To take an example, in Mr. Vincent's *Calendarium Genealogicum* (N.S. II, p. 90), John de Clavering, on the 15th May, 1310, was found by a Buckinghamshire jury to be of the age of thirty years and more; by an Essex jury on the same day to be of forty-four years; and by three other juries to be of forty years and more.

The necessity of caution in arguing from the finding of a fact, which no person was interested to dispute or to correct, is so obvious that I should not have thought it worth while to dwell upon it, if I had not lately met with more than one instance, in which careful genealogists have placed implicit reliance upon returns of age made at a time when the exact age was immaterial.

An example of this kind of argument, in a genealogy of considerable interest, is found in a recent Part of the Proceedings of the Society of Antiquaries, which contains some valuable observations by Mr. Perceval upon the seal of Thomas Percy, Bishop of Norwich, 1355-1369. This seal, besides the bishop's own arms, the Percy lion within a bordure, exhibits four other shields: on one side *Percy*, and above it, *England* with a label, on the other side *Clifford*, and above it, quarterly, *Fitzalan* and *Warren*. The shields of Clifford and Fitzalan associated with Percy are explained by the fact that the lords Percy, the Bishop's ancestors, in two successive generations matched with Fitzalan and Clifford. With respect to the fourth shield, Mr. Perceval makes the following remarks:

"The fourth coat, England a label, can I believe be nothing but Lancaster. At first I was disposed to refer it to Henry, Earl of Lancaster, who after the death of his brother Thomas, slain at Boroughbridge in 1312, adopted his arms, England, with the label of France instead of the bend azure, which he had borne as a mark of cadency in his brother's lifetime, and to include that the Bishop was the son of Henry de Percy IV, by Mary of Lancaster, daughter of Earl Henry.

All the accounts however make the Bishop to have been the son of Henry de Percy III, and on examining the dates, I find this affiliation must be correct. For the Bishop, as appears from Godwin *de Præsulibus*, was appointed to the See of Norwich by papal provision in 1355, being of the uncanonical age of twenty-two. He would thus have been about thirty-five in 1368, when Henry, Lord Percy IV, husband of Mary of Lancaster, died. According to the Inquisition on this Henry's death (42 Edward III, No. 48, Dugdale), the eldest son and heir, another Henry, was only thirty, so that the Bishop could not have been his brother. I mention this in order to save trouble to any future inquirer, to whom the same explanation of the occurrence of the Lancaster coat on the Bishop's seal might suggest itself."[1]

Mr. Perceval concludes that the shield of Lancaster, in the Bishop's seal, was that of Henry, Earl of Lancaster (son of the above-named Henry, and brother-in-law of Lord Percy, the Bishop's brother), to whose powerful influence it was believed that the Bishop owed the dispensation that enabled him to be enthroned at Norwich at so early an age.

I have not had the opportunity of seeing whether, in the inquisition cited by Dugdale, the age is stated at "thirty years" or "thirty years and more." In either case, I should submit that the finding is not sufficient to prove beyond question that the young Earl was less than thirty-six years of age. I cite the example, however, not for the purpose of disputing Mr. Perceval's conclusion, but, in order to show that the caution which I have ventured to suggest is not unnecessary, since the argument in question may be employed with too much confidence even by an experienced genealogist.

With respect to the fact itself, I am inclined to think on other grounds, which may not improbably have been also present to Mr. Perceval's mind, that the Bishop has rightly been placed in the earlier generation, and that the exhibition of the royal shield upon his seal among those of his own ancestors, though it is certainly a very singular assumption and strongly suggestive of a claim of kindred, is not sufficient to outweigh the probabilities in favour of the received descent. In the later generation, there was Thomas Percy, the Earl of Worcester of Henry IV's reign, to whom on the contrary assumption, the Bishop would be brother. The existence of two brothers of the same name was not inconsistent with the usage of the time, but it is more probable that they were uncle and nephew. Henry de Percy III, was a minor in 1316, and had livery of his lands in 1321 or 1322.[2] It would not be impossible that a person born in 1333 or 1334, should be his grandson; and it was usual in those times, for feudal reasons, to marry heirs and expectant heirs at a very early age; but in the present case, as the Bishop was a younger son, this relation between two persons born at so short an interval is in the highest degree improbable. We are driven therefore to accept the conclusion that the Bishop belonged to the elder generation, although the other alternative is not so neatly disproved as it appeared to be by the argument used by Mr. Perceval.

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[1] Soc. Antiq. *Proceedings*, vol. x, p. 99.
[2] Dugdale, *Baronage; Parliamentary Writs*, t. Ed. II *Index*.