Edward Alford and the Making of Country Radicalism

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Resentment of monopoly and purveyance, weariness with the burdens of a long war, and the fears and hopes attendant upon the accession of a new and foreign dynasty were all focussed by the meeting of James I's first parliament in 1604. If there was nothing entirely new in these elements, there was novelty and danger in the concurrence of so many grievances at a time when the sense of external crisis which had unified the country for the preceding quarter century was at last relaxed. The new political climate, parochial, isolationist, and hostile to government intrusion whether of church or state, was soon associated with the term "Country."[1] In one sense, this climate was merely a moderate intensification of perennial English localism, and as such devoid of ideological implication. But allied with the persistent failures of the early Stuart administration, particularly in dealing with parliament, it became a medium in which genuine political opposition began to develop. By 1629, the term "Country" implied not merely distance from the court but estrangement; no longer a mere cultural style, it was now a political stance. To be sure, "Country" gentlemen were still the crown's representatives at the local level, a receiver general like John Pym or a deputy lieutenant like Sir Robert Phelips. Yet, just as Puritan ministers had learned to distinguish between their calling and the condition of the church in which it was exercised, between pastoral care and bureaucratic subordination, so the "Country" gentlemen came gradually in the years before 1640 to distinguish between the services they performed in their communities and the government which licensed them.

If Country attitudes in themselves constituted little more than a climate of disaffection, parliament was the crucible where such attitudes were hardened into substantive criticism and dissent. The early Stuart parliaments have received generous attention lately. Of the seven parliaments between 1604 and 1629, the first four have been treated in monographs, while the latter five have been the subject of a general

[1]On the seventeenth-century usage of this term, see Perez Zagorin, *The Court and the Country* (Atheneum, New York, 1969), pp. 33-38; for a balanced modern appraisal of its significance, Derek Hirst, "Court, Country, and Politics before 1629," in Kevin Sharpe, ed., *Faction and Parliament* (Oxford, 1978), pp. 105-37.

study.[2] As yet however there have been no prosopographical studies of the parliamentary membership at large such as have been carried out for the Long Parliament.[3] While a few of the more conspicuous leaders have been dealt with,[4] there is an obvious danger in generalizing too readily from their aims and attitudes to those of their colleagues as a whole. Often well-connected at court or in trade, they tended to take a more cosmopolitan view of their function, to say with Sir Edward Coke that "Wee serve here for thousands and tenn thowsands."[5] Among them however was one figure who combined court connections and constitutional sophistication with impeccable Country credentials. In Edward Alford, the Country found its clearest and most articulate voice in the first quarter of the seventeenth century.

Alford was born in London in 1565, the only surviving son of the courtier Roger Alford (d. 1580) and Elizabeth (d. 1598), daughter of Thomas Ramsey, Esq., of London and Hitcham, Bucks. The Alfords were an old family of northern provenance. The Sussex branch, from which Edward sprang, went back at least to Richard, Lord of Aldford, Ches., who in 1200 held Newton Manor, Sussex. Edward's direct line came into the county in the fifteenth century. His grandfather Robert Alford (d. 1546)

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[2]Wallace Notestein, *The House of Commons 1604-1610* (New Haven, 1971); Thomas L. Moir, *The Addled Parliament of 1614* (Oxford, 1958); Robert Zaller, *The Parliament of 1621* (Berkeley and Los Angeles, 1971); Robert E. Ruigh, *The Parliament of 1624* (Cambridge, Mass., 1971); Conrad Russell, *Parliaments and English Politics, 1621-1629* (Oxford, 1979). See also Menna Prestwich, *Cranfield: Politics and Profits under the Early Stuarts* (Oxford, 1966); Derek Hirst, *The Representative of the People?* (Cambridge, 1975); Stephen D. White, *Sir Edward Coke and "The Grievances of the Commonwealth," 1621-1628* (Chapel Hill, 1979); John K. Gruenfelder, *Influence in Early Stuart Elections 1604-1640* (Columbus, Ohio, 1981); and Colin G. C. Tite, *Impeachment and Judicature in Early Stuart England* (London, 1974).

[3]Mary Frear Keeler, *The Long Parliament* (Philadelphia, 1954); Douglas Brunton and D. H. Pennington, *Members of the Long Parliament* (London, 1954). Tabular analysis is also available in John R. MacCormack, *Revolutionary Politics in the Long Parliament* (Cambridge, Mass., 1973) and David Underdown, *Pride's Purge* (Oxford, 1971). The latest volume of the History of Parliament Trust series, *The History of Parliament: The Commons 1558-1603*, ed. P. W. Hasler (London, 1982) contains some overlap with the early Stuart period, as of course does Keeler. See also Richard L. Greaves and Robert Zaller, eds., *Biographical Dictionary of British Radicals in the Seventeenth Century* (Brighton, Sussex, 1982-83).

[4]White, *Sir Edward Coke;* Catherine Drinker Bowen, *The Lion and the Throne: The Life and Times of Sir Edward Coke, 1552-1634* (Boston, 1957); Harold Hulme, *The Life of Sir John Eliot, 1592 to 1632* (London 1957); J. N. Ball, "The Parliamentary Career of Sir John Eliot, 1624-1629" (Ph.D. thesis, Cambridge University, 1953); Conrad Russell, "The Parliamentary Career of John Pym, 1621-9," in Peter Clark et al, eds., *The English Commonwealth 1547-1640* (New York, 1979), pp. 147-65; William W. MacDonald, *The Making of an English Revolutionary: The Early Parliamentary Career of John Pym* (London, 1982); Thomas G. Barnes, *Somerset, 1625-1640* (Berkeley and Los Angeles, 1961) [for Sir Robert Phelips]. See also Theodore K. Rabb's forthcoming study of Sir Edwin Sandys.

[5]Wallace Notestein et al (eds.), *Commons Debates 1621*, (New Haven, 1935), 5:240. Henceforth cited as *CD 1621*.

married into the prominent Brydges family of Gloucestershire and Somerset, while his father, Roger, made the transition from local prominence to national service as secretary to Sir William Cecil and member of parliament. Elizabeth granted him the manor of Stoughton Grange, Leics. in 1575.[6]

Roger's will left clear instructions for his son:

> I wyll that my sonne Edward contynue his studie at Oxforde until he be 17 or 18 years of age, and then I would have him sitte in Lynncoln's Inne. . . .Also my desire is when he shall growe to twentye yeares of age, that he should seek my Lord Treasurer, my olde [Maste]r, who I trust wyll accept hym, and notwithstanding permitte hym to contynue his studye at the Law.[7]

Edward matriculated at Trinity College, Oxford in 1581, and in accordance with his father's wishes studied law at Lincoln's Inn. He did not however enter government service, though the durability of the Cecil link was demonstrated in 1610 when the Earl of Salisbury included him among "a select number" of M.P.s with whom he conferred privately on impositions.[8] In 1590 he married Judith, daughter of Edmund Downing of Suffolk, by whom he had six sons and a daughter.

Alford sat for Beverley (Yorks.) in the parliament of 1593, and though no record of his activity in it has survived, he liked to think of himself in later years as an old parliament hand on that basis.[9] He sat in no other Elizabethan parliament however, and his effective career began in 1604 with his election for Colchester, Essex, which he represented in four succeeding parliaments as well. The Colchester franchise was controlled by the town corporation, and Alford faithfully reflected its interests.[10] At the same time, as Anthony Fletcher observes, Alford was from his first recorded parliament the acknowledged leader of the Sussex delegation, and his eye was at least as frequently on his native county as his nominal one.[11]

Alford spoke strongly in the parliament of 1604 to the grievances that preoccupied him throughout his career: impositions, proclamations, mo-

[6]Josiah G. Alford (comp.), and W. P. W. Phillimore (ed.), *Alford Family Notes* (London, 1908), pp. 25-28; *The History of Parliament: The Commons 1558-1603*, 1:35.

[7]*Alford Family Notes*, p. 28.

[8]Elizabeth Read Foster (ed.), *Proceedings in Parliament 1610* (New Haven, 1966), 2:74. Henceforth cited as *PP 1610*.

[9]*The History of Parliament: The Commons 1558-1603*, 1:34. Cf. Alford's reminiscence of his first parliament, *CD 1621*, 3:434-35.

[10]For Alford's relations with the town, see Russell, *Parliaments and English Politics*, p. 196 and n.; Hirst, *The Representative of the People?*, 199-201; Gruenfelder, *Influence in Early Stuart Elections*, 11, 26, n. 31, 158, 180, n. 68; *CD 1621*, 2:111; 4:83; T. Tyrwhitt (ed.), *Proceedings and Debates of the House of Commons in 1620 and 1621* (Oxford, 1766), 1:73 (henceforth cited as *PD*).

[11]Anthony Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (London, 1975), pp. 232-33.

nopolies, and purveyance. These were quintessentially Country issues, and all shared a common focus, government interference. This interference was two-fold: the taking of goods and treasure, whether directly by impositions and purveyance or indirectly by monopoly, and the disruption of local life by restrictions and regulations. Impositions, prerogative surcharges on merchandise, drained the wealth of the nation at its source. After joining the general denunciation of them in 1610 and 1614, Alford laid the blame for the trade depression largely at their door in 1621, a charge he renewed in 1628.[12] He attacked the Lenten proclamation against killing meat in 1621 as a prime example of government harassment, which in a time of dearth raised the price of butter, cheese, and herring "which the poor must live by," and noted further that by withdrawing jurisdiction over the issue to Star Chamber it violated statute. The problem did not abate, and neither did Alford: in 1624 and 1628 he continued to complain about Star Chamber prosecutions for Lenten violations.[13] Proclamations were linked to monopolies,[14] and these in turn to interest groups like the Merchant Adventurers, who taxed what they could not control, drew off the trade of the Outports, and ruined honest merchants to make London millionaires, to the ultimate detriment of all: "Better 100 men of 1000 £ per annum then one man worth 100,000 £".[15]

Alford's opposition to prerogative taxation was matched by an almost equal aversion to granting parliamentary subsidies. His resistance to grants for ordinary expenses in the parliaments of 1604 and 1614, though perhaps more vehement than most, was not in itself remarkable. In 1621 however James I appealed for the first time on behalf of the extraordinary expenses which parliament had traditionally if not always gladly met—war and diplomacy. Many parliamentary leaders saw the crisis precipitated by Spain's invasion of the Rhenish Palatinate the preceding autumn in even graver, or, at any rate, more apocalyptic terms than James himself. Dynastic honor was at stake in the person of the king's daughter Elizabeth, wife of the Elector Palatine Frederick V, no less than England's credibility as the leader of Protestant Europe.

Alford took a more insular view. Though reluctantly acceding to a token grant—his own offer, a subsidy and two fifteenths, was the smallest that was decent—he fussed for a preamble that would "give satisfaction to the country" for the rash act of approving a subsidy bill at the beginning of a session, and insisted on a clause that the money "be raised and paid after the ordinary manner."[16] When at the end of the session in June the Commons in an access of enthusiasm pledged "their lyves and fortunes" to

[12]*CD 1621*, 4:373; Russell, *Parliaments and English Politics*, p. 344.

[13]*CD 1621*, 2:120; *Journals of the House of Commons, 1547-1714* (London, 1803), 1:712 (henceforth cited as *CJ*); eds. Robert C. Johnson et al, *Commons Debates 1628* (New Haven, 1977), 4:245, 248, 258, 270 (henceforth cited as *CD 1628*).

[14]*CD 1621*, 2:120.

[15]*Ibid.*, 5:353-54; cf. 3:106; 4:272, 5:109-10; 6:107.

[16]*Ibid.*, 2:91, 95; 5:467.

defend the king's daughter, Alford alone grumbled that it was "too greate an Engadgment."[17] The situation had further deteriorated when parliament resumed in November, but Alford was still unmoved, and James's renewed request for supply drew only the sarcastic comment that if the king would have three subsidies in a year he must provide three harvests.[18] When an additional subsidy was nonetheless approved, Alford again insisted on a preamble to justify the extraordinary act of levying taxes twice in one year, "that it not be made a precedent."[19]

In the parliament of 1624, Alford fought a rearguard action against the powerful interests propelling the country toward war with Spain. When Sir Edwin Sandys reported from the House of Lords that James was bent on war provided that parliament would assist him "with our persons and fortunes," Alford again objected to an "engagement" upon so vague an assurance. He sought to deflect attention from the war itself by pointing out that the Lords had overstepped themselves in discussing subsidy matters; if the Commons now voted taxes the Upper House would take the credit. Rather than respond to pressure from either the court or the Lords, the Commons should simply declare that "when we had done some good for our country by bills we would do what should become good and loving subjects to do."[20]

These tactics were of little avail. On March 19, the crown moved a grant of six subsidies and twelve fifteenths in the House—a sum equivalent, by contemporary reckoning, to almost £800,000.[21] To soften the blow, it was suggested that the House merely "resolve" on this sum—far in excess of anything ever granted by a single parliament before—while levying only enough to fund military operations until fall. Alford was appalled. The country faced a "dear year," the poorer sort had "sold their armor to buy corn." It was "impossible" to foot such charges. Even more alarming was the proposal to spread out payments, thus binding future parliaments. In the Country view, the taxing power of each parliament was limited to its own particular sitting. Any commitment beyond that implied precisely the kind of financial partnership with the state which had been rejected with the Earl of Salisbury's Great Contract in 1610. Alford was characteristically blunt: "He never heard of such an order to be entered as is spoken of and therefore cannot yield to it."[22]

Alford did accede at first to the crown's proposal to appoint parliamentary treasurers to supervise the collection and disbursement of

[17]*Ibid.*, 4:415.

[18]*Ibid.*, 6:208.

[19]*Ibid.*, 2:466-67.

[20]Nicholas Transcripts (SP 14/166), Yale Center for Parliamentary Studies, p. 76 (f. 49); cf. Spring Transcripts (Harvard University, Houghton Library, MS. English 980), p. 71; Holles Transcripts (BL, Harl. MS. 6383, fols. 80v-141), p. 33; Pym Transcripts (Northamptonshire RO, Finch-Hatton MS. 50), pp. 67-68. All references are to transcripts in the possession of the Yale Center for Parliamentary Studies. I am indebted to Maija Jansson Cole for permission to cite from them.

[21]Ruigh, *The Parliament of 1624*, p. 218 and n. 111.

[22]Nicholas Transcripts, p. 149 (f. 94v).

subsidies.[23] On second thought, however, he had reservations about this idea as well. Were the treasurers to be nominated solely by the Commons, or would the Lords participate as well? Would they usurp the function of the regular subsidy commissioners? To whom would they report? Alford envisioned a situation in which parliament might be dragged into an open-ended commitment to war by means of its own inexperienced commissioners, and the Lords be given just such a foothold on the taxing power as he had scolded them for presuming two weeks earlier. He persuaded the House to refer the matter to its ablest parliamentarians, Sir Robert Cotton and John Selden.[24] The upshot of this was a full-dress committee which produced what Professor Ruigh has characterized as a "revolutionary" subsidy act which not only incorporated a complex scheme of parliamentary treasurers but spelled out in unprecedented detail the exact purposes of the levy.[25]

Alford was by no means content with this result. He continued to oppose the war itself, indeed so frequently that members were at last irked by him.[26] We may presume that he had a hand in moderating the final language of the Subsidy Act, for when the crown taxed the Commons in 1625 with its alleged commitment to the recovery of the Palatinate, Alford objected that the House had stricken "all wordes which might receive any such interpretation" from the Act "as a thing unfitt to ingage the House." He proposed instead "an humble remonstrance of our reasons why wee doe not give att this tyme."[27] Despite the forced loan and Charles I's demand for a grant of five subsidies, Alford was no more accommodating in 1628. "The mass is great," he grumbled, "and the poverty of the kingdom cannot supply [it], and I would not have his Majesty's wants laid open here, which we cannot make good . . . I shall give when my country is enabled to give."[28]

Alford's response to subsidy demands exhibited the classic elements of the Country world-view: a profound fiscal conservatism, in part rooted in traditional attitudes toward supply, in part in a generalized suspicion of central government; an equally profound isolationism highly resistant to ideological blandishment and tempered only by a lively interest in matters affecting trade; and a powerful disinclination to be committed to any long-term scheme or policy, however plausible or grand. Implicit in this view was a near-feudal conception of the obligation of the subject to the state as fixed, delimited, and almost contractually inviolable. The obligations of parliament, as the subject's representative, were analogously limited, and though a call to exceed them on the part of the king himself was hard to resist, it was the duty of each member to remember that

[23]Nicholas Transcripts p. 144 (ff. 91-91v).
[24]Ruigh, *The Parliament of 1624*, p. 227.
[25]*Ibid.*, 253-54.
[26]Nicholas Transcripts, p. 219 (f. 138).
[27]Samuel Rawson Gardiner (ed.), *Debates in the House of Commons in 1625* (London, 1873), pp. 88-89, 135. Henceforth cited as *CD 1625*.
[28]*CD 1628*, 2:244.

loyalty to the sovereign must be balanced by responsibility to the subject. For Alford himself, no point was too fine, no flourish too innocent. When in 1624 Sir Heneage Finch proposed "that when the King shall declare himself to follow our advice to publicly renounce the Spanish treaties we will be ready to assist him. . .to the uttermost," he was on his feet immediately to challenge the word "uttermost."[29] If Alford lacked the phrase, he certainly did not lack the idea that eternal vigilance was the price of the subject's liberties.

Alford's interest in the autonomy of parliament was matched by his concern for parity between the two houses. We have noted his warning against permitting the Lords to initiate subsidy proposals. During the negotiations on the Scottish union in 1606-07, he objected to discussing the crown's bill in conference before the Commons had debated it among themselves. Later in the session he complained of the Lords' insistence on discussing the bill as a whole rather than by sections. This forced the Commons' conferees into lengthy meetings and prevented them from consulting their colleagues on specific points.[30] As the deadlock over the union continued, relations between the houses became increasingly strained. After a meeting at which the Commons refused to accept the Lords' proposed distinction between Scots born before and after the accession of James, the Lords moved for a new conference on the subject. Alford counseled the House to reject the meeting: "Wee have heard no reason neither from the Lords, nor among our selves to induce us to change our Mindes; It was therefore Levity in us now to entertaine Conference in a Course Contrary to our former Purpose." As Wallace Notestein commented on this episode, "It was the boldest refusal to cooperate with the Upper House that the Commons of that generation ever made."[31]

The parliament of 1621 saw particularly heavy traffic between the two houses. Early in the first session, Alford sharply rebuked the deportment of the Commons' Speaker, Thomas Richardson, at his maiden conference with the Lords. Richardson had been altogether "too courteous" in his address. He was not to remove his hat before the Lords until his third congee [i.e. curtsey], "if at all." When replying for the House, he was to remain seated and covered. Under no circumstances should he say that the House would "attend" the Lords, nor should he permit any member to speak upon receipt of a message from them without consulting the full House.[32] Several weeks later, Alford objected to a sudden request for a

[29]Ruigh, *The Parliament of 1624*, p. 207.

[30]David Harris Willson, (ed.), *The Parliamentary Diary of Robert Bowyer 1606-1607* (New York, 1971), pp. 196n., 232-33 (henceforth cited as Bowyer). Alford cast an interesting light on this problem. The lengthy meetings, he said, particularly affected the "ancient Gentlemen" of the House (i.e., the lawyers), who were "necessarily" present at such meetings and often found themselves "sicke and lame long after." He called for the Committee for Privileges to take up the matter.

[31]Notestein, *The House of Commons 1604-1610*, p. 236.

[32]*CD 1621*, 2:80; 5:11, 460-61; 6:350. Alford read Richardson another lecture on November 20. The Speaker was not, he said, "to be at any Committee but the whole howse and not to goe to the Lords" except when attending the king. Cf. *PD*, 2:176.

conference with the Lords on an unspecified subject as placing the Commons at a "disadvantage." Not long after, Alford warned against empowering a subcommittee to discuss the impeachment of the prerogative court judge Sir John Bennet with the Lords, "*quia* then the young lawyers shall be putt | to debate | with the Judges" who counseled the Upper House. This was undignified as well as dangerous, he asserted, for "why should members of our house pleade and conferr with ther assistants|?|" The implied snub was not lost on former Chief Justice Coke, who had brushed aside Alford's former objection and now replied huffily that for his own part he did not fear to "conferr with any."[33] A similar issue arose in 1628 when Alford objected to the presence of the judges themselves at a conference with the Lords because "sometimes judges have been brought to argue, and what if a judge should say to Mr. Selden, 'What, will you dispute it with me?'" No doubt the omission of Coke's still weighty presence on the Commons' side was again deliberate.[34]

An analogous problem existed in the House itself, where the position of the crown councillors was becoming increasingly anomalous.[35] This appeared particularly in the vexed question of confidentiality. Reporting the daily business of the House was one of the councillors' prime responsibilities; insisting that such business was not to be reported was one of the most repeated claims in the House. Torn between two masters, the councillors chose to obey their royal one. The consequence was that disputes between the king and the Commons were often blamed on false or distorted reports from the councillors. In 1607, Alford angrily brandished a precedent for expelling a councillor who had revealed matters before the House: "the King can take no notice what is heare in handling, before it be perfected and sent to him."[36] Details of committee debate were reported as well, so that the king was often apprised of the Commons' business before the House took formal cognizance itself. When the decision of the Committee of the Whole to grant two subsidies in 1621 was reported to James, Alford was particularly irked, "because it might have been over-ruled in the House, notwithstanding the Opinion of the Committee." It is probable that Alford was as displeased by the crown's unseemly haste to celebrate the grant as at the procedural nicety involved; but his fellow members thought the point sufficiently well taken to enter it as an order of the House.[37]

The result of conciliar tale-bearing was royal intervention, which brought in train further evils. When James attempted to break up a debate on abuses in Ireland in 1621, William Strode suggested that the House "sue to have his gratious allowance to proceede." This drew a quick

[33] *CD 1621*, 5:63 (and cf. 4:184; *CJ* 569); 3:72 (and cf. *PD*, 1:312-13).
[34] *CD 1628*, 2:483, 488.
[35] For a general discussion of this question—still unsurpassed—see D.H. Willson, *The Privy Councillors in the House of Commons, 1604-1629* (Minneapolis, 1940).
[36] Bowyer, p. 340; cf. *CD 1621*, 5:467; 6:351.
[37] *CD 1621*, 5:467; 6:352.

retort from Alford. It was "dangerous to give over a busines upon the motion of the kinge," for this would enable him to restrict debate at will. Rather than accede to James's demand, the Commons should request instead "that ther may not be so many interpositions, which interrupt the business of the house very much."[38]

Improperly supplying information to the king carried a more sinister implication as well: surveillance. The M.P. John Hoskins had been arrested after the breakup of the Addled Parliament, and in 1621 Alford complained of "Eyes over him to observe."[39] Under such circumstances the ordinary assurance of free speech given by the king at the beginning of parliament was not enough, nor was the Commons' own practice of clearing members' speeches after the fact from any imputation of disrespect or blame. Alford reminded the House that Hoskins had been cleared in 1614, yet he had still been detained. He supported a proposal to petition the king for further assurance of free speech (though he stoutly opposed soliciting the Lords' support), and when this foundered, he moved a bill. This too was unsuccessful, but at the end of the session he urged that a watchdog committee be set up during the recess "to maynetaine our priveledges now and see what theay are."[40] The House approved this, though there is no evidence that such a committee ever functioned.

One member who had his remarks cleared at the end of this session was Sir Edwin Sandys, who had clashed openly on the floor of the House with the Master of the Wards, Sir Lionel Cranfield. Alford appears to have been advised to do likewise, but he spurned the suggestion and repeated his remarks:

> For the bribery and uniustice of the Land, I pray God his plauges fall not upon us. I spoke it with greife, and so speak it againe. God forbid that snares showld be layed for mens words. . . . I am so farr from desyring the house cleeare me that I stand upon the priveledges of the house and my owne integryty.[41]

Sandys's fears were prescient. He and his patron, the oppositionist Earl of Southampton, were arrested shortly after the end of the session. His absence from the second session was tactfully ignored by everyone, but Alford, still begging trouble, brought it up. First John Hoskins had been arrested after being cleared by the House, and now Sandys. Was the House to tolerate this double breach of its privilege? Alford pointed accusingly at the Council bench. "[T]hey that now sit with us are *pares* [but] when shortly we shall be called into another room, they then shall be our judges." No man, he drove on, "for speaking his mind freely here for his country's good should have the Tower gape for him."[42] The king's

[38]*Ibid.*, 3:112, cf. 6:116.
[39]*PD*, 1:32.
[40]*CD 1621*, 3:382.
[41]*Ibid.*, 3:392; cf. 4:407; *PD*, 2:153.
[42]*CD 1621*, 2:441; cf. 3;434-35; 4:433.

secretary and chief spokesman in the House, Sir George Calvert, was obliged to deny, none too plausibly, that Sandys's detention was related to his service in parliament. Most members were content to take this assurance at face value, but Alford persisted, provoking two trimmers, Sir Dudley Digges and Sir Edward Giles, to rebuke him. Only William Mallory supported a further inquiry.[43] Mallory himself was detained after the dissolution of parliament, but Alford again escaped punishment.[44]

Alford was not the only M.P. to cross swords with the privy councillors, but there was an element of pugnacity in his response that was highly personal, and certainly at odds with the patterns of deference presumed by some writers to govern Court-Country relationships. In 1607 Alford quarreled with the king's Attorney, Sir Francis Bacon, over the case of a man condemned for seditious words under the statute against unlawful assembly, calling on a witness to support his recollection.[45] In 1614 he led the fight to exclude Bacon from the Commons,[46] a fact perhaps not unrelated to Bacon's ruling the following year on behalf of a franchise claim by the freemen of Colchester against the corporation to which Alford owed his seat.[47] In 1621 he clashed on several occasions with the volatile Master of the Wards, Sir Lionel Cranfield,[48] and in 1625 with the Solicitor, Sir Robert Heath.[49] But these episodes paled before his running feud with James's secretary, Sir George Calvert, in 1621. It began on the first business day of the parliament, February 5, when Alford and Calvert rose to speak simultaneously. "Deference" would have dictated that Alford yield, but he launched at once into an impassioned oration on the need for free speech and the distress of the realm. Speaker Richardson attempted to interrupt him but was rebuked for this by Sir Thomas Roe, and Calvert had to wait his turn.[50] On February 16, Alford angrily blamed Calvert for leaking the news that the Commons had granted the king two subsidies; he had not, he said, "knowne in his tyme a young Counsellor so much forgett the orders of the Howse." A court correspondent, Thomas Locke, wrote that Calvert had been censured on Alford's motion.[51] When in April Calvert tried to block a bill against the export of ordnance, Alford endorsed the bill strongly, and took the occasion to observe that such problems would not arise if parliaments were held annually as prescribed

[43]*Ibid.*, 3:437; 5:210; cf. *PD*, 2:197-98.

[44]For Mallory, see Conrad Russell, "The Examination of Mr. Mallory after the Parliament of 1621," *Bulletin of the Institute for Historical Research* (1977), pp. 125-32. For other M.P.s punished after the dissolution, see Zaller, *The Parliament of 1621*, pp. 188-89.

[45]Bowyer, p. 366.

[46]BL Add MSS. 34079. ff. 29-30; cf. Moir, *The Addled Parliament*, p. 85.

[47]Hirst, *The Representative of the People?*, p. 199.

[48]*CD 1621*, 5:20, 534; 3:358-59.

[49]*CD 1625*, pp. 16, 69-70, 88-89, 146.

[50]*CD 1621*, 4:12; 2:18; *CJ* 508.

[51]*CD 1621*, 4:16-17, 2:92, n. 2. This criticism was in pointed contrast with the praise Alford lavished on Coke's performance as a councillor three days later (*CJ* 514; *PD*, 1:66; *CD 1621*, 6:251).

"by the laws of the kingdome."[52] In mid-May, Alford was enraged to discover that the Merchant Adventurers had petitioned James on a subject before the House. When Calvert pleaded that the Commons not contest the right of subjects to petition the king, Alford replied that if the king were permitted to pre-empt matters in debate by receiving petitions from interested parties, then "farewell parliaments and farewell England."[53]

The culminating incident came after Lord Digby opened the second session in November with a report of the failure of his peace mission to Vienna on behalf of the Palatinate. The report appeared to invite discussion, and the councillors encouraged it. But Alford pointed out that the kingdom lay under two proclamations prohibiting discussion of matters of state, one issued as recently as July. Not only foreign affairs but virtually any subject was implicitly comprehended under this rubric, for were not "matters of religion and church matters of state" as well? He concluded that until the scope of the proclamations had been spelled out and their applicability to parliament defined, "We are no fitt Parliament yet to enter into any thing."[54] It was at this juncture that he pointedly invoked the imprisonment of Sandys. Calvert exploded. "This gentleman," he said, "hath exprest a greate deale of feare, I know not for what, and hath used such language of the King and layd such imputations on him as I thinke, if he be informed of it, he will not well endewer it. . ." As for suggesting that the king's proclamation had barred free debate, "There was a proclamation that forbad talk of state matters in alehouses and taverns but I hope this is neither alehouse nor tavern." Alford excused "whatsoever was undewtyfull," but demanded that the proclamation be read.[55]

The debate over parliamentary privileges was part of the deeper current which led to the re-emergence of parliament in the early seventeenth century as the High Court of the realm.[56] All the procedural questions at issue—free speech, immunity from arrest and confidentiality, the nature of parliamentary record-keeping, and the frequency, duration and tenure of parliaments themselves—were aspects of the institutional redefinition by which parliament (responding in turn to the pressures of a centralizing government) moved from mere petitioning against grievances to investigating, trying, and ultimately executing the high officers of state responsible for them. In this process Alford played a critical role. As no other

[52]*CD 1621*, 5:115-16, 355; 4:276-77.

[53]*Ibid.*, 6:155.

[54]*Ibid.*, 3:434.

[55]*Ibid.* Alford made notes of the incident afterwards, no doubt anticipating his possible detention. He summarized his speech and noted that Calvert "tooke exceptions" to it. A more laconic description would be hard to imagine. *CD* 3:435, n. 16; BL Harl. MSS. 6806. ff. 150-51.

[56]See C. H. McIlwain, *The High Court of Parliament and its Supremacy* (New Haven, 1910); Clayton Roberts, *The Growth of Responsible Government in Stuart England* (Cambridge, 1966); Tite, *Impeachment and Judicature*; and Zaller, *The Parliament of 1621*, especially ch. II.

member was more vigilant about free speech, so no other was more concerned about the propriety and security of the Commons' record. In 1607 he seconded a motion (by Sir Robert Wingfield) that the Clerk make no entry in the Journal concerning privilege without prior inspection by the Committee for Privileges, and in 1614 he moved that the Committee review the Journal each week, at which the House perused it for an hour on the spot.[57] His parting thought in 1621 was to have the Clerk's notes inspected (a shrewd presentiment, since they were immediately sequestered by the king), and in 1628 he opposed a request from the Lords for access to the 1621 Journal, observing that it should properly contain nothing but orders and that the Clerk's notes were "not to be credited."[58]

In no other way was parliament's dependence on prerogative more evident than in the king's exclusive power to summon and dissolve it.[59] While the ordinary courts at Westminster kept their ancient seasonal rounds, the High Court alone had to wait on the wand of royal will. The seven-year interval between the Addled Parliament and its successor fueled anxieties about the very survival of the institution itself, and Alford was not alone in calling for a revival of annual parliaments.[60] But only he suggested the more radical corollary that the king could not enjoy

[57]Bowyer, pp. 343-44; Kansas Transcripts (KSRL MS. E 237), Yale Center for Parliamentary Studies, p. 104 (f. 49v). I am indebted to Maija Jansson Cole for permission to quote from her transcript of this diary.

[58]*CD 1621*, 2:545; *CD 1628*, 1:516. Alford was equally concerned with other housekeeping and procedural matters in the House. Early in 1621 he suggested that the House review the bills outstanding from 1614, and he moved that the books of precedents be brought from the Tower for easier access (*CD 1621*, 2:55; *CJ* 517). At the end of the 1624 session he moved that the clerk retain all outstanding petitions, and in 1625 he reminded the House to review those which still required action (Nicholas Transcripts, p. 386; Harl. MS. 1601 Transcripts, Yale Center for Parliamentary Studies, p. 31). Another favorite subject was the unwieldiness of committees. In Elizabethan times, Alford said, committees had never numbered more than eight or ten members, but they had now grown to often twice or three times that size, resulting in gross inefficiency, packing by courtiers and councillors, and scheduling clogs that encroached on the sitting time of the House itself (Kansas Transcripts, p. 25: *CD 1621*, 2:66; 5:452; 6:347; Nicholas Transcripts, p.5). Committees themselves were too numerous; Alford complained in 1624 that bills were committed almost automatically without sufficient debate or instruction (Nicholas Tr., p. 85). A further result was duplication of effort; in the same parliament, he observed that seven bills to regulate Chancery were already pending while the House debated an eighth (Nicholas Tr., p. 125; cf. Erle Tr. (BL Add. MSS. 18597), p. 112; *CJ* 686, 737). At a minimum, he moved in 1621, no committee should be permitted to sit while the Speaker was in the chair, "whether it be in forenoone or afternoone" (*CD 1621*, 5:128; cf. 3:119).

Alford's observations point up the difficulties which the Stuart House of Commons had in managing its business (cf. the discussion of this subject in Zaller, *The Parliament of 1621*, pp. 125-26 and n. 53, and Russell, *Parliaments and English Politics*, pp. 114-15); but they were also evidence of the much greater and more complex volume of business with which it was attempting to deal.

[59]On this subject see. D. H. Willson, "Summoning and Dissolving Parliament 1603-1625," *American Historical Review*, 45, 2:279-300.

[60]Cf. Coke's important speech of March 8, 1621, *CD 1621*, 2:197-98.

the arbitrary right to dissolve a sitting parliament, opposing himself to the great Coke on this point: "It was uttred by Sir E. Coke that the King might call and dissolve a parliament at pleasuer, but I have seen in the booke *de modo incoandi Parliamentum* [the *Modus Tenendi*] that the King could not dissolve a Parliament when we have things in the forge of the moment till theay were finished. . ." Alford argued as well that parliament had the sole right of adjourning itself as it had done in 1585, and when a week later a royal commission for adjournment came down from the Lords, the House performed the act, but on its own authority rather than the king's.[61]

But the Commons could overextend themselves and find their entire position in jeopardy. Such an occasion arose in the case of Edward Floyd, a Catholic barrister whom the House sought to punish in 1621 for deriding the plight of the Elector Frederick and Elizabeth. Floyd's banal provocation brought the Commons' frustrations over the Palatinate to a boil. But though the Commons had recently impeached a Lord Chancellor, they had no authority to punish Floyd, who in any case was the king's prisoner already. They "sentenced" him nonetheless to be fined and pilloried after an emotional debate, though Alford warned them "to take head what presedents wee make; wee knowe not how farr it maye be extended against us and our posteritie."[62] Alford wanly hoped that the king would pardon Floyd without challenging the Commons' jurisdiction. But James was not about to pass up such an opportunity to clip the High Court's new wings. He challenged the House to justify its action. The Commons were deeply embarrassed. Without the Lords, whom they had rashly failed to consult, they could claim no jurisdiction at all beyond their own membership, and Alford feared the crown might seize the chance to argue that they lacked not only independent but even shared jurisdiction. The entire revival of impeachment, the linchpin of parliament's new judicature, was at stake. Alford's alarm was patent: "I never sawe this howse so shaken as it is. Lett us looke what we have donn. I will speake, if I never were to speak more.. We shall be reported to be unadvised and that our judgment is not good and thers [the Lords] good."[63] After some anxious days the rift between the two houses was patched up, though the memory lingered sufficiently for Alford to caution his colleagues a month later against committing a prisoner to Newgate rather than the Gatehouse because there was no precedent for using the former jail.[64]

Despite his evident caution about exceeding precedent, however, no one held more exalted views of parliamentary authority than Alford. "The kinge hath his privie Counsell and learned Counsell," he declared, "but

[61]*Ibid.*, 3:340; 2:403. For other accounts of the adjournment, cf. 4:388, 5:184.
[62]*Ibid.*, 3:126.
[63]*Ibid.*, 3:164; cf. 2:345,; 6:135.
[64]*Ibid.*, 5:197. For the Floyd episode, see Zaller, *The Parliament of 1621*, pp. 104-15; and cf. White, *Sir Edward Coke*, pp. 155-59, and Tite, *Impeachment and Judicature*, especially pp. 129-31.

the kingdome hath no counsell but parliament." As for the courts, "Lett the Judges take heed of trenshing into the libertyes of Parliament." It was preposterous to assert that these "fewe persons, dependant and timorous," should give law to the highest court of all. Parliament had no judge but itself and was even in a sense above the common law, for "the ordinarye rule of lawe is not always the rule of the parliament, which hath lawes proper to it selfe." When Cranfield, defending his own Court of Wards, declared that "The lower house of parliament hath not authoritie to determine iurisdiction of Courts, it belongs to the prerogative of the Kinge," Alford retorted sweepingly that parliament could not only alter courts but any institutional arrangement in government except "the right line of the Crowne."[65]

Alford soon moved to demonstrate this maxim. In a wide-ranging attack on the Chancery in 1621, he put forward a seventeen-point program that amounted to a virtual reconstruction of the court. The Masters of Chancery were to be reduced from twelve to six in number and their authority sharply curtailed. Fees were likewise to be reduced, and civil suits limited to three years. (Alford himself complained of having been enmeshed in a Chancery suit since the previous century.) A special committee was to review the orders and procedures of the court, and "to make such additions and Alteracions as shall most further Justice." Even more startlingly, Alford proposed to erect a new court of appeal to reverse decrees in Chancery by writ of error.[66] Certainly few more radical suggestions of any kind came out of an early Stuart parliament. Taken with Alford's frequent animadversions against the prerogative courts and his insistence on the subordination of even the common law courts to parliament, it amounted to a virtual assertion of sovereignty over the entire judicial system. At a time when judges were reckoned to be, in Bacon's phrase, lions under the throne, this was heady doctrine indeed. Nor did Alford exempt the clergy. In 1625 he sought to have the Arminian chaplain Richard Montague questioned by parliament, and when in 1628 the House interrogated the Vicar of Whitney, Richard Burgess, for blasphemous remarks, Alford opposed referring the case to the king or remanding it to Convocation. The matter was far too grave, he argued, to be left to "this bishop or that bishop." He proposed instead to lay it before the Lords, as a high court which included the bishops. By this novel application of Whitelocke's dictum, the bishops outside parliament were thus subordinated to the bishops within.[67]

No issue more dramatically illustrated the conflict between crown and parliament in the early seventeenth century and none drew fire from

[65] *CD 1621*, 5:20; 195, 185.

[66] *Ibid.*, 4:193; 2:264-65; 5:321; 6:84; *PD*, 1:224; *CJ* 573.

[67] *CD 1625*, pp. 69-70; *CD 1628*, 3:347, 348. In 1621 Alford recalled a precedent in which the Commons, being requested by the king to confer with the bishops, refused to do so in Convocation but only "as members of the upper Howse." (*CD 1621*, 4:257; cf. *CJ* 592.)

Alford more consistently than proclamations. In the received view of the constitution, proclamations were the proper mode of executive activity as statutes were of legislative. Each had its sphere and function, but while statutes declared the law proclamations acted within it; they were lawful acts but not acts of law. The government had steadily erased this distinction in practice however, and by 1610 proclamations were seen as not only attempting to rival but supersede statutes. A measure of parliament's alarm at this trend was its reaction when the government issued a compilation of all proclamations since the king's accession.[68] The uproar was so great that Salisbury was compelled to defend the action before the two houses. According to the anonymous Add. MSS 48119 diarist, whom the editor of the 1610 debates suggests may well have been Alford,[69] the earl admitted that "Some there were that (seeing the proclamations gathered into a book) straight gathered that there was an intention to make proclamations law, when our purpose was only to take care that one might not cross another. Others, seeing great care in gathering together and perusing many ancient orders, give out straight we mean to burn all the old records."[70] Parliament was not greatly assured. As Alford remarked à propos the Lenten proclamations, "We sit here in parliament to make laws, where our ancestors have sat who have made laws that we are governed by, and not proclamations. . . .And shall proclamations make laws of no effect[?]"[71]

That proclamations could make laws "of no effect" was the ultimate threat behind prerogative government. By voiding existing statutes they nullified the law. By creating new privileges and restrictions they created new jurisdictions and offenses. By erecting new courts to deal with them or removing cases from common law courts they established a parallel system of justice that gradually replaced the old one.

When parliament itself became the object of proclamations that attacked its privileges, then the law—the liberty of the subject—was breached in its ultimate sanctuary. This was the concern that animated Alford's challenge to the proclamations restraining speech about matters of state in 1621. It was a concern that no jest about alehouses and taverns could palliate: "That libertye of speeche was taken away by the Proclamation And this high Courte made subiect to the Counsell Table."[72]

Whether parliament was to be subject to the Council table was ultimately a question of where the final locus of authority in England was to be found. Most Stuart Englishmen, when compelled to reflect on the subject, imagined it to reside in an irreducible discretionary power provided the crown for the purpose of sustaining the law, though uncontrolled by it. The exercise of this discretion had become associated with the term

[68]*A Booke of Proclamations* (London, 1610).
[69]*PP 1610*, 1:xlviii, n. 8.
[70]*Ibid.*, 2:22, n. 49.
[71]*CD 1621*, 2:120.
[72]*Ibid.*, 4:433.

"matters of state." Matters of state were matters too delicate—too discretionary—to be talked about in a public forum; but they could also be matters the government simply did not wish to have talked about for any reason. The best way to forestall such discussion was not to prohibit particular subjects—which could only stimulate prurient interest further—but to dampen the general climate of debate. In Alford's view, this was precisely the purpose of the proclamations of December 1620 and July 1621. As such, they constituted an abuse of discretion, and the question this raised was whether those who abused discretion should be allowed to continue defining it. Alford did not think so. When the House inserted the customary clause to exempt "matters of state" from a bill to strengthen Magna Carta in 1621, he insisted that it provide its own definition of the term, for "if proclamations may commit a man or the least matters of state unknowne, *pereat Resp/ublica/* and lett us be Villaines."[73] What Alford saw was that the arbitrary use of proclamations could be combined with the arbitrary assertion of discretion to systematically undermine the law.

What was the remedy? If proclamations had overturned statutes, it was not enough simply to withdraw them. That would be merely to replace one proclamation by another without addressing the legal violation. The proper procedure must be to revoke the proclamation by declaratory judgment in parliament and if need be by statute as well. If such remedies could not be applied in every case, they were surely essential where chronic violations of the law had occurred. The prime examples of this in 1621 were the proclamations of monopoly patents, proclamations all the more galling in that they had supposedly passed review by the king's counsel to certify their conformity to law. When James announced the revocation of the most obnoxious of these patents, that for licensing alehouses, the councillors no doubt expected that the House would respond with the conventional vote of gratitude and thanks. But Alford declared that the king's act was insufficient: "I conceive it daingerous in president to adnull patentees by proclamacion." The Commons must pass their own judgment as a high court: "Lett it be condemned in a parliamentarie course." The House concurred, and denounced the patent formally.[74]

The next step beyond judgments against individual proclamations was to proscribe certain classes of them altogether by statute. This was accomplished in the Monopoly Act of 1624 which, as C. H. McIlwain long ago noted, marked the first statutory invasion of prerogative.[75] As parliament had begun to challenge a court system which seemed increasingly dominated by executive ends, so now it had moved to restrict executive authority as well, and even to displace it. Admittedly, these were only extreme tendencies, and men may have been no more than fitfully con-

[73]*Ibid.*, 3:324; cf. *PD*, 2:109.

[74]*CD 1621*, 5:87.

[75]C. H. Mc Ilwain, *Constitutionalism, Ancient and Modern* (Ithaca, 1940), p. 138.

scious of their implications; but just as an Alford, weighing up the regime of the first two Stuarts, could fear for the future of the commonwealth, so could a James I denounce those who would "have all doon by parliament" as enemies of monarchy and traitors to the king.[76] The mounting polarization of Stuart politics was reflected in the extent to which events seemed to justify both assessments.

Alford was particularly nettlesome in the parliament of 1625. He filibustered against supply, and objected to Solicitor Heath chairing the Committee for Religion and Supply "because hee was sworne to the Kinge and of his fee." In the debate on Montague, he asserted sweeping power of control over the king's servants, to deny which, he declared, was "to destroye Parliaments. . ."[77] But the king's servants, as Alford was soon to be reminded, were first and foremost accountable to the king. In the autumn of 1626 he was struck off the Commission of the Peace for the Rape of Bramber, Sussex, not to be restored until December 1628. Along with other parliamentary dissidents, he was also pricked for sheriff, thus excluding him from the parliament of 1626. Surprisingly however, he retained the more prestigious position of Deputy Lieutenant. This was presumably through the influence of the Earls of Arundel and Dorset; in 1629, Alford acted as Arundel's agent over the disputed spoils of the shipwrecked *St. Peter*. Throughout the later 1620s, Alford remained active as well as a receiver of admiralty droits, in which capacity he had ample opportunity to observe, and in 1628 to comment on, the desperately undefended state of the coasts.[78]

Alford's return to parliament in 1628 was marred by a dispute over his old borough seat. The perennially disgruntled freemen of Colchester, making common cause with the interloping Earl of Warwick, challenged Alford's election by the Corporation, and the Committee for Elections and Privileges voided his return. Alford was enraged by the blow to his prestige, and "Exceedingly contested" the issue. But the forces ranged against him were too great, and his colleagues were no doubt persuaded to yield by the fact that he could fall back on a second constituency, Steyning, for which he finally served.[79]

Alford's last service to his country came in this parliament. It was also his most signal. Five weeks of earnest debate on the invasion of the subject's liberty by forced loans, martial law, and billeting had lodged the Commons between Charles I's refusal to consider any bill enlarging the scope of Magna Carta and the Lords' insistence on saving the prerogative. A nadir had been reached on May 6 when the House sat despairingly

[76]Zaller, *The Parliament of 1621*, p. 69.

[77]*CD 1625*, pp. 69-70.

[78]Fletcher, *A County Community*, pp. 171-73, 189 and references cited; *CD 1628*, 2:244, 268; 3:45, 47, 83, 88, 309, 311, 316, 373, 375; 4:203, 205, 206, 211, 213, 215, 216, 244, 250, 264, 267, 449.

[79]*Ibid.*, 2:37, 169, 171, 174, 177, 178; Alford to the Bailiffs of Colchester, March 8, 1628, Essex RO, Morant MSS., vol. 43, p. 8; and see n. 10, above.

silent for half an hour after digesting the king's reply to their most recent message. At last Alford offered a suggestion, and his words were historic:

> We are in a great strait. I will offer what course I think fit, first for the bill of Magna Carta, secondly a petition, thirdly a preamble of the subsidy. For confirmation without paraphrases or addition, I shall not give my consent. If this go on thus barely, what shall the subject be better for it? But I would not decline it. Secondly, for a petition: many messages are come, and many answers made, but it is not in a parliamentary course. I would reduce those grievances into a petition, and these will remain on the record, and I would add to the petition the keeping of the seas and the removal of soldiers. And I am persuaded when his Majesty sees this he will be content. And then in the preamble of the bill I would have all put in.[80]

If the king would not consent to a confirmation of Magna Carta that included arbitrary imprisonment and billeting, the Commons could proceed by condemning such acts in a petition, declaratory of law, to which the king would be asked to assent. In this form, the Commons would dictate the language of the agreement, the king's assent would be a recognition of law rather than a mere pledge of conduct, and both parties could break the self-defeating cycle of petition and response, where Charles's replies repeatedly evaded the acknowledgment of wrongdoing that the House demanded. As a single document containing both petition and response, it would remain a permanent record, and for further assurance (as well as maximum publicity) it could be inserted into the subsidy bill. This would have the additional advantage of securing the Lords' concurrence as well, at least indirectly. If it was less than a bill, lacking power to declare the general offense and set specific penalties, it was the next best thing by far: in fact, the only feasible alternative.

Alford had found the answer to the Commons' dilemma, though not until Sir Edward Coke reformulated it did the House follow up. Coke's language—at least in the surviving record—is more perspicuous than Alford's, his thrust more direct. But the idea is the same:

> . . . Was ever a verbal declaration of the King *verbum regium*? . . . Did ever parliament rely on messages? They ever put up petitions of their grievances, and the King ever answered them. The King's answer is very gracious, but what is the law of the realm? That is the question. I put no diffidence in his Majesty. The King must speak by a record, and in particulars, and not in general. Let us have a conference with the Lords, and join in a petition of right for our particular grievances. Did you ever know the King's messages come into a bill of subsidies? All succeeding kings will

[80] *CD 1628*, 3:268-69.

> say, "You must trust me as well as did your predecessors, and trust my messages". But messages alone never came into a parliament. Let us put up our petitions; not that I distrust the King, but because we cannot take his trust but in a parliamentary way.[81]

Coke's objection to the king's messages is identical to Alford's. They are not "in a parliamentary way," that is, not a formal attestation entered as a permanent record.[82] Coke has used the full phrase "petition of right" whereas Alford (on the available record) has not, but the meaning and intention is self-evidently the same. Only in suggesting that the House petition jointly with the Lords does Coke extend Alford's proposal. But, though it is important to set the historical record straight, the substantive point is not that Alford was an hour or two ahead of Coke on the procedural question of how best to bind the king's hands over matters of state, but that he was seven years ahead of him in perceiving the inherent danger of the doctrine. As Attorney Heath pointed out to Coke's discomfiture, he had consistently defended imprisonment for matters of state both on the bench and in parliament, and in 1621 he had declared, "Yf a man be Committed by the bodye of the Counsell he is not to be bayled, neither are they to set down the Cause in the *Mittimus*."[83] As Frances Relf commented in her pioneering study of the Petition of Right, "It was such men as Coke who changed their views in [1628], not men like Heath."[84] It was Alford alone who saw in 1621 that if such uncontrolled discretion were allowed the executive, then the law must perish and Englishmen become "Villaines."

In the weeks of difficult negotiation that followed, Alford continued to defend his petition as a "middle way" between messages unsatisfactory to the House and a bill unacceptable to the king. When young Turks like Coryton tried to revive the idea of a bill, he warned dourly that "the Lords may take it ill, and somebody else too." Sir John Eliot's sudden attack on Buckingham on June 3 drew a sharp scolding: "Shall we speak of our own heads only? In ancient times 14 of us or more usually went privately and had conference together what was fit to be moved. . . . It is not my fashion to speak suddenly to anything." The same caution was evident in his reluctance to seek a second answer to the Petition of Right from the king, and there was a valedictory note in his subsequent plea to his colleagues to forbear further remonstrance: "I hope we may recede and find a better world at our next meeting."[85]

That better world did not appear. Alford's last recorded remarks, in the turbulent session of 1629, concerned the imprisonment of his fellow M.P.

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[81]*Ibid.*, 3:272.

[82]Cf. Joseph Mede's gloss on this point, *ibid.*, n. 31.

[83]*CD 1621*, 4:308; cf. *CJ* 209-10 and Zaller, *The Parliament of 1621*, p. 218, n. 80.

[84]Frances Helen Relf, *The Petition of Right* (Minneapolis, 1917), p. 21. Cf. White's observations on this point, *Sir Edward Coke*, p. 225.

[85]*CD 1628*, 3:632; 4:65-66, 320.

John Rolle.[86] He went home after the dissolution to his estate at Offington, near modern Worthing, where he died in late 1631 or early 1632. He was buried in the chancel of Hamsey Church near Lewes, where he owned the manor. Two of his sons sat in parliament; Sir Edward (1592-1653), who was knighted in 1632, fought with the king in the Civil War and was heavily fined.[87]

Reared in the thrusting world of Elizabeth, Alford turned his back on the court career his father had pursued to lead the life of a country gentleman, only to return to the world of affairs through service in parliament. From that vantage, he watched with mounting dismay what he perceived as the political adventurism of the first two Stuarts, the first foreign monarchs in England since the Conquest. Alford's values were frankly traditional and insular. From his opposition to the scheme of union in the parliament of 1604 to his resistance to the wars against Spain and France in the 1620s, he set himself against anything that would compromise the welfare or interest of native Englishmen. A believer in the balanced polity on which, for him, the institutions of state ultimately rested, he had no desire to magnify the powers of parliament as such. But as royal pretensions grew, he felt, so too must the scope and urgency of parliament's response; as more and more the coordinate institutions of government—the church, the courts—succumbed to royal pressure, so parliament must the more steadfastly labor to recover their autonomy, if need be by making them the wards of the people's representative or even, as in the case of Chancery, by wholesale reconstruction. For this task parliament had to be liberated from arbitrary summoning, adjourning, and dissolving, from restriction or interference with its debates, from threat to its members or challenge to its judgments. Above all it must retain firm and unqualified control of the taxing power. Whether in this parliament was only acting within its acknowledged authority or seeking to reclaim dormant (but equally inseparable) powers was immaterial; its purpose and justification were one, the restoration of the constitutional balance.

But the harder parliament strove to achieve this goal, the more elusive it became. The traditional doctrine that the king could do no wrong was not sustainable in the face of one who erred as stupendously as Charles I, and the countervailing doctrine that the high court of parliament must be the final arbiter of the law, advanced by no one more clearly and persistently than Alford, was not an adjustment but a supersession of it.

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[86]Wallace Notestein and Frances Helen Relf (eds.), *Commons Debates for 1629* (Minneapolis, 1921), p. 187.

[87]*Alford Family Notes*, pp. 35-36. Sir Edward and John Alford are noticed in Keeler, *The Long Parliament*, pp. 82-83, where however the former is incorrectly named as sitting for Steyning, his father's constituency, in 1628. (See Gruenfelder, *Influence in Early Stuart Elections*, p. 180, n. 68.) Alford's other sons were Henry, Launcelot, Robert and William, the last Vicar of Purton, Wilts.; a daughter, Elizabeth, was named an executrix of his will in 1632.

Perhaps only from so hardy and tenacious a conservatism as his, and perhaps only in defense of it, could so radical a formula have sprung. As Notestein said of him, "He was given to an old English bluntness."[88] It was that quality which made him one of the most crucial parliamentary figures of his time.

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[88]Notestein, *The House of Commons 1604-1610*, p. 241.