

УДК 942.055; 316.485.2; 81.2

DOI:10.18413/2075-4458-2018-45-1-49-55

ENGLISH PEASANTS AND AGRARIAN POLICY OF THE TUDORS AND THE FIRST STUARTS: LEGISLATION AND PEASANT MENTALITY THROUGH SOCIAL CONFLICT COMMUNICATION (1550–1640-s)**АНГЛИЙСКИЕ КРЕСТЬЯНЕ И АГРАРНАЯ ПОЛИТИКА ТЮДОРОВ И ПЕРВЫХ СТЮАРТОВ: ЗАКОНОДАТЕЛЬСТВО И КРЕСТЬЯНСКАЯ ПСИХОЛОГИЯ ЧЕРЕЗ СОЦИАЛЬНЫЕ КОНФЛИКТЫ (1550–1640 гг.)****V.P. Mitrophanov, E.Y. Aleshina**
В.П. Митрофанов, Е.Ю. АлешинаПензенский государственный университет,
440026, Россия, г. Пенза. ул. Красная, 40Penza State University
40, Krasnaya str., 440026, Penza, Russia,

E-mail: alcatherine@yandex.ru, vm@england.ru

Аннотация

В статье отмечается сущность социальных конфликтов, в которых участвовали крестьяне в период 1550-1640 гг., их составные компоненты в контексте междисциплинарного подхода. Анализ источников и современных текстов в историографическом контексте позволяет авторам выявить характерные черты крестьянского менталитета (исторической социальной психологии) позднесредневековой Англии в отношении процесса огораживаний, законодательства об огораживании и аграрной политики монархии в целом. Преимущественное внимание уделено аграрной политике Тюдоров и первых Стюартов накануне Английской буржуазной революции.

Abstract

The article focuses on the essence of social conflicts involving peasants in the period of 1550-1640-s and the constituents of these conflicts. The analysis of contemporary texts enables the authors to reveal the characteristic features of the peasant mentality in their attitude to enclosures, enclosure legislation and the monarchy's agrarian policy as a whole. English-speaking historians highlighted the peasants' reaction to enclosures in legal forms, but the special studies of this aspect are scarce. They paid more attention to the gentry's attitude to the agrarian legislation of the Tudors and the first Stuarts. Moreover, it is noteworthy that some of them approached or partly studied this aspect of peasant history in their studies of agrarian history of 16th-17th century England. The statutes on restriction of enclosures, some of which were passed in Parliament and others which were extended until the next session, surely considered the interest of peasants holding full allotments (not less than 20 acres). Formally, the laws did not suppose any difference between freeholders and copyholders and, on the whole, offered them good opportunities to search for protection from the gentry's and landlords' illegal land grab in courts of common law and courts of justice. For the peasants, this made it possible to solve the conflicts by peaceful means. Meanwhile, in the peasants' social consciousness, a non-peaceful way of solving conflicts through revolts and insurgencies became more acceptable.

Ключевые слова: Статуты, огораживания, крестьяне, Парламент, пахотные земли, менталитет, социальный конфликт.

Key words: Statutes, enclosures, peasants, Parliament, plough-lands, mentality, social conflict.

English-speaking historians highlighted the peasants' reaction to enclosures in legal forms, but the special studies of this aspect are scarce. They paid more attention to the gentry's attitude to the agrarian legislation of the Tudors and the first Stuarts. Moreover, it is noteworthy that some of them approached or partly studied this aspect of peasant history in their studies of agrarian history of 16th-17th century England. Many peasant petitions and other documents con-



tain information on the issue under study, and offer a deeper understanding of peasant mentality, particularly which component of conflict situations drove them to riot and revolt. The peasant attitudes in conflict can be revealed through an analysis of primary sources dated 1550-1640 [Calendar of State Papers. Domestic series. Vols. 1547-1640, 1867, p. 18-21, 22, 23, 25, 26 etc. (Hereafter: CSPD)]. The classic conflict structure model includes the following components: direct conflict parties (two or more); the object of conflict; indirect conflict parties (organizers, instigators); third party (mediators); social environment. The conflict specifics are determined by the situation that gives rise to the conflict as well as by the “*time slice*” in the historical background. The text of a conflict situation can be analyzed from the perspective of its information and communication properties. Communication characteristics of the text dicteme [Coser, 1956, p. 56-67] (a thematic unit of the text) can help reveal the types of information actualized in the given text and aid in analyzing the language framework of its formation. The information complex of a dicteme as well as speech acts realized in the dicteme determine the type of conflict discourse. Simultaneously, argumentation is an important means of expressing conflict in communication. Text analysis enables us to highlight the most important arguments the peasants shared and expressed. The interdisciplinary approach, supplementing historical background with linguistic properties of conflict discourse, helps to better reveal the characteristics of peasant mentality of the epoch regarding the policies of enclosures.

It should be borne in mind that the peasants certainly knew about the legislation against enclosures. It is another matter entirely how well they understood its complicated and numerous articles. On the whole, it becomes evident from the peasants’ petitions and litigations that they tried to make the authorities observe the laws. Still, in their complaints they never referred to the definite articles of statutes and proclamations. This may be regarded not only as their juridical illiteracy but also as a proof of their holistic perception of the legislation. In their complaints and litigations in courts the peasants always highlighted the fact of the “illegality” of enclosures. Thus, one of the entries of the Privy Council dated 1590 states:

“...A griveious complaint has been exhibited unto us by Richard Beckensaw in the behalf of himselfe and 500 person inhabiting within the manor of Highcleare, burcleare and divers other lordships in the Bishoprick of Winchester against Richard Kingsmel, esquire, Surveyour of Here Majesty’s Court of Warders and Liveries, concerning the breach of sundry customs, innovations of titles, encrochmentes of pasture, alteration of tenures and other manifold injuries practiced and committed by the said kingsmel to the derogation of th’authoryty of Here Majesty laws and the generall discontentment of Here Majesty subjectes dwelling in those places, which ought in no wise to be tolerated if the suggestions shall be by good proofs verified. Foresmuch as this matter is fitt to be ordered in some Court of Equity, where the testimony of sundry witnesses is to be received for the discovery and manifestation of the truth, we have thought it most expedient to pray your Lordship to take up you the hearing and determination of this variaunce, and with as convenient expedicion as you may to appoint a day certain for that purpose, that the complainants being at the time thereunto prescribed by Your Lordship ready with such proofs as they shall be to produce for the laying open of the pretended oppressions, may receive such justice and redress of the said abuses as Your lordships shall upon examing of the same judge and decree” [Great Britain. Privy Council. Acts of the Privy Council of England. Vol. XX, 1900, p. 160-161 (Hereafter: APC)].

A similar document dated 1586 states:

“...that There Lordships are advertised out of Somersetshire that people inhabiting nere to a peece of ground that the Lord Sturton has begone to inclose, wich has bene alloways time out of minde used as common, to their greate (sic.), do openly shew by their murmuring and discontentment thereof; in respect whreof to avoide gerirg them occasion of furder mislyking at this[time] specially of durth and in these doubtfull times, His Lordship is required to forbear furder proceeding in his begon inclosure until Their Lordship shall have furder considered thereof” [APC. Vol. 14, 1897, p. 305]. The above excerpts show that peasants regarded the existing practice of enclosures as contradicting the essence of the agrarian legislation. The texts present factual information narrating the cases of violation of the agrarian laws. Meanwhile, the presented text dictemes demonstrate how intellectual information is actualized in the narrative. The intellectual information reflects the flow of the writer’s thought (e.g. “*Foresmuch as this matter is fitt to be*

ordered in some Court of Equity, where the testimony of sundry witnesses is to be received for the discovery and manifestation of the truth, we have thought it most expedient to pray your Lordship ...). The above features, together with communication etiquette norms, are quite common for the narrative of the time. The texts also possess a certain degree of expressivity which is seen through the use of such words as “*grievous*”, “*oppressiveness*”, “*discontent*” that help reveal the peasants’ attitude to enclosures (“... *as they shall be to produce for the laying open of the pretended oppressions, may receive such justice and redress of the said abuses as Your lordships shall upon examining of the same judge and decree*”). At the same time, similar to the time during the Wat Tyler Revolt of 1381, the peasants were seriously convinced that the king was not aware of their plight and demanded that the officials notify the monarch of the real state of affairs. With the transfer from the open-field to allotted land tenure system and destruction of community ties, the peasants were prompted to change their attitude regarding the agrarian legislation and agrarian policy of the Tudors and Stuarts. The process of changing attitudes was also influenced by the eviction of a part of peasants into the marginal layers of paupers. The peasants who became paupers soon forgot about their purely peasant interests. As their return to their former status was impossible, they formed other interests and attitudes to the state policy in the agrarian sphere. There was also a religious impact: the growth of Puritanism, its persecution, and the aspirations for land and religious freedom in the New World were especially common in the first third of the 17th century [Штокмар, 1956, с. 138-168; Штокмар, 1974, с. 124-134; Штокмар, 1981, с. 93-104; Винокурова, Дмитриева, Федосов, 2013, с. 203-204; Винокурова, Дмитриева, 2013; с. 534-536].

It is common knowledge that already during R. Kett’s rebellion in 1549 the peasants demonstrated their mixed attitude to enclosures. It is not by chance that the pamphlet literature of the second half of the 16th century presents more voices supporting enclosures [Семенов, 1949, с. 86-87]. Among English peasantry there existed a legend about the first encloser named Aheb. He was described as possessing the meanest of human qualities, such as greediness and avarice. The peasants called him “*the father of enclosurers*” and were sure that he would be excommunicated for his misdeeds [Tawney, 1912, с. 148]. This legend, however, was likely not widespread, because of the peasants’ changing attitude to enclosures and the fact that enclosures by agreement were becoming more common. The name of “*the father of enclosurers*” is likely to have originated from the Biblical character, Ahab the eighth King of Israel, as a general image of a greedy and self-interested person.

The peasants’ attitude about the agrarian acts also depended on their sense of justice. In the Middle Ages their feelings were traditional and were expressed primarily by their belief in the idea of a generous king and the inviolability of the manorial custom. As it was the monarch who approved the acts to restrict enclosures, the idea of the king’s (or queen’s) being against enclosures was rooted deep in the peasants’ consciousness. The idea was periodically confirmed by royal proclamations about enclosures. This was always highlighted in the preambles of statutes, proclamations and orders [The Statutes of the Realm of England, 1819 (Hereafter: SR); Tudor and Stuart Proclamations. Vol. I, 1910, p. 66, 84, 101, 124 (Hereafter: TSP)]. Thus in one of their petitions to the queen the peasants wrote: “...*also complain of the enclosure of a heath; of 800 acres, by the townsmen of Colchester, by which they, the poor, are utterly spoiled. It is said to be done by leave of Sir Thoms. Heneage; do not think good sir Thomas would give such a leave. Pray for vengeance on them. Beg redress from the Queen, as mother of her subjects...*” [CSPD. Vol. III, 1867, p. 153 no 115]. The extract presents a clear realization of the speech act of complaint. It seemed to the peasants that their attitude to enclosures fully coincided with the queen’s position in this matter. They are asking the queen to punish the enclosurers without providing extra arguments apart from the facts of breaking the law.

This idea was also confirmed by the measures of the Tudor and the first Stuart governments with respect to converting the peasants’ plough-lands into pastures. By distributing committees on investigation of enclosures in 1549, 1565, 1607 and the 1630s around a number of shires, the English monarchs created conditions enabling the peasants to observe these committees working, to be present at the trials, to give testimony before committee members and judges, and to act as claimants and even informers. This can be justified by all sources, directly or indirectly reflecting the activity of various royal committees.



All this contributed to the growing peasants' belief that enclosures were illegal and the government was clearly fighting against them. Bringing to justice and punishing some of the gentry, enclosurers surely reinforced the peasants' assurance. The process of enclosures of plough-lands and eviction of peasants created a base for a social conflict between the peasants and the gentry. On the latter's side were the representatives of local authorities who, according to the peasants, did not follow the right agrarian laws. If this was the case, the legal means of fighting against evil were not efficient enough, and illegal means could not then be considered wrong. It should be taken into consideration that the common law did not contain a detailed classification of crimes. Only three kinds of crimes were defined: treason, felony, and misdemeanor [История государства и права, 1988, с. 256]. Formally, destroying the hedges and other violent actions directed at enclosurers did not match any of the above crimes. This is evidently why the course of numerous local revolts and rebellions testify to the peasants' deep conviction about their actions against enclosurers being legal from the viewpoint of common law [The Victoria History of the Counties of England. A History of the county of Derbyshire, 1907, p. 174; APC. Vol. 13, 1896, p. 338; APC. Vol. 14, 1897, p. 91, 133, 159 etc.; Calendar of the Manuscripts of the Most Honourable The Marquess of Salisbury, 1892., p. 52]. It is thus clear why the peasants were persistent in asserting their land rights in litigation with enclosurers. The peasants' arguments against enclosures were not restricted to the formula "enclosures are illegal". The key argument in their petitions was a thesis about "the common good of tillage" which had marked the peasant mentality since the 14th century, as reflected in the peasant literature of the time, particularly in the poem by William Langland [Ленгленд, 1941]. In the late 16th century and beginning of the 17th century, this feature was periodically supported by each new statute about restriction of enclosures whose preambles contained a keynote about the benefit of tillage for the state. In the course of parliamentary debate on passing these statutes the members of the House of Commons and the House of Lords used to provide strong arguments [A Compleat Journals of The Notes, Speeches and Debates, Borth of The House of Lords and House of Commons Throughout The Whole Reign Of Queen Elizabeth, 1693, p. 212, 536, 546, 551-552, 674].

The traditional trait of the peasants' sense of justice was to appeal to the common law. This may be seen in their petitions to justice as well as in the numerous and long litigations in the courts of equity where it was difficult to prove who was in the right by referring to the common law. Thus K. Lindly provides an interesting fact when considering the peasant protest against campaigns of drainers in the eastern shires in the 1620s. There were many freeholders who had the rights according to the treaty signed by Sir John Maubray during the reign of Edward III. Sir John Maubray, as lord of the manor, in exchange for peasants' consent to enclose part of the commons, granted them the remaining lands free from any improvements by the lord and his heirs. This contract was dated May 31, 1359, and community members had carefully kept it in the Huxley church in a special iron box. They were sure that neither of the heirs of the lord nor Charles I had the right to capture their communal lands. If someone tried to seize their lands, they revolted. We can thus see that peasants could sometimes submit documents to the court confirming their right to lands their ancestors received in the 14th century, though these were mostly exceptional cases. Most often, peasants were unable to produce similar written confirmations proving their rights, so they resorted in court to the traditional argument stating that they had been commonly using the land "*in times out of memory*". It is interesting that they were aware of the gentry's intentions regarding enclosures and could reveal them at the quarter sessions of corporate royal courts. This was particularly common in the case of intentions to cut parts of royal roads and enclose those lands [Bacon, 1915, p. 27-28]. By doing so, the peasants were hardly taking care of state interests. Their communal interest likely urged them to notify the authorities of the gentry's intentions to cut a piece of the royal road. Royal roads could lie next to community lands and even on those lands, so the enclosures could precede the grabbing of some parts of community lands.

The peasants also used to file complaints to the monarchs about their lords or tenants even in the case of smaller enclosures in their domains. Apart from the typical "*in times out of memory*", they used an argument "*against all the rights and good consent*" [VH. A History of the county of Middlesex, 1969, p. 91]. Their petitions often contained requests for help with returning the lands that the gentry had taken from them and already enclosed [Tudor and Stuart

Proclamations. 1910, p. 30]. Sometimes the monarch of the Privy Council received complaints from peasants of several villages in the neighboring shires. This happened, for instance, in 1577 [Tudor and Stuart Proclamations. 1910, p. 30]. In such cases the Privy Council responded immediately, not only asking the Justice of the Peace and sheriffs to deal with the complaint, but also demanding the urgent, forced reconversion of illegally seized peasant lands and the restoration of peasant households. The Privy Council's motto in these cases could be described as "*the injustice causing hatred of a number of people*", "*the reduction of their conveniences and freedoms which they had been using since time out of memory*" [APC. Vol. IX, 1894, p. 296]. These arguments of the Privy Council lead us to suppose that the usual peasant argumentation for their rights for community lands ("*since time out of memory*") could be considered and accepted by the Privy Council.

Nevertheless, the official policy of the state in relation to enclosures remained ambiguous. In some years during the reign of Elizabeth I and James I, restrictions to enclosures were eliminated (1593-1597, 1604-1607). How did the peasants take such dramatic changes in enclosure policies? Unfortunately, the sources do not contain any direct evidence in this respect. The peasants were likely unaware of the changes as there were no special parliamentary acts regarding abolition of statutes on enclosure restriction in 1593 or 1604. There were no corresponding royal proclamations either. Those parliamentary sessions passed only the statutes on extension or non-extension of previous acts or their separate articles [SR. Vol. IV. Eliz.cap.7, 4 Jac.I. cap.25]. Therefore, it is likely that royal judges, during quarter sessions, and local authorities simply did not inform the peasants which acts or articles were amended. Parish priests were also unable to deal with the juridical specifics and inform the peasants of the new changes in agrarian statutes. They could get complete information on laws and enclosure restrictions only in royal courts of law during enclosure litigation. Obviously, that is the reason why the official documents (state papers, calendars, the Privy Council acts, etc.) do not mention peasant petitions about non-extension or repeal of anti-enclosure acts by Parliament. There exists only one petition to the Queen dated 1593, in which the peasants ask her to protect the plough-lands from the claims of lords (the enclosurers) and also to reduce subsidies and different military service duties [CSPD. Vol. III, 1867, p. 362]. The peasants probably never thought that the king (or queen), their defenders from enclosurers, would allow these acts to be repealed. In 1624, the repeal of the Elizabethan act of 1563 ("*Act on support of agriculture*") did not incite peasant protest due to keeping the similar acts of 1598 ("*Act on support of tillage and plowing*", "*Act against decay of villages and plowing*"), and also because of the spread of enclosures on agreement within the peasantry.

Still, in the 1590s the Queen and her supreme dignitaries received many peasant complaints. They reached a peak in the years 1595-1596, but those were complains about the enclosure process proper and not about the act of 1593 on restriction of enclosures. Before 1593 and after 1598 there were not many peasant complaints about the imperfection and incoherence of those acts. The peasants continued regarding them the way they wanted, neglecting the articles prohibiting conversion of plough-lands into pastures as well as the articles allowing the possibility of enclosures of plough-lands and other lands. This may be viewed as a traditional feature of peasant ideas of justice going back several centuries. Enclosure practices did not reflect the peasants' attitude to state legislation. They noticed the fact that anti-enclosure acts and similar royal proclamations did not always protect them from eviction and enclosures of their plough-lands by landlords while community lands were not protected by common law. Scholars remark that even freeholders, to say nothing of copyholders and cotters, were not guaranteed these protections [Лавровский, 1966, с. 122-165]. The peasants realized that the main obstacle in executing laws against plough-lands, conversion, and support of plowing was the local gentry, especially those who were among local authorities, and, above all, the Justice of the Peace. This gave rise to the peasants' relentless pursuit of fighting the local authorities' and gentry's sabotage in executing the laws, especially during anti-enclosure revolts and insurgencies. Agrarian bills gave them these opportunities through the officially registered institute of informers which existed in every shire and parish. Though the sources do not make it clear who they were, either from peasants or other layers of society, it would be logical to assume that they were mostly villagers who were well aware of the agrarian situation in their manors and parishes. In any case, the statutes did not prevent them from whistle blowing according to the social status. Therefore, they could be peas-

ants who knew the most about enclosures in their parishes. Besides, the law enabled informers to receive part of the fines from enclosurers after the courts' indictment.

It is common knowledge that the second half of the 16th century up until the beginning of the civil wars of the 1640s was marked by numerous peasant uprisings against enclosures. The peasants themselves viewed these uprisings as the last means in making anti-enclosure acts work and solving the conflict. The sources present many cases of organized, collective peasant actions. For example, they could conduct litigations for an extended time, collect money for legal costs, and even hire military squads to protect their lands from the gentry's attempts, among other things. On the whole, it is worth mentioning that the peasants first took the enclosure restriction acts and government measures to carry them out as fair and necessary for protecting their lands from enclosurers. As seen from the texts of official documents, they were convinced of the justice of these acts and government actions. They were deeply convinced that those acts and government actions were directed exclusively against the gentry and bourgeoisie who were involved in grabbing peasant lands. Secondly, peasants perceived only the "*spirit of the laws*" but not their "*letter*". They inattentively read numerous articles, allowing different concessions for enclosurers. Thirdly, in the peasant mentality, enclosures were associated with eviction and depopulation of villages. Naturally they did not wish for that to happen and knew that the monarch and the government did not want it to occur, either. Fourthly, the conflict of agrarian legislation and enclosure practices formed in the peasant mind an idea of fairness and legality concerning their struggle with enclosurers and for keeping their plough lands and community plots both by legal means and revolts. All agrarian policy of English kings and queens of the Tudor and Stuart dynasties only strengthened this idea, which became deeply rooted in peasant mentality.

The statutes on restriction of enclosures, some of which were passed in Parliament and others which were extended until the next session, surely considered the interest of peasants holding full allotments (not less than 20 acres). Formally, the laws did not suppose any difference between freeholders and copyholders and, on the whole, offered them good opportunities to search for protection from the gentry's and landlords' illegal land grab in courts of common law and courts of justice. For the peasants, this made it possible to solve the conflicts by peaceful means. Meanwhile, in the peasants' social consciousness, a non-peaceful way of solving conflicts through revolts and insurgencies became more acceptable.

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