

Governor, and Council for laying of rates; the town then considering that the said act doth infringe their liberty, as free born English subjects of his majesty, by interfering with the statute laws of the land, by which it was enacted that no taxes should be levied upon the subjects without consent of an assembly chosen by the freeholders for assessing of the same; they do therefore vote that they are not willing to choose a commissioner for such an end without said privilege; and moreover consent not that the selectmen do proceed to lay any such rate, until it be appointed by a general assembly concurring with the Governor and Council.

We, the complainants, with Mr. John Appleton and Thomas French, all of Ipswich, were brought to answer for the said vote out of our own county, thirty or forty miles into Suffolk, and in Boston kept in gaol, only for contempt and high misdemeanors as our mittimus specifies, and upon demand, denied the privilege of habeas corpus, and from prison over-ruled to answer, at a court of oyer and Terminer in Boston aforesaid. — Our Judges were Mr. Joseph Dudley of Roxbury, in Suffolk in New-England, Mr. Stoughton of Dorchester, John Usher of Boston, treasurer, and Edward Randolph. He that officiates as clerk and attorney in the case, is George Farewell.

The Jurors, only twelve men, and most of them (as is said) non-freeholders of any land in the colony,