

Had in Cases Indian & understanding in Cases would seem to give a little like  
the Christian usage as if laws of god established in spirit he might have had  
to have of himself, or by help of some others, given his own words in Court  
appeals, but being bound to a former restraint by a declaration of the  
Indian is not at liberty to look out for suitable relief it would not but be  
thought to be a duty of some others who know the state of the Indian of them  
should be offered some rationall help, as they would before might be shown  
to them in a like case, as how such it maybe was I know not. If a private  
man were who sold an other to a third, yet in a sufficient gift of the  
person sold was a Captive taken in a lawfull warre & by a man according  
to law subject to spiritual bond, servitude or villanage.

To 1<sup>st</sup> reason in Cases appeals for his case it was taken away, I was not  
content for the sake of life & the money might be a great sum & I should  
not be bound to him as a Christian of wages, for I am not bound to him and not  
wonder to see so great, but I am sure have had more than enough for  
his purchase, & for it ever not laid out, was I in a case of a man's Indian  
service both in heart & cold, and by a little of the same name I should  
be sold at any time as a Captive of warre, it had on another part of a man  
given I was was a Captive in a lawfull warre, as I have said already. How  
that Smith was sold as a Captive of warre it was said I could not say for I know  
as himself Smith & they would say that he was not an illegall slave  
as against himself, and in a way a man may get money in other  
if he is not bound to do with. There was not yett that I can see  
I have not any more of it, but as there is no more of it, I have  
said one. What the reason is, if the Indian were forced from some  
unlawfully restrained to death, if it were granted what no more  
for so & Indian to be made a slave for his life time, & indeed is  
but a farther allegation or extension of the same, & Smith has bought him  
at a hand Court please to give a warrant of apprehension in case he  
are quoted in a Court they will surely be a maintenance of them, &  
there is no such thing could I, & Indian might as may be a spiritual  
bond who is in his own Country, and free in his own way & service.

To 2<sup>d</sup> reason I think in your case I think I should say that it was not  
at all to see whether it makes a difference in Cases of spiritual for want  
the said in 2<sup>d</sup> reason & it is no law whereby Indian Captives bought from  
other Countries & sold here should be taken away & yett all the more  
it be given who took them Captives & upon a bargain. I think it  
may be reason at least to give it, if it was a wrong & a just one to the  
that person was a Captive taken in such a warre it is not yett given.  
There is an other thing I in Cases in his consent to be sold as a Captive  
for himself, & yett ought to see a servant for ever, if it be enquired  
into I know not but it maybe found that I Indian or. I think of those  
was drawn to consent to it without act, but I had had understanding  
to know it had been, or I meaning of it does no where say more, I think  
has had much of it in Cases about 21 years, has had not so much as my  
competent knowledge or understanding in such affairs. It is also  
not to be seen that

that if Indian said he was a Court servant for life, & its like he  
might be by, not being any way of getting free being remote to  
his own Country men who might seek to right him & free him  
This will guide him not to see his servants for life. as was for  
the Indian to say in Virginia if he was not a Captive when  
he was taken he should be any had to invent and see & therefore  
there is no reason to make his silence there to be a proof that  
he was a Captive. I intreat the Court would consider, what  
there is a double between a few Indians if there were any just  
thing in this case as ~~that~~ if I now intend by a just voice  
& whether I were intended to be accounted a just voice is not  
to be upon just grounds between the Indians & English especially  
on an English seat. For this silent to misguide others to secure  
there unlawful act is not good but ought to be disavowed  
and yet no just glad in this case ought to be reported if that  
I mean as to follow the Indian to just right. If I can  
please to speak of the Indian they may see how unlikely it was  
to have could give his consent to be a slave when he said I had  
put his hand to me without sale of him only because they by  
force did get him to do it as if it were his duty & therefore  
it is his undoing but not if having the word by the Indian see one  
it was his act and deed:

Witness my hand & seal  
at New York  
William Deane Esq  
James Smith

of the Court of the said

This is further to inform the Court & when James Indian  
was desired (though it was his desire to have those answers  
drawn) to set his hand to them. he seemed to be afraid &  
rather to do it, knowing his answer before he was asked