

“THE INDIANS MAY BE LED,BUT WILL NOT BE DROVE” THE CREEK INDIANS
STRUGGLE FOR CONTROL OF ITS OWN DESTINY, 1783-1794

A Dissertation
Submitted to the Graduate Faculty
of the
North Dakota State University
of Agriculture and Applied Science

By

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In Partial Fulfillment of the Requirements
for the Degree of
Doctor of Philosophy

Major Department:
History, Philosophy, and Religious Studies

March 2016

Fargo, North Dakota

North Dakota State University
Graduate School

Title

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North Dakota State University’s regulations and meets the accepted standards
for the degree of

DOCTOR OF PHILOSOPHY

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ABSTRACT

History tends to portray the interactions between Euro-American settlers and native Indian Nations as one in which Euro-American settlers imposed dominance on the Indians. This work takes an in-depth look at the relationship between the Creek Nation and the Euro-American settlers of Georgia in the early years of the American republic and shows the Creeks in control of their own destiny, as well as the destiny of Georgia and the young republic. The core argument is that the nature of the Creek nation allowed them to maintain autonomy while affecting the physical development of the United States

From Massachusetts to Carolina various Native American nations had tried to fend off Euro-American expansion but were forced off their land in short order. The Creek Nation considered Georgia and its settlers to be usurpers without valid claim to Indian land, and put forth a near impenetrable defense of their claim for over a decade. The Creeks steadfastly maintained their claim to the land between the Ogeechee River and the Oconee River, and declared war to enforce the boundary on their terms. In their struggle, primarily with the state of Georgia, new leaders emerged and new polities replaced old traditions.

This was a significant accomplishment when one considers the lack of any form of political unity around which to take a stand against the expansionist plans of Georgia. This study will show that the Creeks succeeded because a common determination united the nation in its opposition to Georgia's attempts to take their land, while its political disunity prevented any group less than the whole from negotiating effectively concerning their land.

ACKNOWLEDGEMENTS

As with any endeavor of this magnitude I owe a great debt to many who have selflessly supported me. I wish to first thank my Committee who helped me understand that what is on the surface can be an illusion, and that deeper investigation exposes a more profound understanding of reality.

To the research assistants at the Georgia Historical Society, The Georgia State Archives, the University of Georgia Library Hargrett Rare Book and Manuscript Collection, The Library of Congress, the University of Virginia Library, The International Center for Jefferson Studies, the Gilder-Lehrman Institute of American History, and the National Endowment for the Humanities.

To my Advisor, Dr. Tom Isern who spent many hours directing me to look at different angles and to narrow my focus.

To my family and friends who have put up with my eccentricities as I submerged myself in the research and writing of this document.

And especially to my wife, Diana, who put up with long periods of absence, both while I was on the road, and while I disappeared into my office.

PREFACE

The Creek nation, in the last quarter of the eighteenth century, spread over most of the present-day states of Georgia and Alabama. Politically disunited, the nation was comprised of some one hundred towns, each of which operated fairly independently of the others. They did not all speak the same language, and there were distinct differences in culture and spiritual beliefs. Yet, they still considered themselves one nation, and shared many cultural elements that formed the basis of a common identity.

Following the American Revolutionary War, during which many towns fought with the British, the newly formed state of Georgia made demands of land as reparations for damage done by Creeks during the war. The Creeks refused to cede the required land, and a group of towns declared war to prevent Georgia from taking it. This amplified the disunity between the towns over how to maintain control of their lands, some committing acts of war, while others tried to negotiate treaties. Yet, despite the changing positions of towns and leaders throughout the struggle, the Creeks shared one common motivator; they would not part with their land. They maintained this motivation with varying degrees of success for nearly sixty years.

Two centuries later, while traveling across the Georgia back roads in 2004, I happened upon a historical marker placed in memory of the so-called “Trans-Oconee Republic,” a political entity created out of the convoluted Georgia political scene during the early republic era. Further investigation led me to the Oconee War. As I researched this war, I found plenty of mention, and plenty of documents, but no full treatment of the topic. I continued to read on these topics casually, but had other priorities.

During this period of study I wrote a paper on the Lenape nation, also known as the Delaware nation, examining the relationship between that nation and the Euro-American

authorities from the colonial period through the nineteenth century. The Delaware were one of the largest and most powerful indigenous nations at the time of colonization, controlling the Delaware watershed and parts of the lower Hudson River Valley. It was they who sold Manhattan to Peter Minuit.

From that point on the history of the Delaware is one of constant cessions of land to the colonists and the United States. They were the first Native American nation to sign a treaty with the United States. By the late twentieth century, tribal holdings were reduced to a single house on Barbara Street in Bartlesville, Oklahoma (which remains their only real property holding).

Similarly, the histories of other Native American nations followed a similar suite. Like the Creek Nation, many fought to maintain control of their lands and their destiny. But virtually all others were forced off of their ancestral lands, or what they claimed as ancestral lands, within one or two decades.

As I continued my studies, formal and informal, I came to realize that this story, the story of the war between the Creek Nation and Georgia during the first years of the American republic, was different, and had never been addressed fully. The Creek Nation was able to withstand the onslaught of settlers clamoring for extinguishment of their title for nearly sixty years. While nearly all of the Native Americans nations previously living in the northern states had their titles extinguished by 1840, the Creeks still controlled their land in western Georgia and nearly half of Alabama.

Additionally, by the nature of the Creek actions to prevent further western expansion into their territory, they maintained a buffer so that the Choctaw and Chickasaw Nations were still in control of most of their ancestral lands, as well. Indeed, the three tribes lands would be apportioned, and members of all three still held title nearly to the Civil War.

I heard, more than once, that if the story hasn't been told in two hundred years then maybe no one has thought it worth telling. My reaction to that line of thought is that this narrative forms the basis for understanding relations between Native Americans and Euro-Americans from the beginning of our country at least through end of the Plains Indian Wars.

The precedents set on the frontier between Georgia and the Creek Nation cannot simply be over-looked. While this research focuses only on the years 1783-94, this particular confrontation would last for nearly five more decades. These events would lead, eventually, to the infamous Indian Removal Acts, and further, to the reservation system imposed on all Indian nations. Tribes had been forced off their lands before, in the north and east, and some had been virtually eradicated. But what happened in the Old Southwest in the 1780s was different in nature and outcome from what happened in the north. This conflict started the march toward removal and to reservations. Understanding what happened in Georgia, then, is just as important as understanding the conflicts in the Ohio River Region.

The initial purpose of this study is to present the narrative of the events that occurred during the period presented. Subsequently, the narrative can be used as a basis for comparative study of Native American tactics in opposing Euro-American expansion, processes used in treaty-making, or long-term analysis of the development of social attitudes based on confrontational diplomacy.

Discovering the narrative is the first step in understanding and presenting the historical truths from any period. In fact, trying to interpret or apply the lessons contained in an event without first establishing the narrative is, to borrow a term from homiletics, proof-texting, i.e., presenting an opinion, then finding texts to support that opinion.

This leads to concerns about the nature of narrative. The same problems that can occur in proof-texting can occur in the creation of a narrative, especially when so much documentation must be omitted. Whereas some branches of historical study are plagued by a lack of documents, or documents whose veracity are highly suspect, the modern historian faces a flood of evidence that must be carefully considered and sifted, and editorial choices must be made.

Some of the documents used in this study are questionable in their content, but not in their *bona fides*. Thus, they have value in determining the state of mind of the authors. Many of the documents used are cold, dry reports to government agencies. Also included are letters from individuals, Creek and Euro-American, dealing with daily concerns as the events unfolded. They show the concerns, hopes, fears, plans, and misunderstandings of people who were looking at these events as to the future, not knowing whether the next day would bring life or death. This story is that of people who had endured extreme hardships of war and famine for seven years, and were facing an unknown future as their worlds were being rebuilt. The key word for the next twelve years was “uncertainty.”

The American Revolutionary War was extremely bloody in Georgia. During one confrontation, the Siege of Savannah, nearly eleven hundred men were killed or wounded fighting for independence. Casualties included Anglo-American colonists, and French, and Haitian soldiers.¹ In addition to the outright carnage, the years 1777 to 1779 were also years of drought and massive crop failures. When the war was over, the state felt it within its rights, based on long-held European usages, to demand cessions of land from the opposing side. The majority

¹ Gordon B. Smith, "Siege of Savannah" New Georgia Encyclopedia 24 September 2014, <http://www.georgiaencyclopedia.org/articles/history-archaeology/siege-savannah>. The number killed is highly debatable, with other scholars reporting approximately 400 killed. On the low side, the battle rates in the top five bloodiest battles of the Revolution. Two famous heroes of the war died in this engagement, Sgt. William Jasper and Count Casimir Pulaski, both at the Springhill Redoubt.

of the Creek Nation remained loyal to the crown during the conflict, so Georgia demanded the border be moved westward from the Ogeechee River, which had served as the Creek-Georgia border since 1773, to the Oconee River. A small group of Lower Creek *micòs*, or “kings,” those who lived closest to Georgia, and who would benefit or suffer most from the settlement, or lack thereof, agreed, and ceded the land in the Treaty of Augusta, 1783.

Alexander McGillivray, the principal leader of a large portion of the Upper Creek Nation, and some Lower Creek Towns, for most of the years here presented, has been identified as one of the great Indian leaders of all time. He rejected the treaty, and two subsequent treaties, and led a steadfast resistance to Georgia’s usurpation of Creek lands. He led the Creeks as they used open warfare, lightning-quick raids, misdirection, stalling, deceit, and diplomacy to thwart Georgia, and later, the United States from accomplishing their expansionists designs. During the years 1783 to 1795, the Creek Nation dictated the terms on which they would deal with the various American authorities, and consciously acted to enforce their designs on enemies and allies, alike.

Yet, few people in the general population have ever heard of Alexander McGillivray. To his, the names of Mad Dog, Fat King, Tallassie King, Cussetta King, Tame King, and many others who helped shaped international politics from the Spanish Floridas to the United States capital in New York need to be remembered. Yes, there are many references to what happened in Georgia during the early republic era, but this work seeks to draw the massive documentation into a single source that proves that the Creeks were the arbiters of their own destiny in the old southwest between 1783 and 1795.

This study will show that, despite every machination that Georgia or the United States could devise, the Creek Nation was able to maintain its autonomy for sixty years by uniting on

one point, that of not surrendering their land. Their form of polity resulted in divided tactics, in failure to secure united leadership, in disputes, sometimes violent, among themselves, but preserved their claims of sovereignty over their home.

For its part, Georgia was no better united than the Creeks during the period under study. One document presented will show that the people of Savannah were acting as though there was no problem while settlements in other counties were burning. Other reports show that settlers were fleeing their farmsteads and their only protection was from local militia. Many Georgians of the day wanted peace with the Creeks, but were not willing to fight a war with them. I believe this to be the result of two factors. The first, a lack of concern about the conditions on the frontier, and second, the rhetoric coming from the Creeks regarding their desire for peace, but only on terms of true justice. Those terms are fully discussed here.

I would also like to address the issue of “purpose” in this preface. There are a number of reasons scholars choose to write what they write, and why they choose to write the way they write. There is, of course, no “correct” way to write history, but the personal philosophy of the author dictates much in regard to style.

“Purpose” should also address the question, “why is this important?” As I considered that question, I remembered a proposition that was made in one of my history classes a long time ago, that one of the purposes of history is to guide decisions we make in the present. As I thought about that statement in light of this study, I have come to believe that “they are us.”

The current political atmosphere in the United States mirrors many issues facing the Creeks and Georgia two hundred and forty years ago. The primary issue then was who had a right to the land in question. That issue has raised its head in our times in the debates over immigration. We see Americans today arguing the same points as the Creek nation . . . “it is our

land, we shed our blood for it; we will not surrender it.” Those on the other side of the issue argue that there is plenty of room for everyone, and everyone is entitled to a portion.

Then, as now, there is no need for war, whether real or of words. In 1783, Georgia extended from the Savannah River to the Ogeechee River, and southward along the coast to the tidewaters (the distance inland the ocean tides affect the rise of the rivers). At that time, the total population of Georgia was about 55,000. Today, in that same region, the population is over a million, and there is land to spare. Georgia did not need to fight the Creeks for the Oconee lands.

On the other hand, the Creek nation possessed 200,000 square miles of land, to support a population of about 22,000. Georgia was demanding a cession of 5000 square miles for damages caused by the Creeks during the Revolutionary War. As many Creek leaders recognized, they could live with that loss in exchange for peace and trade. Had Georgia entered in to a treaty of friendship with the Creeks in 1783, and established an amicable trade, perhaps the Creeks would have been inclined to give the land Georgia wanted as a gift in a decade or so. Instead, both sides became obstinate and fought a war that, realistically, both lost.

The aftermath of this war was four more decades of violence and hatred. It led, in the 1830s, to the apportionment of Indian land (Creek, Choctaw, and Chickasaw) by which each head of household received an allotment and all “extra” land was sold to U.S. settlers. It also led to the Indian Removal Act, by which the three southern Indian nations were removed to Oklahoma. As life became more difficult for the southern Indians, they began selling their allotments, and by 1860, nearly all had lost their land. That model of dealing with Indians would become the basis for the reservation system and the Dawes Act later in the 19th century.

This study is written as a disquisition to meet the partial requirements of the Doctoral program in History at North Dakota State University. NDSU is a Morrill Land Grant institution,

subject to the Morrill Land Grant Act of 1862 which establishes a funding mechanism for institutions of higher learning “in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.”² This study is presented with that commission fully at the forefront, to produce a work which complies with the requirement that “the dissertation must show originality and demonstrate the student's capacity for independent research. It must embody results of research that constitute a definitive contribution to knowledge.”³

This dissertation seeks to fulfill the requirements of the Morrill Act to promote the education of the “industrial classes,” i.e., average Americans by telling a story that has not been told before. I have endeavored to maintain the strict parameters of scholarly work, but I hope this will go further and actually be read by scholars as a starting point for further research and by people seeking to learn about their local history, or the history of Creek Nation and the story presented here. It is my goal to bring to life those whose lives have been forgotten. This is intended as a history for the reader.

² Morrill Land Grant College Act, 37th U.S. Congress, Chapter CXXX, Section 4, US Department of Agriculture, <http://www.nal.usda.gov/morrill-land-grant-college-act>.

³ Graduate Bulletin 2015-2016, North Dakota State University, <https://bulletin.ndsu.edu/graduate/graduate-school-policies/doctoral-degree-policies/#dissertationtext>.

TABLE OF CONTENTS

ABSTRACT	iii
ACKNOWLEDGEMENTS	iv
PREFACE	v
LIST OF TABLES	xv
LIST OF FIGURES	xvi
CHAPTER 1. A SIMPLE YET VITAL FACT OF LIFE: A HISTORIOGRAPHICAL REVIEW OF INDIANS IN EARLY AMERICA	1
CHAPTER 2. WITHIN THE SAID BOUNDARIES: LAND CLAIMS TO GEORGIA	23
CHAPTER 3. <i>ITÁLUA</i> : THE CREEK NATION	40
CHAPTER 4. “HALF-BREED SON OF A SCOTSMAN”: THE RISE OF ALEXANDER MCGILLIVRAY	73
CHAPTER 5. “THE SANGUINARY PURPOSE:” OUTBREAK OF THE OCONEE WAR	102
CHAPTER 6. “SURROUNDED BY ENEMIES BOTH RED AND WHITE;” CREEK INITIATIVE IN THE OCONEE WAR.....	126
CHAPTER 7. “DECEITFUL SNARES: COMPLICATIONS IN THE CONSTITUTIONAL PERIOD”	151
CHAPTER 8. THE TREACHERY AT NEW YORK.....	177
CHAPTER 9. STATUS QUO ANTEBELLUM: THE COLLAPSE OF THE TREATY OF NEW YORK.....	200
CHAPTER 10. SOME FINAL COMMENTS.....	233
REFERENCES	246
APPENDIX A. ALPHABETICAL LIST OF CREEK TOWNS, VILLAGES, AND SETTLEMENTS ACCORDING TO ALBERT GATSCHET. (PP. 124-151).....	255
APPENDIX B. CREEK GENTES OBTAINED FROM G.W. STIDHAM BY ALBERT GATSCHET (PP. 155-156)	256
APPENDIX C. CREEK LAND CESSIONS, 1733-1800.....	257
APPENDIX D. POPULATION MAP OF GEORGIA, 1790	258

APPENDIX E. “GEORGIA FROM THE LATEST AUTHORITIES”	259
APPENDIX F. “EL REQUERIMIENTO”	260

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1. Creek Signers of the Treaty of Augusta (1783).....	82
2. Creek Signers of the Treaty at Galphinton (1785).....	99
3. Creek Signers of the Treaty at Shoulder-bone (1786).....	122
4. Creek Signers of the Treaty of New York (1790)	180

LIST OF FIGURES

<u>Figure</u>	<u>Page</u>
1. Map of Georgia showing Land claims.....	25
2. Detail from “Georgia from the latest Authorities,”	43
3. The striped areas on this map represent the contested lands during the period under consideration.....	83
4. Portion of "Jedidiah Morse’s Map of Georgia, 1796”; Corresponding portion of a current Georgia map	127

CHAPTER 1. A SIMPLE YET VITAL FACT OF LIFE: A HISTORIOGRAPHICAL REVIEW OF INDIANS IN EARLY AMERICA

In this chapter I will present a rationale for the work to follow regarding the interactions between the Creek nation and the State of Georgia, and subsequently, the United States, between 1783 and 1795. These events, to include the little known “Oconee War” set the pattern for Indian relations across the expanding nation. However, they are largely forgotten. Other than a few discussions and the occasional mention in biographies, the story has not been told.

To use a metaphor, the story of the Oconee War and the Creek struggle for self-determination are akin to the hole in a doughnut. Much has been written around it, but the topic has been left untold. There are numerous books dealing with the Creek nation from its beginnings, or “coalescence” as some call it, up to 1763, and much has been written about the period from the Red Stick War (1813) to the removal of the Creeks to Oklahoma, but the early republic years are virtually ignored. This work seeks to help “fill the hole.”

In a 1989 review of literature on the state of Indian studies in colonial American history, James Merrill said, “Indians were very much a part of the early American scene. . . . Our failure to grasp this simple yet vital fact of life in early America has crippled our every effort to reconstruct the colonial world on paper.”¹ Merrill was pointing out that historians had failed to include Indians in the narrative. He points to numerous books and articles that had the potential to include the Indians, and thus to provide a better picture of the events under consideration, but failed to do so. This introduction will consider material that has been produced in the periods leading up to and following the publication of Merrill’s verdict and will provide a foundation for

¹ James H. Merrill, “Some thoughts on Colonial Historians and American Indians,” *William and Mary Quarterly*, Third Series, 46 (Jan. 1989): 117.

a dissertation about the degree to which the Creek Nation controlled its own destiny between 1783 and 1795. Merrill was incorrect, and historians and scholars in other fields, before and after his analysis, have emphasized the roles of Native Americans in the development of the Euro-American colonies, and subsequently, the United States.

Several books dealing with Indians prior to and concurrent with first contact are foundational for the study of Native American - Euro-American relations on early American Frontiers. The first of these, *The Columbian Exchange: Biological and Cultural Consequences of 1492*, by Alfred Crosby, Jr., deals with the interaction between Europeans and Indians on a wide scale and focuses on transplants of flora, fauna, and disease.² Crosby discusses the various plants and animals that were transported in both directions across the Atlantic and the impact they had, such as that of the horse on Indian cultures, but the book is most noted for its discussion of disease. A substantial review of the evidence regarding the introduction of syphilis from the Americas to Europe is inconclusive, but the results of the introduction of smallpox, measles, malaria, and other Old World diseases to the Americas are shown to be catastrophic.

While praising most of Crosby's conclusions, Edward Barry, Jr. criticizes "a number of naïve generalizations" contained in the book. Barry says that among these the "comment that in the fifteenth century 'the Bible was the source of most wisdom' is an oversimplification," and that "most historians will not allow that the 'most important changes brought on by the Columbus voyages were biological in nature.'"³ G. S. Dunbar agrees that the work takes on subject matter that many have been cautious of approaching, and generally rates the book highly.

² Alfred W. Crosby, Jr., *The Columbian Exchange: Biological and Cultural Consequences of 1492* (Westport, CT: Greenwood Publishing Company, 1972).

³ Edward E. Barry, Jr., review of *The Columbian Exchange: Biological and Cultural Consequences of 1492* by Alfred W. Crosby, Jr., *American Historical Review* 80 (Feb. 1975), 67.

He does disagree with Crosby's conclusion, "We . . . are the less for Columbus and the impoverishment will increase." Instead, Dunbar says, "One might easily argue that we are better for Columbus and that our opportunity for improvement will increase."⁴

Vectors of Death: The Archaeology of European Contact, by Ann F. Ramenofsky, provides empirical data of just how catastrophic European diseases were in the first post-contact century.⁵ Using quantitative archaeological methodologies, Ramenofsky provides scientific support for Crosby when she shows that major epidemics of diseases introduced from Europe killed millions of Indians before they had ever seen a European. George Milner says of this work, "Furthermore, early depopulation would indicate that ethnohistorical accounts portray unstable cultural systems that are imperfect reflections of pre-contact conditions. . . . Ramenofsky succeeds in calling attention to the quite early and catastrophic loss of human life following European 'discovery of the Americas.' Her work should be a starting point for analyzing the power the Nations had in reorganizing their world following such "life-altering events."⁶

The implications of these two books by Crosby and Ramenofsky are staggering. No writer of Indian history in the colonial period can overlook the fact that native cultures were in disarray because of massive population loss due to introduced diseases. Social constructs

⁴ G. S. Dunbar, review of *The Columbian Exchange: Biological and Cultural Consequences of 1492* by Alfred W. Crosby, Jr., *William and Mary Quarterly* Third Series, 30 (July 1973), 542-43.

⁵ Ann F. Ramenofsky, *Vectors of Death: The Archaeology of European Contact* (Albuquerque: University of New Mexico Press, 1987).

⁶ George R. Milner, "The American Depopulation," review of *Vectors of Death: The Archaeology of European Contact*, by Ann F. Ramenofsky, *Science*, New Series, 240 (May 20, 1988), 1084-85.

collapsed, military power shifted, and belief systems eroded. Historians must consider these conditions when analyzing European relations with the Indians. The variety and ingenuity of coping skill shows that the original Americans were everything except passive figures on the stage of history.

Taken together, Crosby and Ramenofsky provide a framework for understanding the conditions which led to the formation of the Creek confederation. The periods of depopulation and migration of the Muscogee, Hitchiti, Alibamu, and other Muskogean speaking peoples into the Alabama-Georgia region can easily be understood in light of the collapse of the Mississippian culture. Subsequently, remnants of dozens of ethnic groups, large and small, obtained sources of trade and protection by settling near, and allying themselves with the nascent Creeks.

There are various models used to compare contributions by people of differing philosophical beliefs. One model that can be successfully applied to most of the works considered in this review is that of the “cultural broker,” a term emphasized by Margaret Connell Szasz, editor of *Between Indian and White Worlds: The Cultural Broker*.⁷ According to Szasz, a “cultural broker” is any person who mediates between two or more cultures. This mediator can be of any race and of either gender, and is usually a member of one of the groups interacting. Mediators can explain Indian cultures to Euro-Americans, Euro-American cultures to Indians, or Indian cultures to differing tribes. They can work through diplomatic channels, literature, art, education, or numerous other avenues. For example, the Mohegan Samson Occom worked to interpret the Christian faith for his people in eighteenth century New York and New England, while Pablita Velarde used her paintings to teach her culture to a new generation of Pueblos and

⁷ Margaret Connell Szasz, ed., *Between Indian and White Worlds: The Cultural Broker* (Norman: University of Oklahoma Press, 1994).

to the outside world. Alexander McGillivray, James Durouzeauz, and Louis Leclerc de Milford are but three cultural brokers whose efforts will be studied in this project. It is, therefore, an indispensable tool with which to analyze the interactions occurring in the historical literature.

One of the classic foundations of colonial history is Verner W. Crane's *The Southern Frontier, 1670-1732*.⁸ Crane set the bar for scholarship in his work on the settlement of the Virginia and Carolina colonies. Throughout, the roles of the various Indian tribes are highlighted in such a way that no one can ignore the impact they made on the development of the region. One sees in the narrative the definite concept of agency, that is, the Indians actively pursue measures they determine are in their best interests, and are not portrayed as the stereotypical victims of White aggression. Crane discusses the role of cultural brokers who mediated between the Indians and colonists and fully describes the Indian contribution to the economies of both colonies. Indians are clearly respected as full participants in the interactions that shaped daily and long-term conditions in the colonial period. Crane's scholarship is acknowledged in that this work is one of the most cited in Indian studies of the colonial period.

Crane's idea of agency is supported by R. S. Cotterill. Writing in *The Southern Indians: The Story of the Civilized Tribes Before Removal*, Cotterill emphasizes the political and economic maneuverings of the Cherokee, Creek, Choctaw, and Chickasaw tribes in the eighteenth and early nineteenth centuries. Denying the inevitability of the historical outcome, Cotterill highlights again the strong leadership of cultural brokers such as Alexander McGillivray, the "mixed-blood" *Fanni Mico*, or Principal Chief, of the Upper Creeks who steadfastly refused to negotiate or cede land to Georgia beyond the Ogeechee River. Others, such as John Ross of the Cherokees, William Augustus Bowles, who organized the State of

⁸ Verner W. Crane, *The Southern Frontier, 1670-1732* (Ann Arbor: University of Michigan Press, 1929).

Muskogee, and Piomingo of the Chickasaw are credited with boldly representing their people. On the other side, such men as William Panton and Benjamin Hawkins, among many others, represented the British and American interests in the region.⁹

Following in Crane's footsteps, W. Stitt Robinson expands on the time frame and geographical scope in his 1979 book, *The Southern Colonial Frontier, 1607-1763*.¹⁰ Robinson includes the area from Maryland south to Georgia and west to the Mississippi River and discusses the intrigues, alliances, and confrontations between the various British colonies, the numerous Indian tribes, and the French and Spanish as well. In all of these interactions, the Indians are primary actors, influencing, if not controlling the commerce of the interior as well as the imperialist designs of the Europeans. While one must admit that Merrill, in 1989, has a valid argument, it is difficult to explain why he omitted the examples provided by authors such as Crane, Cotterill, Robinson, and Szasz.

Scholars reviewing Robinson's study had mixed reactions to its importance. Scott Wilds allows that it may be useful as introductory secondary source material, and decries its lack of discussion of themes that define the south, i.e. black slavery and agriculture. Wilbur R. Jacobs and Michael L. Nicholls disagree. Jacobs looks at the work in its context as an element in a series devoted to the American frontier, and supports its analysis in terms of Frederick Jackson Turner's frontier thesis. Nicholls credits as strengths of the work its narrow focus in themes chosen and its "synthesis of the scholarship pertaining to his themes as he moves the study into the eighteenth century." More particular to this study, Jacobs praises Robinson's "descriptions of

⁹ R. S. Cotterill, *The Southern Indians: The Story of the Civilized Tribes Before Removal* (Norman: University of Oklahoma Press, 1954).

¹⁰ W. Stitt Robinson, *The Southern Colonial Frontier, 1607-1763* (Albuquerque: University of New Mexico Press, 1979).

Indian attacks . . . as ‘concerted actions’ (rather than as conspiracies).” Thus, Jacobs supports the conclusion that Robinson portrays Indians as vital actors in the events that shaped the southern colonies.¹¹

While it may not be sound analysis to declare that writers such as Crane and Robinson intended to include the southern tribes’ histories in the founding of America as equally important to the outcome, those early 20th century writers did lay the groundwork for further study in the field. For example, Robinson discusses the size of the southwestern nations in terms that are relevant to the colonial settlement, i.e., total estimated population, numbers of warriors, distribution of towns, and value of commerce, all of which are given in terms of how the colonists could have interacted with each nation. However, he also discusses the “Coweta Resolution” promulgated by Brims, leader of the lower Town of Coweta, and speaker for as many as twenty other towns. In discussing this incident, Robinson portrays Brims and his people making a declaration of foreign policy and then enforcing it to the best of their ability in the face of foreign opposition. Certainly this was an act of agency. This series of events, expressed in a few paragraphs by Robinson, became the basis for an extended examination in Stephan Hahn’s *Invention of the Creek Nation*.¹²

“Agency” is a term that gained great importance in the last few decades, and refers to the degree to which an identifiable group of people intentionally act in what they believe to be in their own best interests. It also carries the implication that such actions impacted history in some

¹¹ Scott M. Wilds, review of *The Southern Colonial Frontier, 1607 - 176*, by W. Stitt Robinson, *Journal of American History* 67 (Sep. 1980), 386-87, and Wilbur R. Jacobs, review, *American Historical Review* 85 (Oct. 1980), 975-76; Michael L. Nicholls, review, *Journal of Southern History* 46 (Aug. 1980), 423-24.

¹² Robinson, 118.

way. The ensuing work will show that the Creeks intentionally acted to prevent Euro-Americans from expanding into their territory, and that those actions created consequences which effected U.S. Indian policy well beyond the period in which they were so acting.

As historians began looking at Native Americans as actors rather than as just victims, and began considering Indian cultures as dynamic forces rather than simply polities acted upon by White imperial governments, they also embraced the idea of accommodation. This school of thought posits that Indians and Europeans superficially assimilated the cultural demands of the other in order to accommodate themselves in accordance with the situation.

One example of this can be found in Gary Clayton Anderson's *Kinsmen of Another Kind*.¹³ His thesis is that kinship rituals of the Dakota controlled the development of relations between Dakotas and settlers in the region, but that as the economic situation changed, kinship patterns began losing their importance, and economic considerations became paramount. When Dakotas commanded the interactions between the two groups, Euro-Americans were forced to comply with the Dakota customs, even to the extent of forming kinship relations through marriage. As Whites gained in economic, military, and eventually, numerical superiority, the kinship ties became less important, though still useful in solving problems. By the time of the 1862 uprising, Euro-American settlers were little concerned with Dakota customs, leading to armed conflict. Those Dakotas who opposed the uprising were generally mixed-bloods whose kinship ties to settlers led them to adopt Euro-American customs and modes of living.

Similar situations are reflected in two works of Daniel H. Usner, Jr., *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783*, and

¹³ Gary Clayton Anderson, *Kinsmen of Another Kind: Dakota-White Relations in the Upper Mississippi Valley, 1650-1862* (St. Paul: Minnesota Historical Society Press, 1984).

*American Indians in the Lower Mississippi Valley: Social and Economic Histories.*¹⁴ In the first of these, Usner describes the development of relations between Europeans and Indians of the lower Mississippi River valley, primarily Choctaw, Chickasaw, and Natchez, along with a number of smaller tribes including the Caddo and Quapaw. The relationships that developed with Blacks, both free and slave, in the Louisiana colony are an integral part of Usner's exposition, as well. The Indians provided food and other trade goods to the colony in exchange for various trade goods, but as the colony became more self-sufficient, the Indians were marginalized. Trade continued for pelts and hides, but as farms and plantations developed, there was less need for the agricultural products of the Indians. Slaves were armed and taught to hunt, and also were used to care for livestock, so the need for Indian assistance was further reduced.

As they became less necessary for the survival of the colony, Indians came to be perceived by many Euro-Americans as problematic. When plantation owners began building on prime Natchez hunting grounds, Natchez warriors attacked the settlements and killed 237 French men, women, and children. After four years of brutal warfare, the Natchez were finally defeated. Many captives were sold into slavery on the Caribbean Islands, while the relatively few survivors were absorbed by sympathetic neighbors.

According to Joel Martin, Usner reestablishes the importance of black slaves in the colonial Mississippi River Valley, a topic he (Martin) says has been long ignored. The Indians practiced a "middle ground" interchange until the system collapsed in 1783, then transformed into a "borderlands economy." Michael Foret focuses on the transformation of the trade economy into the cotton economy and notes the "conscious separation of blacks and Indians in

¹⁴ Daniel H. Usner, Jr., *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783* (Chapel Hill: University of North Carolina Press, 1992), and *American Indians in the Lower Mississippi Valley: Social and Economic Histories* (Lincoln: University of Nebraska Press, 1998).

every sphere.” He also praises Usner for focusing so much attention on southern Indians, a field, he says, [that] has been “too long neglected by both anthropologists and historians.”¹⁵

Reinforcing the “borderlands” view, George Sabo writes that “in the face of a continuing Indian presence alongside them, the majority of Whites stayed on its side of the cultural borderland and perceived the natives through overwhelmingly negative stereotypes.”¹⁶

Accommodation was clearly a defensive posture adopted by many Indians at different times. In an essay entitled “An Alternative Missionary Style: Evan Jones and John B. Jones Among the Cherokees,” William G. McLoughlin describes the tremendous accommodations the Cherokee incorporated into their culture in order to save it in the face of growing White determination to eliminate the tribe as an independent polity.¹⁷ The Cherokees adopted White farming techniques, fashions, and housing, built schools, invented a syllabary, and adopted a written constitution. Even after removal, they raised two cavalry companies to aid the Union during the Civil War. While these actions did not prevent removal from their home territory, they did successfully preserve many elements of Cherokee culture.

Susan Sleeper-Smith goes even further in her presentation of accommodation as a survival technique. Writing in her introduction to *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes*, Sleeper-Smith says she “focuses on the

¹⁵ Joel W. Martin, review of *American Indians in the Lower Mississippi Valley: Social and Economic Histories* by Daniel H. Usner, Jr., *Journal of American History* 86 (Dec. 1999), 1329; Michael James Foret, review, *Journal of Southern History* 66 (Nov. 2000), 850-851.

¹⁶ George Sabo, III, review of *American Indians in the Lower Mississippi Valley: Social and Economic Histories* by Daniel H. Usner, Jr., *William and Mary Quarterly*, Third Series, 58 (July 2001), 739-42.

¹⁷ William G. McCoughlin, “An Alternative Missionary Style: Evan Jones and John B. Jones among the Cherokees,” Szasz, ed., *Between Indian and White Worlds*, 98-121.

malleable nature of human interaction.” Using as her focus case studies from the Indians of the western Great Lakes region, she shows that many village groups and clans avoided removal by totally accommodating to Euro-American culture. Sleeper-Smith says that these Indians were “so successfully involved in their own construction of whiteness that they became invisible: [t]hey hid in plain view.” They were so successful, as a point of fact, that the federal government revoked tribal recognition of Indiana Miamis, and “the Indiana court decided that Indians who behaved like white people were no longer Indians.”¹⁸

It will be shown in this study that the Creek Nation was accommodating to many Euro-American practices. The Creeks adopted weapons, farming implements, livestock ranching, clothing styles, and other aspects of outward culture from their Georgian and Spanish neighbors. A small number of Creeks adopted the colonial style of slavery, with some, such as Alexander McGillivray, owning 20 or more slaves. However, with the exception of changing to an economic system based on trading animal skins, it would be misleading to say that a large degree of accommodation had occurred in the short period of fifty years in which Georgia had existed. What can be deduced is that, for the most part, Creeks were open to accommodation and adaptation.

While many writers have focused on the culture brokers and accommodation, another concept that has been the subject of other historians is that of acculturation. According to these scholars, the clash of cultures required a change in the status quo, and the most successful groups were those who could integrate the changing situation into their social constructs. One of the ground-breaking works dealing with this phenomenon is Richard White’s *The Middle Ground*:

¹⁸ Susan Sleeper-Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Amherst: University of Massachusetts Press, 2001), 8-9, 116-17, 140.

Indians, Empires, and Republics in the Great Lakes Region, 1650-1815. White contends that the region bounded by the Mississippi and Ohio Rivers on the west and south, and by the Alleghenies and Great Lakes on the east and north, was experiencing tremendous change caused by war and disease around 1650. French and British fur traders entered the region about that time, and a chaotic system of shifting alliances and reversals of fortune created a “middle ground” on which no group, Indian or European, could maintain control. This created a situation in which imperial authority was often weak, leading to the creation of independent “republics” created by groups loyal to neither side. While many of the actions by the parties involved were based on misunderstanding, nonetheless there was an attempt at incorporating cultural aspects of the other into one’s own.¹⁹

Examples of this can be seen in the acceptance of the kinship metaphor by Europeans. Though there is a considerable misunderstanding on the part of the Europeans as to the Indian concept of ‘father,’ the metaphor persisted from the seventeenth century at least until the late nineteenth century. Euro-Americans also readily adopted ceremonies such as the calumet ceremony and the various wampum ceremonies. Likewise, many Indians accepted Christianity in various forms while others, such as Neolin of the Delawares, incorporated various Christian concepts into their native belief system.

Colin Calloway reminds us that White describes a situation in which differing cultures are combined in a “fiction” based on real or concocted kinship relations. Whether by the use of real kinship, as in the case of intermarriage, or created kinship, such as adoption, the end result defines the parties as allies who can then benefit from the relationship. The imperial relationship

¹⁹ Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991).

is thus converted from one of power to one of obligations, leading to mutual assistance and commerce. As Calloway points out, this relationship changed over the course of time as the imperial power shifted from the French, to the English, and ultimately, to the Americans who disavowed the ways of the middle ground and destroyed it. Calloway credits White with moving the discussion from the imperial courts to the village where day-to-day decisions decided the course of history.²⁰

Arnold S. Morris discusses similar constructs in his work, *The Rumble of a Distant Drum: The Quapaws and Old World Newcomers, 1673-1804*.²¹ The Quapaws were facing many of the same changes that were occurring in the Great Lakes region when the French arrived on the Arkansas River near its confluence with the Mississippi in 1673 and built Arkansas Post, a combination garrison and trading post. The pattern of kinship alliances and trade agreements is remarkably similar to those that developed on the middle ground--too similar to be coincidental. It would seem that cooperation based on mutual need and desire could produce similar results among different participants hundreds of miles apart.

The creation of this “middle ground” atmosphere was not, however, automatic. As Calloway reveals in *Crown and Calumet: British-Indian Relations, 1783-1815*, the key ingredient was trust. Many Indians of the western Great Lakes region had trusted the French, but felt (justifiably) that the British had betrayed them in the Treaty of Paris, 1783. With the only other choices being submission to or continued war with the Americans, they chose to remain

²⁰ Colin G. Calloway, review of *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* by Richard White, *Reviews in American History* 20 (Dec. 1991), 447-52.

²¹ Arnold S. Morris, *The Rumble of a Distant Drum: The Quapaws and Old World Newcomers, 1673-1804* (Fayetteville: University of Arkansas Press, 2000).

loyal to the British in the hope that they would be able to maintain their homelands. Thus, the relationship with the British was not based on the principles described by White, but rather on principles of physical and economic security.²²

Eminent scholar Wilber R. Jacobs agrees with this interpretation. Speaking of Calloway's analysis of British-Indian cooperation in the Northwest Territory, Jacobs says, "Tribesmen had their own pragmatic motives . . . in agreeing to alliances, particularly if they could negotiate expensive gifts at treaties."²³

The idea that cross-cultural relationships were bound by security needs is also strongly supported by Eric Bowne's discussion of the Westo.²⁴ Originally known as the Rickahockan band of the Eries, the Westos fled south in 1656 to Virginia following their rout in the Iroquois Beaver Wars and began trading furs for guns at the falls of the James River. Finding it easier to trap beaver further south, they settled a town called Hickauhaugau near the falls of the Savannah River. There, they began plundering the local Indians for their furs and took captives to sell into slavery. When the colony of Carolina was established a short time later, the Westo entered into exclusive trade relations with the Carolinians.

The Westo had gained control of a large region by force, and everyone feared them, Euro-Americans and Indians. As long as they maintained control of the Carolina fur and slave trade, they held their hegemony in the region. As other Indians began trading with the Carolina

²² Collin G. Calloway, *Crown and Calumet: British-Indian Relations, 1783-1815* (Norman: University of Oklahoma Press, 1987).

²³ Wilbur R. Jacobs, review of *Crown and Calumet: British-Indian Relations, 1783-1815* by Colin G. Calloway, *American Historical Review* 94 (Oct. 1989), 1064-65.

²⁴ Eric E. Bowne, *The Westo Indians: Slave Traders of the Early Colonial South* (Tuscaloosa: University of Alabama Press, 2005).

colony for guns, the Westo were weakened. Since their security and survival rested on their monopoly on trade, they fought to protect it. As the Carolinians gained more trading partners, they became less reliant on the Westo, who eventually became a threat to the survival of the Carolinas. The latter armed the Yemasees and led them in a war to destroy the Westo, resulting in the destruction of the Westo in the South. Thus, the “middle ground” concepts were not established as part of the relationship between Indians and the Carolina colonies.

A parallel to these events is discussed in Historian James F. Brooks’s examination of the conditions of the Spanish borderlands in *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands*.²⁵ Brooks focuses on the role of slave-raiding and trade during the seventeenth, eighteenth, and nineteenth centuries, and on the economic ties created among various tribes and the Spanish invaders. He notes that slaves were captured to provide labor, including reproductive labor to fill shortages caused by population losses. Slaves were also captured as trade commodities. Often, however, captors would marry female slaves, who would then become members of, and contributors to, the community. The slave trade also formed the basis of a regional trade network in which captives could be redeemed. Brooks maintains that there was an “honor” factor which required men to be able to protect their families, and that this forced a “negotiated interdependency and maintained honor by acknowledging the exchangeability of their women and children.”²⁶ The slave system of the Southwest collapsed with the arrival of American hegemony in 1848.

²⁵ James F. Brooks, *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill: University of North Carolina Press, 2002).

²⁶ *Ibid.*, 40.

In reviewing this work, Claudio Saunt compares Brooks's interpretations of the Southwestern slave system to the slave system of the American South. He says that whereas the Southern system was strictly one of economic exploitation, the system developed in the Southwest was "primarily a form of community building." As for social consequences, Saunt says that while the Southwestern system "may have exacerbated gender and class inequalities, it never assumed the racial patterns of its Southeastern counterpart." In his final judgment, he says that Brooks's "insights and overall arguments make *Captives & Cousins* an innovative and important work."²⁷

Writing of the changing conditions in the American South between 1733 and 1816, Saunt describes the transformation of the Creeks from an anarchic society guided by leaders who could gather a consensus into a "nation" ruled by a small, oligarchic group who demanded obedience and executed those who disobeyed.²⁸ This was transformation from a culture in which material possessions were unimportant to one in which individuals amassed fortunes in cash as well as in livestock and Black slaves. Saunt maintains that this transformation was not necessarily a process of assimilation, but was, rather, a conscious decision to implement a new economic structure in the face of changing circumstances at the end of the eighteenth and beginning of the nineteenth centuries. Those most likely inclined to accept the new order were usually mixed-bloods, but there were also many full-bloods who adopted the "new way." While most of those opposed to the cultural changes were full-bloods, there were also mixed-bloods who preferred the "old ways." One of the most fervent opponents of change was, again, the Scot-Creek mixed-

²⁷ Claudio Saunt, review of *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* by James F. Brooks, *William and Mary Quarterly*, Third Series, 60 (Apr. 2002), 436-39.

²⁸ Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (New York: Cambridge University Press, 2003).

blood, Alexander McGillivray, who led a violent resistance to encroachment by Georgia settlers following the American Revolution.

Arguments for the “middle ground” concept are compelling, but regionally limited. In the case of the Ohio River valley, there existed at least two nearly equal alliances, neither of which could exert control over the territory. They were so similar in power, that hunting in the region was exceptionally dangerous because of the possibility of encountering opposing war parties.

That situation did not occur in the region occupied by the Creeks and other southern nations. The Creeks and Cherokees were formidable enemies for much of the period under discussion, but managed to avoid a state of constant warfare by respecting each other’s claims to territory. The one area that they contested, between the headwaters of the Ogeechee River and the current South Carolina-Georgia border, were claimed by both nations, so formed a small “middle ground.” However, both had, at that time, ample hunting grounds, so conflict was avoided. This territory would be freely ceded to Georgia in later treaties as the Creeks and Cherokees each considered it a means to end their dispute.

Another aspect to be considered is the development of confederacies in the early eighteenth century. The Creek Confederacy, on which this work focuses, was weak, if it existed at all, between 1680 and 1715, when the Creeks exploited the dislocation of other nations during and following the Yamasee War. Steven C. Hahn presents a thorough discussion of the development of the Creeks from minor players to the dominant Indian nation in *The Invention of the Creek Nation, 1670-1763*. As described by Gary Clayton Anderson, Hahn develops his theory that the Creeks were able to manipulate their environment by playing the English, Spanish, and French against one another and by becoming heavily involved in the Indian slave trade. This created a system whereby small “chieftainships” evolved into a major political power.

The weakness, however, is found in the descent of their economic system into a dependency from which they could not escape.²⁹

Countering the idea that the Creeks were hegemonic throughout their Confederacy, Jason Baird Jackson presents a collection of articles by expert scholars in *Yuchi Indian Histories Before the Removal Era*. While traditional scholarship has held that the Creeks integrated other tribes into their culture, this was not always true. This volume argues that the Yuchi, and to a lesser extent the Westos and Shawnees, maintained distinct culture groups exhibiting a fluid relationship with the Creeks that defied assimilation. This is evident in that the Yuchis, as a nation, never used any of the four Creek languages, and maintained their own traditions, ceremonies, and cosmogony. An example is found in the Yuchi belief that they came from the sun, while the Creeks came from underground.³⁰

That the Creeks were unified in the objective of maintaining control of their land is a major theme of this work. However, it would be an error to suggest the Creeks were unified on how to achieve that goal. One of the reasons that the Creeks succeeded in controlling their land for so long is that they consistently maintained that they had a legal claim on their land. Their lack of unity in regard to how to maintain their claim would lead to division which led to the inability to enforce their claim through military superiority. One example of this occurred when McGillivray declared war on Georgia, but most warriors, including the Yuchis, stayed home.

So, it would seem that James Merrill's concern over the lack of inclusion of Indians in colonial history has been answered by historians. There are, and will continue to be, new books

²⁹ Gary Clayton Anderson, review of *The Invention of the Creek Nation, 1670-1763* by Steven C. Hahn, *American Historical Review* 111 (Feb. 2006): 153.

³⁰ Jason Baird Jackson, ed., *Yuchi Indian Histories Before the Removal Era* (Lincoln: University of Nebraska Press, 2012).

and articles that relegate the Creeks and other Indian Nations to subordinate roles in history, but with the current trends in the field, those instances will be greatly minimized. However, evidence of important historical events has, undoubtedly, been lost, suppressed, or not recognized for its importance, leading to unintentional oversights. Few people are aware that the Choctaw, Chickasaw, and Creeks still controlled 75 percent of the states of Mississippi and Alabama as late as 1840, barely twenty years before the American Civil War. That situation occurred because of the events in Georgia during the post-colonial period. It is this writer's opinion that those events were important as part of the causes of the Civil War, in that, the United States cleared Indian title to land all the way to the Mississippi River in the north, while timidly addressing the issue in the south. Indian nations were very much involved in many of the events which shaped the development of the United States, transforming history through the various roles they played and choices they made. But as the works herein cited reveal, historians have recognized that Indians were people, that they acted in their own (divergent and convergent) interests, and that they are responsible for a large share of what we call American history.

These actions, on the part of Indians, or any other group of people, have been designated "agency." Agency, in and of itself, is not enough to provide the basis of a historical study. However, the implementation of, and outcomes of such agency, is foundational for a great deal of modern historical effort. Thus, in order to understand events of the past, we must begin with a narrative that focuses on agency. This is confirmed in many recent works.

Historian and prolific author Colin G. Calloway provides an excellent example of this concept. In his work, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities*, Calloway discusses how the war affected numerous Indian communities primarily in the North and East during the war. He also includes chapters on the Choctaws and

Seminoles in the South, which is especially relevant because the Seminoles at that time were considered Creeks, and their agency during the war years was related directly to their evolution as a separate polity.³¹

The question often arises, in studying history, as to how a less powerful group can usurp authority over a more powerful group and impose its will over a given territory. Calloway discusses one specific technique used by Americans to impose sovereignty over various Indian Nations over an extended period of history until they had obtained control of the territory from the Atlantic to the Pacific. That technique was literacy, a skill used in specific acts of agency to minimize the agency of illiterates. In *Pen and Ink Witchcraft; Treaties and Treaty Making in American Indian History*, Calloway describes how Americans used the written word to take land from the Indian Nations.³² Calloway describes recorders who were not paying attention to Native speakers and their translators thus creating inaccurate records, of deception through means of publicly misreading documents, and of scribes creating purely fraudulent records of agreements. Through his carefully constructed narration, Calloway exposes deliberate actions designed to obtain control of Indian lands over decades, a policy that can only be described as agency on the part of U.S. officials to obtain control of Indian land.

Calloway followed this study in agency and its direct effect on history with *The Victory With No Name: The Native American Defeat of the First American Army*. This is the story of the defeat of General Arthur St. Clair by an alliance of tribes along the Wabash River Valley just north of the Ohio River in what was then called the Northwest Territory. The history of that

³¹ Colin G. Calloway, *The American Revolution is Indian Country; Crisis and Diversity in Native American Communities* (New York: Cambridge University Press, 1995).

³² Colin G. Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History* (New York: Oxford University Press, 2013).

defeat had always been defined in terms of St. Clair's inexperience, the poor training of his troops, poor logistics, or any number of other things directly tied to American agency. Calloway intricately details the plans and maneuvering of the Miami, Wyandott, Shawnee, and Delaware leaders and their people as events transpired which led to the "victory with no name." Calloway presents a model for studying agency through narrative.³³

On the other hand, Anthropologist Robbie Ethridge composed *Creek Country: The Creek Indians and Their World* which serves as an example of how narrative serves as the defining characteristic between historical works and those of other academic fields. In her book, Ethridge describes what one would find if one were to travel through "Creek Country" in c. 1800. Chapters are devoted to the geographical landscapes of the region, descriptions of the people, of how they made their living, and their customs and beliefs. In the last three chapters she offers a narrative based primarily on the writings of Benjamin Hawkins, Superintendent of Indian Affairs in the Southern District from 1796 to 1816. In the first seven chapters of the book, then, Ethridge provides a static picture of Creek life, and then closes with narrative describing actions taken by the Creeks and events that heightened the conflict between the Creeks and the United States between 1796 and 1840 that led to their removal to Oklahoma.³⁴

This work seeks to continue the efforts represented by the works of Calloway, White, Cashin, and others by showing the actions taken by Creeks in the old southwest to preserve their home and their lifestyle in the face of the expansionist policies of the state of Georgia and of the United States of America-Creek actions that required Georgia, the United States, Spain, and to a

³³ Colin G. Calloway, *The Victory With No Name: The Native American Defeat of the First American Army* (New York: Oxford University Press, 2015).

³⁴ Robbie Ethridge, *Creek Country: The Creek Indians and Their World* (Chapel Hill: University of North Carolina Press, 2003).

lesser extent, France and England, to deal with them, almost as equals. In the narrative which follows, it is clear that the Creek Nation controlled its destiny between 1783 and 1795.

The Oconee War between the Creek Nation and Georgia was a pivotal point in American history, but is largely ignored in the historical literature. It is mentioned only briefly in a few biographies, such as Louise Frederick Hays's *Hero of the Hornet's Nest: A Biography of Elijah Clark, 1733 – 1799*, where various events in which Clark was a participant are included.³⁵

This work attempts to fill that void, at least partially. It tells the narrative of events leading to more known events such as the Red Stick War of 1813-14, and Andrew Jackson's invasion of Florida in the Seminole War of 1816-19. The Creek Nation maintained control of its land in the face of determined efforts to clear their title for sixty years despite being torn apart by internal disputes, including a civil war. This study looks at the first years of that effort to determine what they did, and how that effected the Creeks, and how that effected Indian affairs nationwide for decades.

³⁵Louise Frederick Hays, *Hero of the Hornet's Nest: A Biography of Elijah Clark, 1733–1799* (New York: Stratford House, 1946).

CHAPTER 2. WITHIN THE SAID BOUNDARIES: LAND CLAIMS TO GEORGIA

When settlers from Georgia began moving onto Creek Indian land in Georgia in 1783, the Creeks called a conference to decide on their response. Eleven years later, in 1794, General Elijah Clark led a small army across the Oconee River in central Georgia and established an independent republic, designated by historians “the Trans-Oconee Republic,” on Creek lands. In each case, members of the groups, chiefs and warriors or officers and soldiers, voted on the course of action to be taken. These actions, taken by completely different cultures, were variations on frontier democracy. The history of the Euro-American settlers in Georgia has been written, but the Creek Nations’ role in the development of the state has not been fully credited. In the struggle between cultures in the old southwest, between 1783 and 1795, the Creeks, far from being passive bit-players on the stage of history, controlled the history of the Georgia frontier and their own destiny.

The confrontation between the Creek Nation and Georgia that began in 1783 was, on the surface, a contest over land. This was hardly a new situation as the territory in question had been the subject of territorial disputes for at least two centuries or more. This chapter will examine the basis for claims to the land by the principle contestants, that is, the Creek Nation, Georgia (and subsequently, the United States), and Spain. This study will show that, while the newly independent Georgia and United States along with England, Spain, and to a lesser extent, France thought they were establishing the boundaries, the Creek Nation firmly controlled the debate, and the contested land. Though Euro-Americans attempted to usurp Creek rights to the land, the Creek Nation physically held the territory, and maintained its sovereignty through intentional efforts to do so for sixty years.

Like many post-Revolutionary War land issues, those in Georgia were complex, and involved numerous claims of sovereignty. The first major party claiming sovereignty to the area under study was the Creek Indian nation. In 1733, the point at which Georgia became a settled, British colony, the Creek Nation, a confederacy of associated peoples, claimed all of the land from the present site of Mobile, Alabama, northward to the Tennessee River, and west of the Savannah River to the Alabama River, about 340 miles.¹ Between 1733 and 1773 land grants from the Creek Nation to the colony of Georgia reduced that claim, moving the boundary westward to the Ogeechee River (located on a variable course about twenty to forty miles west of and somewhat parallel to the Savannah). Coastal Georgia was also extended farther south to the Altamaha River along a variable line about roughly twenty miles inland from the Atlantic. Who were the Creeks? Where were they from, and by what means did they come to own the lands they were claiming and granting?

The origin of the Creek people is obscured in history. It would appear that the original people we now call Creeks had their beginnings in the Mississippian mound-building culture. Also known as the Maskókî or Muscogee people, this nation is most likely the remnant of the Coça encountered by Desoto in 1540. Patricia Riles Whitman describes the Coça as “one of the largest paramount chiefdoms” in the Central Mississippian region.²

Linguistic, ethnographic, and cosmogenic studies tend to support this claim. The dialect spoken by the Muscogee is predominant throughout the Alabama-Tombigbee and Chattahoochee

¹ The Creek boundaries are described here based on *A Map of the States of Virginia, North Carolina, South Carolina and Georgia; Comprehending the Spanish Provinces of East and West Florida*, 1788[?], 4-2-46, Box 76, File 2 Subjects, Folder 7, Georgia Archives, Morrow, GA.

² Patricia Riles Wickman, *The Tree that Bends* (Tuscaloosa: University of Alabama Press, 1999), 38.

River areas and is distinct from the Choctaw and Chickasaw dialects further west. Furthermore, certain design features of Maskókî Indian towns parallel those of the Mississippian mound builders. Matrilineal elements within the society further support the idea that the Muscogee are the descendants of the Mississippians.³

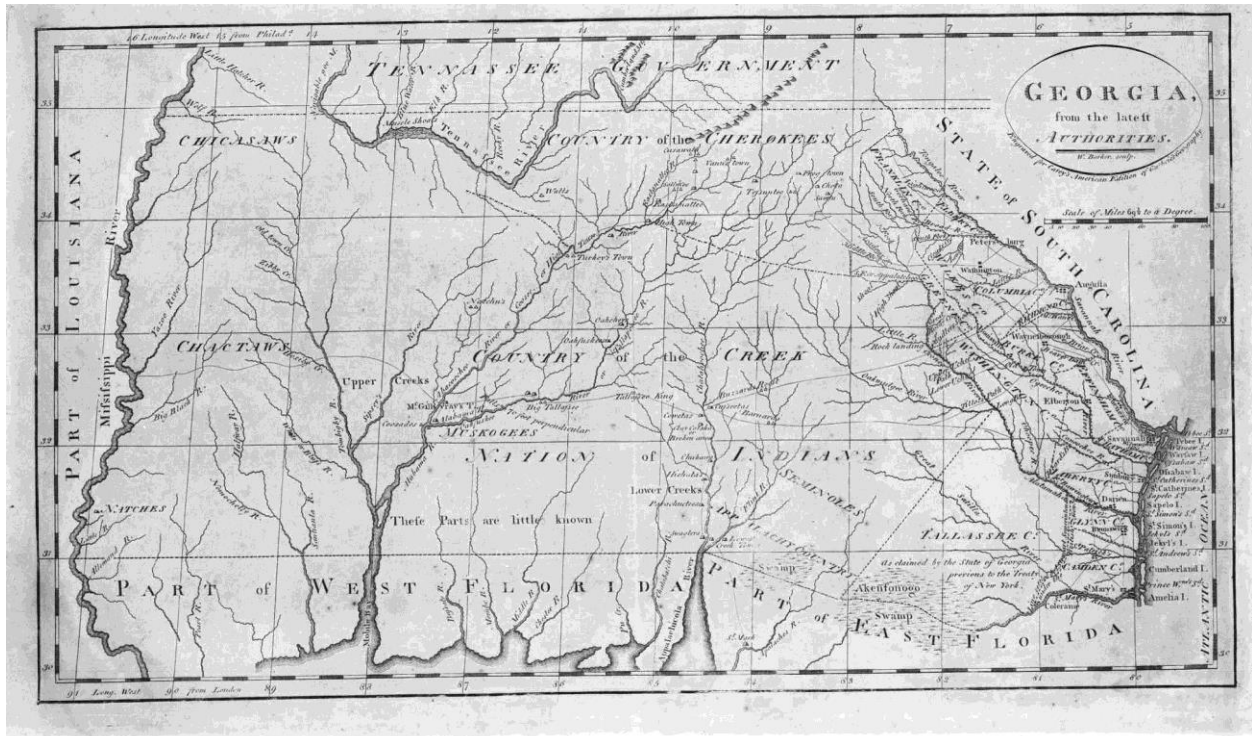


Fig 1. Map of Georgia showing Land claims. Note that the Creek Nation claimed land also claimed by the Cherokees. www.davidrumsey.com. Used with permission of the David Rumsey Map Collection. www.davidrumsey.com.

However, not everyone that we call “Creek” is descended from the Mississippian mound builders. Albert S. Gatschet identifies several distinct dialects which have been incorporated into the Muscogee language. Among these dialects are Apalachi, Hitchiti, Yuchi, and Alibamu.

Interestingly he also identifies Seminole as an incorporated dialect. The most prominent of these

³ For a more extensive treatment of this topic see Albert S. Gatschet, *A Migration Legend of the Creek Indians* (Brinton’s Library of Aboriginal American Literature, Number IV, 1884. Reprint, Breinigsville, PA, Kessinger Legacy Reprints, 2011) and Verner James Knight, Jr., “The Institutional Organization of Mississippian Religion,” *American Antiquity* 51 (October 1986), 675–87.

dialects, Hitchiti, represents the incorporation of large numbers of people of a distinct group in that this dialect is predominant in a number of Lower Creek and Seminole towns.⁴

Based on this brief discussion, it can be stated that the Indian populations of the region were somewhat fluid in make-up and location. People from the regions now called Mississippi and Alabama moved eastward, while various people from Florida moved northward and westward. Others, including the Yuchi, Westo, and Savannas moved from north to south. The flux tended to change directions for numerous reasons, of which can be posited natural causes (drought, flood, fire, disease) and man-made causes (war, over-use of land, curiosity). Alliances changed, groups intermingled, and the make-up of the nation was altered. This process is what one would expect of a living culture.⁵

This migration began sometime in the unwritten past, and intensified in the 16th century, and continued into the early 18th century. As the Creek towns along the Alabama-Tombigbee and the Chattahoochee River systems matured and became somewhat permanent, this expansion slowed dramatically. Those along the Alabama-Tombigbee took on the identity of “Upper Creeks,” while those on the Chattahoochee became known as “Lower Creeks.” Some early maps show “Middle Creeks” along the north-eastward track of the Chattahoochee, but few works reference them by that name. By the time of the English settlement of Georgia, there were approximately one hundred recognized towns.⁶

⁴ Gatschet, 66-90.

⁵ Brett Riggs, “Reconsidering Chesowee: The 1713 Raid in Regional Perspective,” in Jason Baird Jackson, ed., *Yuchi Indian Histories Before the Removal Era* (Lincoln: University of Nebraska Press, 2012), 44-71.

⁶ Gatschet lists 95 towns by name, 124-51. See appendix A.

The basis of Creek land claims, then, is possession by right of prior appropriation through descent, conquest, or squatting. Much of the territory the Creeks claimed had been part of the Mississippian “empire” before it collapsed. Discussion of the Creeks’ history and polity also includes Creek adoption of unrelated Indians who had lost the ability to hold their own land due to war or disease and who had moved westward in the face of other Indians who were invading or being displaced themselves. One example of this, from eastern Georgia, details how the Westo, who had been enemies of the Creeks, were virtually destroyed in the Westo War of 1680 by the Yemassee. According to Anthropologist Eric Bowne, large numbers of Westos were sold at Charleston as slaves for Caribbean sugar plantations, while other survivors moved north to apply for admission to the Iroquois Confederation. The latest records extant indicate that the Westos who remained in the south, approximately fifteen warriors and their families, were residing among the Lower Creeks along the Chattahoochee River in 1716.⁷

This raises serious questions regarding Creek claims of ownership of the land between the Savannah and Ogeechee Rivers. With a couple of temporary exceptions which will be discussed, the Creeks did not live east of the Chattahoochee River watershed that forms the present boundary between Georgia and Alabama. The land in question was claimed, then, based not on possession, but on prior (recent) use as hunting grounds, and claimed after others had been dispossessed of the land by war or disease. No one else was using it, so the Creek Nation claimed it. This should not be interpreted as casting aspersions on the Creek claim: lacking any lawfully recognized authority to regulate land ownership, prior appropriation has long been acceptable as a legitimate claim. As far as the Creeks and their neighbors were concerned, the ability to defend the claimed territory was sufficient to establish ownership.

⁷ Bowne, 106-7.

The two exceptions included a town built at the Macon Trading House on the Ocmulgee River, at the present-day site of the city of Macon. In the 1680s, Carolinians and their Indian allies engaged in major battles with the Spanish and their allies, some of which reportedly involved thousands of warriors. The English prevailed in this conflict, most likely due to large quantities of superior weapons, and numerous Creek towns continued to trade with the English. The Spanish tried to force loyalty on the Lower Creek towns, but were never able to do so. To separate themselves from the pressure applied by Spanish authorities, a significant minority of Lower Creeks living along the Apalachicola River relocated to the Ocmulgee.⁸

Ironically, the only Creek village in eastern Georgia at the time of British General James Oglethorpe's 1733 landing was Yamacraw Town, settled by Tomo-Chi-Chi and his band five months prior to Oglethorpe's arrival. His band consisted of dissatisfied Creeks and, apparently, a number of Yemasees who wanted to return home. The irony is that Tomo-Chi-Chi and his band had been exiled from their home town, Apalachicola, for supporting the English trade or they would not have been there at all!⁹

The original land grant creating colonial Georgia described the boundaries as follows:
“ . . . of all those lands Countries and Territories Situate lying and being in that part of South Carolina in America which lies from the most Northern Stream of a River there commonly called the Savannah all along the Sea Coast to the Southward unto the most Southern Stream of a certain great water or River called Alatomaha (sic) and Westward from the heads of the said

⁸ Ibid, 117.

⁹ Charles C. Jones, Jr., *Historical Sketch of Tomo-Chi-Chi: Mico of the Yamacraws* (New York: 1868, Reprint, Savannah: The Oglethorpe Press, 1998), 17-19.

Rivers respectively in Direct Lines to the South Seas and all that space Circuit and Precinct of land lying within the said boundaries”¹⁰

English authority to establish the colony of Georgia was assumed by right of discovery. While the details have been debated for centuries, England claimed the Atlantic coast of North America by virtue of the voyages of John Cabot (Giovanni Cabotto), an Italian explorer sailing under English colors. Cabot’s 1497 “discovery” of Newfoundland was recognized widely by European authorities. According to the British, in 1498 he returned to Newfoundland then sailed south “discovering” the Atlantic coast of North America as far as present-day Georgia.

Whether Cabot actually sailed as far south as 31° N latitude has been widely debated, with few believing he reached that latitude. Cabot’s small fleet was reportedly lost at sea during the voyage, so no known first-hand reports or journals verifying his discoveries exist. However, a map produced by Spanish explorer Juan de la Cosa, dated 1500, shows the coast of North America, an area of which he never visited, with the inclusion of five English standards and the notation, *mar descubierto por inglés*, “sea discovered for the English.”¹¹ The portion of the map covering the North American coast was supposedly drawn from Cabot’s map, which was supposedly delivered to King Ferdinand by Spain’s ambassador to England, Pedro de Ayala. Questions immediately arose as to how the map survived a ship-wreck to be returned to England, but those issues are not immediately relevant to the present discussion.

¹⁰ *The Royal Charter Establishing The Colony of Georgia*, June 9, 1732, from General James Oglethorpe’s copy, recorded by the Secretary of the Province of South Carolina, February 22, 1734-35, <http://cdm.sos.state.ga.us/cdm4/document.php?CISOROOT=/adhoc&CISOPTR=411&REC=1>.

¹¹ **Luis A. Robles Macias**, “Juan de la Cosa’s Projection: A Fresh Analysis of the Earliest Preserved Map of the Americas,” <http://purl.oclc.org/coordinates/a9.htm>.

The map is inaccurate, and identifying specific locations is problematic, at best, and debatable in many cases. Much of the map interpretation is based on sheer speculation, but one of the English standards is placed on the map far enough south to be in the vicinity of the Georgia coast. Whether Cabot did or did not reach the Georgia coast, and despite all of its problems, the map did strengthen the English claim of ownership by right of discovery simply by virtue of Spanish recognition.

While England used the Cosa map as a basis for its claims, it did not take advantage of it for most of the 16th century. During the frequent confrontations and wars during that period English ships, mostly privateers under letters of marque, freely sailed the Atlantic coast of North America, venturing frequently into the West Indies on raids, but few made any attempts to participate in trade. One attempt was made in 1587 to establish a permanent English colony at Roanoke Island in present-day North Carolina, but that colony mysteriously vanished between settlement and the return of supply ships in 1590.¹²

In trying to establish a lasting peace between Britain and Spain, King James I entered into negotiations with Philip IV, who was all too willing to end the Elizabethan War. Philip and James agreed to classify the previous conflagration as a “personal dispute between him [Philip] and Elizabeth I” that ended upon her death. *The Treaty of London, 1604*, settled the differences between the two nations and included, in Article 9, recognition of free navigation for English ships along the North American coasts.¹³

¹²Violet Barbour, “Privateers and Pirates of the West Indies,” *American Historical Review* 16 (Apr. 1911): 529-34, and Gary B. Nash, “The Image of the Indian in the Southern Colonial Mind,” *William and Mary Quarterly*, 29 (Apr. 1972); 206-08.

¹³ Frances Gardiner Davenport, “The Treaty of London, 1604,” in *European Treaties Bearing on the History of the United States and Its Dependencies to 1648* (Washington, DC: The Carnegie Institution of Washington, 1917; Reprint, Breinigsville, PA: Kessinger Legacy Reprints, 2011), 305-14.

King James I authorized another attempt to colonize North America, granting a charter to the Virginia Company, which settled Jamestown in 1607. The second settlement authorized by the Crown occurred in 1620 when Plymouth was colonized by the Pilgrims, a non-conformist religious group also known as Separatist. In 1629 Charles I issued a charter to Robert Heath, England's Attorney General, for a colony named "Carolana" to be located between 31° and 36° N latitudes, but settlement was never implemented and the charter was voided. In order to provide some semblance of stability and safety to British North America, an article was included in the *Treaty of Madrid, 1631*, between Spain and Great Britain in which Spain confirmed the right of Britain to colonize the territory it had claimed.¹⁴

Britain's next step in colonizing its southern claims occurred when King Charles II granted the "Charter of Carolina" to Anthony Ashley-Cooper, Lord Shaftesbury, and eight others (known as the Lords Proprietors) conveying vast territory described as

"extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas."¹⁵

At the point of Georgia's creation seventy years later, the southern border was the most contentious. The southern border of Georgia, as defined in the charter, proceeded west from the mouth of the "Alatamaha," or Altamaha River, to its headwaters, the confluence of the Ocmulgee and Oconee Rivers (31° 57' N, 82° 32' W) and from thence to the "South Seas," or

¹⁴ Davenport, "Treaty of Madrid, 1631," 246-57.

¹⁵ "Charter of Carolina – March 24, 1663," *Avalon Project*, http://avalon.law.yale.edu/17th_century/nc01asp.

Pacific Ocean. Following the War of Jenkins' Ear (1739-48) the southern boundary was extended southward from the Altamaha to the St John's River by terms of the Treaty of Aix-la-Chappelle (1748).¹⁶

The Treaty of Paris (1783) officially fixed the western and southern American, and thus Georgia, borders (West)

. . . by a line drawn along the middle of the said River Mississippi, until it shall intersect the northernmost part of the 31st Degree of North Latitude. South, by a line to be drawn due East, from the Determination of the Line last mentioned, in the Latitude of 31 degrees North of the Equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof, to its junction with the Flint River; thence strait to the Head of St. Mary's River, and thence down along the middle of St. Mary's River to the Atlantic Ocean.¹⁷

Georgia's territorial claims rested upon the original British royal claims and treaties, and upon the American victory over the British and their allies in the Revolutionary War. During negotiations in Paris, Benjamin Franklin negotiated a secret article with the British whereby the southern border of the United States would remain the Yazoo line (32° 28' N) if the British maintained control of West Florida, but would revert to the old line (31° N) if Spain re-gained the territory.¹⁸ Thus, Georgia claimed sovereignty over the entire territory described, to the Mississippi river, as determined by the Treaty of Paris.¹⁹ The state also claimed the Yazoo Strip,

¹⁶ "The Georgia Charter – 1732," *Avalon Project*, http://avalon.law.yale.edu/18th_century/ga01.asp, and "The War of Jenkins' Ear," *The New Georgia Encyclopedia*, <http://www.georgiaencyclopedia.org>.

¹⁷ "The Definitive Treaty of Peace, Article 2," *Avalon Project*, http://avalon.law.yale.edu/18th_century/paris.asp.

¹⁸ *Ibid.*, 16.

¹⁹ *The Treaty of Paris (1783)*, <http://www.earlyamerica.com/earlyamerica/milestones/paris/text.html>.

the territory situated between 31° and 32° 28' N, setting up tension between Georgia and the Spanish Floridas.²⁰

In summing up the claims of Britain, and subsequently Georgia, we are left to conclude that they are based on a right of discovery for which exists little evidence, and the assumption of Kings George I and George II that the land was theirs to deed as they saw fit. The original Charters were issued prior to settlement to groups of people who had never set foot on the land, with total disregard for people who had previously lived there. Whether, in Georgia, those people were Creeks is debatable, but one cannot dismiss that the Yemasees and Gaulés did have established towns in what would become Georgia prior to the Yemassee War of 1715.

There was one point of definition used by the British, and consequently by Georgia settlers, that was the source of much of the disagreements between the Creeks and Georgians, and that involved the meaning of “unused” or “unsettled” land. In that the settlers were primarily agriculturalists, they considered any land not employed in agricultural pursuits to be unused. As a sign that a particular parcel of land was being used, the English planted a garden or fenced in an area indicating that it was, indeed, being used. Lacking such outward evidence, land was deemed as being unused.²¹

The settlers were ignorant of the consequences of applying this concept to hunting societies. While the Creeks were primarily sedentary agricultural people, they did hunt extensively for meat. The vast amount of wilderness necessary to support a town relying on

²⁰ Jane M. Berry, “The Indian Policy of Spain in the Southwest, 1783-1795,” *Mississippi Valley Historical Review* 3 (March 1917): 465. East Florida’s Governor Arturo O’Neill encouraged the Indians to make peace with the Americans as long as the Oconee River was maintained as a boundary.

²¹ Patricia Seed, *Ceremonies of Possession in Europe’s Conquest of the New World, 1492–1640* (Cambridge: Cambridge University Press, 1995), 29.

game for much of its sustenance was not a factor considered by the Georgia settlers. To them, the prime hunting grounds of the Creek, stretching from the Oconee River eastward to the Ogeechee and southward to the Okefenokee Swamp, were simply “unused land.” When Georgians included a clause in treaties with the Creek that they could move onto “unused land,” the Creeks never imagined that they would be expected to surrender their prime hunting grounds. These “Oconee lands” form the largest part, though by no means the entirety, of the territory under contention in this study.

Spain long claimed the southeastern region of North America to 36° N on the Atlantic coast as well as the entire Gulf Coast. In accordance with European usage, Spain also claimed all the territory drained by the rivers emptying into those coasts. Spain’s original claim was based on the voyages of Columbus, several subsequent Papal Bulls, and the Treaty of Tordesillas (1494) which granted to Spain all of the region west of a line 370 leagues west of the Cape Verde Islands.²² Spain’s claims were strengthened by the explorations of Juan Ponce de Leon, Lucas Vazquez de Allyón, Hernando de Soto, and others as they established colonies and missions from Mexico to Carolina.

The legal authority for Spain’s claims rested on a European concept that any European monarch could take control of any territory not controlled by a Christian king. The Spanish government sought means to justify such taking through legal means and established a policy in which “*El Requerimiento*,” or “The Requirement,” was read by the leaders of the various expeditions informing the inhabitants that Spain was taking control of the region, and that all residing there were Spanish subjects.

²² Frances Gardiner Davenport, ed., “Treaty between Spain and Portugal concluded at Tordesillas: June 7, 1794,” *European Treaties Bearing on the History of the United States and its Dependencies to 1648*, 97.

“The Requirement” was supposed to be read to the people who were being conquered, but as often as not, the ceremony was performed from the bow of the ship in the middle of the night. The absurdity of this ceremony rings through the centuries, as even those who were commanded to enact it recognized. Historian Patricia Seed notes that “Bartolomé de Las Casas wrote that . . . he did know whether to ‘laugh or cry.’” “Walter Raleigh derided it, as did Michel de Montaigne and the Dutch writer Johannes de Laet.”²³

The first claim here mentioned was based on the discovery of the New World by Christopher Columbus in 1492. Columbus first landed in Lisbon, Portugal, upon his return in 1493, sparking a protest from Portugal that the lands discovered by Columbus were rightfully theirs based upon the Papal Bull *Inter Caetera*, (March 13, 1493). Spain appealed to Pope Alexander VI, who, by the Bulls of May 3, 1493, *Inter caetera* and *Eximiae devotionis*, declared authority over the newly discovered lands rested with the Spanish crown. Spain and Portugal then negotiated the Treaty of Tordesillas establishing the dividing line between their respective empires at the longitude 370 leagues west of the Cape Verde Islands, i.e., 45° W.²⁴

Over the next century and a half numerous Spanish explorers and colonists explored and settled the area that now constitutes the states of Florida, Mississippi, Alabama, North and South Carolina, and Georgia.²⁵ Juan Ponce de Leon landed near St. Augustine on April 2, 1513. In 1539 Hernando de Soto landed near present-day Tampa, Florida, and proceeded northward into

²³ Seed, 71. A translation of “*El Requerimiento*” as presented by Seed can be found in the **Appendix F**.

²⁴ Davenport, ed., *European Treaties*. 84-100.

²⁵ For ease of understanding, routes of discovery will be given based on modern state and place names.

Georgia and on to North Carolina. He then turned west and traveled through Tennessee, north Georgia, and westward to Arkansas, where he died.

The expedition of Lucas Vazquez de Allyón, beginning in 1526, added to the strength of Spain's claim. Based on Francisco Gordillo's 1521 exploration of the east coast, purportedly from Florida to Delaware, de Allyón, sailing from Santo Domingo with approximately 600 settlers, landed somewhere along the Georgia coast and in Port Royal, South Carolina, before proceeding to a site near Pawley's Island, South Carolina, on September 29, 1526. Finding no suitable area to build a colony, he returned south, establishing the short-lived settlement of San Miguel de Guadalpe on Sapelo Sound, Georgia, on October 8.²⁶

Following the failure of the settlement at San Miguel de Guadalpe, the Franciscan Order began establishing a series of missions from which to conduct evangelical work among the natives. Between 1526 and the end of the century, not less than sixteen missions were established in Georgia and South Carolina, serving the Gualé, Timicua, Mocama, and Yemassee peoples.²⁷

The Spanish were quick to defend their claims in this region. French explorer and Huguenot Jean Ribaut established a colony at Charlesfort (Beaufort, SC) on Parris Island in 1562. While he returned to France for provisions and more colonists, the Charlesfort colonists abandoned that site and built a new colony, Fort Caroline, on the St. John's River. Ribaut returned in 1564 and found the colonists at Ft. Caroline, where he assumed the governorship. In response, the Spanish sent Pedro Menéndez de Avilés to expel the French colonists. In 1565 he established the settlement at St. Augustine, Florida, and proceeded to annihilate the French.

²⁶J. G. Johnson, "A Spanish Settlement in Carolina, 1526," *Georgia Historical Quarterly* 7 (Dec. 1923): 339-45.

²⁷John E. Worth, "Spanish Missions," *New Georgia Encyclopedia*.

<http://www.georgiaencyclopedia.org/articles/history-archaeology/spanish-missions>.

Following his victory over the French, Avilés hunted down the survivors and executed them, including Ribaut.²⁸

Spain's claim to the region remained virtually unchallenged for the next half-century. The number of Spanish missionaries and soldiers was low enough to be non-threatening to the local tribes, including the Gualé, Timucua, Calusa and Catawba on the east coast, and the Apalachee, Mabila, Mocama, and Biloxi on the Gulf Coast. Most of these groups were peaceful, and freely engaged in trade with the Spanish for European goods. Since the Spaniards remained mostly along the coast, they had few dealings with the inland people who would later form the Creek and other nations. Then, around 1660, a group of people called the Westos moved into the Savannah River valley a few miles below present-day Augusta. Eric Bowne has presented a convincing argument that they were Shawnee forced out of the Northeast by the Iroquois Confederacy. They traded with Virginians, receiving guns for Indian slaves destined for British plantations on various Atlantic islands. They viciously attacked the Yemassee, the Gualé, the Timucuans, the Mocamas, and other Indians associated with the Spanish missions as far west as the Appalachian River.²⁹

After a reign of terror throughout the Southeast, the Westo lost their advantage in European guns to Indian nations closer to Virginia suppliers. With the advent of the Carolina Colony, Yemassee gained a supply of weapons and nearly annihilated the Westo, who fled to

²⁸ D. B. Quinn, "Some Spanish Reactions to Elizabethan Colonial Enterprises," *Transactions of the Royal Historical Society* 1 (1951): 3.

²⁹ Eric E. Bowne, *The Westo Indians: Slave Traders of the Early Colonial South* (Tuscaloosa: University of Alabama Press, 2000).

various Creek towns. The last reference to the Westos that Bowne cites is to “15 warriors and their families” who moved to Ocmulgee Town in 1716.³⁰

The expansion of British interests was not in the best interests of the Yemassee, causing their formerly close allies of Carolina to attack settlements in the Port Royal region and leading to the Yemassee War (1715-16). Carolinians accused the Spanish and French of fomenting war, but there is little evidence substantiating the claim. However, the Spanish at St. Augustine and the French at Mobile did supply weapons to the Yemassee and their Creek allies. As the war turned against them, the Yemassee fled to St. Augustine, while their Creek allies removed from eastern Georgia back to the Chattahoochee.³¹

Whether the Spanish intrigued with the various tribes or simply provided weapons and supplies, the Yemassee War ended the physical presence of the Spanish in Georgia. They did, however, maintain their claims to southern Georgia and the Yazoo Strip until the Adams-Onis Treaty (1819) settled all land claims between the United States and Spain east of the Mississippi River. Following the French and Indian War, Spain took possession of French territory along the Mississippi River, to include Louisiana. Spain quickly agreed to a trade with Britain under which Britain took control of Florida and returned Havana, captured in the war, to Spain. The British divided Florida into East and West Florida and governed the region from 1763 to 1783. At that time, Spain again took control of the Floridas based on the Treaty of Paris, 1783. Based on those claims the Spanish continued to be active in the political development of the region during the remainder of the eighteenth century.

³⁰ Ibid., 107.

³¹ Verner W. Crane, *The Southern Frontier, 1670–1732* (University of Michigan Press, 1929; Re-issued by Ann Arbor Books, 1956), 162-86.

France maintained, but did not actively pursue claims in the region as part of its claim to all territory between the Appalachians and the Rocky Mountains. In 1751 the Upper Creek towns gave French traders permission to build a post, known as Fort Toulouse, at the location of the present town of Wetumpka, Alabama. Ft. Toulouse was ceded to Spain following the Treaty of Paris (1763), and most French influence subsided.

If the basis of the Creeks' claims to the land in Georgia was that they took it, needed it, or wanted it, there was little to prevent more powerful groups from doing and claiming the same. For Spain and Georgia, and later, the United States, the diplomatic rules of the European laws of nations would eventually decide the outcome of this power struggle. For the Creeks, those customs were as foreign as the kings who lived by them. There was nothing in their history to indicate that any rules would apply other than that the winner claimed the land. As far as they were concerned, they had never been beaten, and they were not going to surrender their lands. This cultural divide created a struggle that would last for decades. During this struggle, a struggle that began in 1783, the Creeks controlled the history of the Georgia frontier. Georgia authorities would try to gain territorial gains by treaty, but the Creek Nation controlled the outcome.

CHAPTER 3. *ITÁLUA*: THE CREEK NATION

In order to understand the difficulties that arose between the Creek Nation and Euro-Americans during the latter half of the 18th century, one must have an understanding of who the Creeks were and of their the sociopolitical workings. This chapter will provide a brief introduction to the groups that were included under that name from the mid-seventeenth century through the period included in this volume. While each town held a large degree of autonomy in its internal affairs, this discussion will focus on broadly held beliefs about the individual, the clan, and the tribe, to include social, political, and religious beliefs.

While the name “Creek” is used here, it is fact that these people were not known by that appellation prior to British settlement in the late 17th century. “Creek” is the name conferred by British traders as they came into the region, and refers to a number of separate nations that distilled over a period of decades, if not centuries or more, into the body we recognize as the Creek Nation.

The first section of this chapter will show that the people commonly referred to as “Creeks” were actually comprised of the Muscogee people and adoptees and refugees from numerous native ethnic groups. A few of these groups spoke different dialects of the Muscogee language, such as Maskókî, Hitchiti, Alibamu, Koassáti, Timicua, and Yemassee, while others spoke dialects of Algonquian, Siouan, Uchean, Chah’ta (Choctaw), and other distinct languages. Most of those who joined the Muscogee core to form the Creek Nation adopted varying degrees of “Creek” culture. However, some, such as the Yuchi, or Ochese Creeks, never assimilated into the majority culture.

To refer to these peoples as the Creek “Nation,” in any form, is a fiction. This designation was created by Euro-Americans attempting to define the people who lived in the region of what

we now call Georgia, Alabama, and eastern Mississippi. Anthropologist Robbie Ethridge refers to the Creeks as a “coalescent’ society.” She describes two basic forms of development during the years following the destruction of the Mississippian culture in the south, “traditionalists,” and “non-traditionalist.” The traditionalists maintained primary influence in areas that were in regions claimed by Spain or France. They tried to re-establish a new society based on the traditions of the old society. The non-traditionalists were more inclined to adapt to new economic conditions based on a “capitalist market system.”¹

Therefore, it is necessary to recognize that the Creek Nation was most similar to a confederation. As such, the sense of unity which has been ascribed to this society is rather ephemeral and, at best, temporary in any given time period. As the Creeks sought to re-define themselves following the decimation caused by European contact, they asserted control over their territory with varying degrees of success, but with a constant belief that they were right in their claims to the land. With that understanding, during the years 1783 and 1795, the Creeks stood unified in their goal, if not the means to their goal, and stood determined to enforce the borders they imposed on Georgia and all others who attempted to take their land.²

It is also important to place some delimitation on the geographical region under discussion. When the Carolina Colony was chartered in 1663, the region was inhabited by numerous groups, as is shown in Albert S. Gatschet’s linguistic work on the Creek Migration

¹ Ethridge, 23.

² An editorial note is warranted regarding the nomenclature used in this work. There are numerous ways to transliterate the languages spoken by various components of Indian nations. For this discussion I have chosen to follow the spellings of Albert S. Gatschet in his linguistic study of the Creek Migration Legend. Exceptions to this occur where he uses symbols and/or diacritical marks for sounds that are not represented in the English alphabet, nor on the International Phonetic Alphabet charts. Additionally, I have used modern spellings for places that still exist.

Legend.³ Concentrating only on those Indian nations mentioned by Gatschet in the area later to be chartered as “Georgia,” the list includes, in the east, the Yemassee on the lower Savannah River, the Gualé from the lower Ogeechee to near the lower Altamaha, and the Timacua from the Altamaha to the St. John’s River. The Westo and the Shawano, refugees from the Ohio-Erie region, settled along the middle course of the Savannah sometime around 1660.⁴

Surveying westward, the Appalachee inhabited the area along what is now the Florida panhandle, centering along the Apalachicola River. The Seminoles (literally, “those who wander”) lived south of the Appalachee, while the Timacua were established between the Gulf Coast to the St. John’s River.

A number of Maskókî towns were located above the Apalachicola headwaters along the Chattahoochee and Flint Rivers. These towns were later designated as the “Lower Creek” towns. The majority of Maskókî towns, the “Upper Creek” towns, were located west of the watershed between the Chattahoochee and Alabama Rivers. Of these, the Maskókî occupied the region between the Tallapoosa and Coosa Rivers which merge to form the Alabama River, while the Alibamu and Hitchiti lived on upper reaches of the Alabama proper, and the Mobila lived on the coastal plains.

³ Albert S. Gatschet, *A Migration Legend of the Creek Indians* (Brinton’s Library of Aboriginal American Literature, No. IV, 1984, Reprint, Breinigsville, PA: Kessinger Legacy Reprints, 2011).

⁴ Gatschet, 62-114.

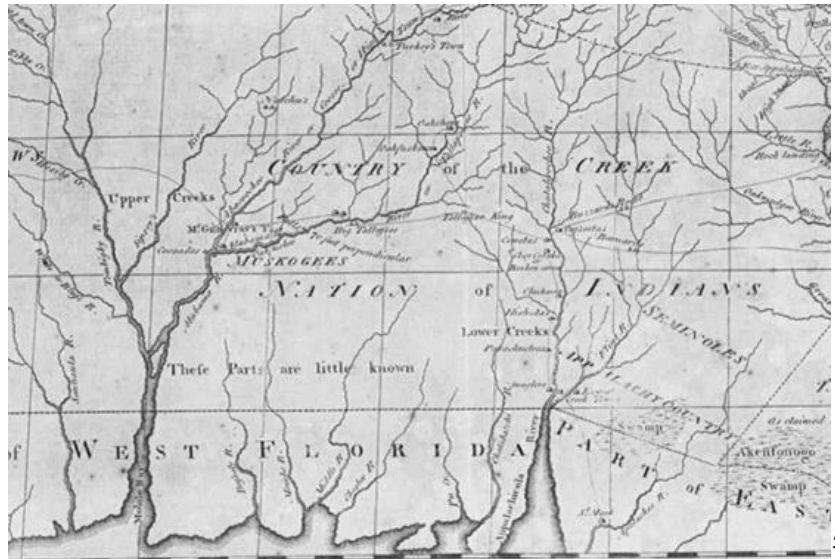


Fig. 2. Detail from “Georgia from the latest Authorities”

In his study of the Creek Migration Legend, Gatschet focuses extensively on the linguistic make-up of the languages in the region. His study reveals that the “Creek” language is a blend of the related dialects of Maskókí, Hitchiti, Alibamu, Koassáti, Timicua, and Yemassee, as well as Cherokee and Chah’ta (Choctaw), and numerous other non-related languages.

In relating the history of the Creeks, Caleb Swan writes that the first peoples to adopt the Creek ceremonies and join the nation were the Alibamu and Coosades (the Koassátis of Gatschet). A significant refugee population of Natchez joined the Creek around 1740, and large numbers of Shawanese migrated from the Ohio Valley at about the same time.⁶ Swan’s report is

⁵ “Georgia from the latest Authorities,” (Philadelphia: Carey’s, 1795), showing Creek towns on the Tombigbee-Alabama and Chattahoochee River watersheds, www.davidrumsey.com. Used with permission of the David Rumsey Map Collection. www.davidrumsey.com.

⁶ Caleb Swan, “Position and state of manners and arts in the Creek or Muscogee Nation in 1791,” in *Historical and statistical information respecting the history, condition, and prospects of the Indian tribes in the United States: Collected and prepared under the direction of the Bureau of Indian Affairs per act of Congress of March 3rd, 1847*, Henry Rowe Schoolcraft, ed., (Philadelphia: Lippincott Grambo, 1851-57), 259-60.

supported on this topic by Louis LeClerc Milfort's history of the Creek Nation written not long following the events.⁷

The large number of immigrants among the nations of the Ohio and Tennessee River Valleys was common for the period, as the Iroquois-Algonquin wars of the late 17th century faded. In the early 18th century those wars transformed to conflicts between the French and English, as their expanding empires collided in North America and other regions around the world. For the most part, the southeastern region of North America provided a safe haven from the violence farther north, as it remained uninvolved in European affairs.

So, then, the question must be answered, "Who were the Creeks?" Such a simple question belies the complexity of the situation. In answering this question a study of the language must be considered because language is such an integral part of the cosmogony of a society. Language controls and limits thought. While it is beyond the scope of this work to fully analyze this concept, an exploration of the variety of languages present among the Creek nation will help in understanding the diverse nature of the people who formed this society.

Creek oral tradition relates numerous narratives to provide evidence and clues to the origins of the various components of the Creek Nation. These stories lie in the realm of creation myth and are critically important in understanding who the Creeks were, and are. Concepts encoded in myth may reflect important historical events, events that are lost to time, but still provide insight into the beliefs and understanding of a people. Other myths explain the world-

⁷ Louis LeClerc Milford, *Memoirs, or, a Quick Glance at my Various Travels and my sojourn in the Creek Nation*, trans. and ed. by Ben C. McCary (Savannah, GA: Beehive Press, 1959, reprint, 1972), 104–20.

view held by the culture as a whole, answering the question with the statement, “This is who we are.”⁸

Anthropologist Bill Grantham adds that

Myths are a culture’s way of explaining how the world, people, and all things came to exist, and how order or cosmos was established from disorder or chaos. Since the events of a myth take place at the beginning of the world or universe as it is known, they are necessarily intricately concerned with time. . . .Origen myths provide answers to questions about how things began; equally important, they also serve to establish order among values and to justify, by reference to these values, the major customs and institutions of society.⁹

Grantham then describes the Creeks as consisting “not of culturally homogenous people but of groups of people from diverse tribal and linguistic backgrounds.”¹⁰ According to Grantham there are four basic groups speaking *Muskogean* dialects (his spelling) which make up the Creek Nation. These include the *Muskogee*, *Hitchiti*, *Tuskegee*, and *Alabama* dialects. Additionally, the Creeks included speakers of unrelated languages to include the *Uchean* speaking Yuchi and some Shawnee and Westo who spoke dialects of *Algonquian*.

Grantham lists twelve tribes who spoke *Muskogee*, which many authors regard as the “true” Creek language. Included are the Coosa, Coweta, Tuckabatchee, Kasihta, and Seminole. The *Hitchiti* dialect was spoken by the Hitchiti, Apalachicola, Oconee, and Mikasuki tribes along

⁸ William H. McNeil, *Mythistory and Other Essays* (Chicago: University of Chicago Press, 1986), 3-42. In an essay entitled “Mythhistory, or, Truth , Myth, History, and Historians,” McNeil discusses the importance of “myth” along with “truth” and “truths” in understanding nations and their people.

⁹ Bill Grantham, *Creation Myths and Legends of the Creek Indians* (Gainesville: University Press of Florida, 2002), 5-6.

¹⁰ *Ibid.*, 8.

with four other listed tribes. Alabamu and four other tribes spoke the *Alabama* dialect, while only the Tuskegee are mentioned as speaking the dialect of that name.¹¹

All the groups as defined by language have their own creation myths varying in details, so that some are similar and some are quite distinct. Thus, we find that most Muskogee speakers identify points of origin in the west, including the Rocky Mountains, the Red River, and even Mexico, while others such as the Shawnee and Yuchi identify their origins in the Ohio River region or the southeast. The Tukabatchees, a Muscogee-speaking tribe, may have originated just west of the Shawnee, perhaps in the region of Kaskaskia. This brief description clearly shows that tracing the geographical origins of the Creeks is a complex task, but it serves to illustrate the overlapping nature of the mythology and lore of people who merged into a coalescent society to achieve certain common goals.

A statement on myth and religious systems is appropriate before continuing the discussion. First, the term “myth,” as here used, means a story that is told to explain how or why things are as they are. A myth may be wholly true, wholly fiction, or a combination of both. It may be analogy or metaphor, as there are some things words cannot literally convey. In addition, “truth” exists independent of belief, (i.e., “truth” is not dependent on whether it is accepted), and may best be explained through fiction. These matters are here used in value-neutral fashion, accepting that meanings may have been altered or lost over the centuries.

Most Creeks of the 18th century held that the world comprised three regions: a flat land mass surrounded by water known as the “Middle World,” a dome extending toward the heavens known as the “Upper World,” and a similar dome extending beneath the Middle World known as the “Lower World.” Everything that exists or happens does so in this cosmic realm which plays a

¹¹ Ibid.

major part in defining a world view. All good things are associated with the Upper World, while bad things are associated with the Lower World. Everything that exists in this plane of the Middle World is related to either the Upper or Lower World, so that events in the Middle World effected both Upper and Lower Worlds and vice versa. Grantham cautions that the meaning of “good” and “evil” as given in Creek cosmogeny does not follow the meanings used by European-Americans, but refers to “opposing forces.” The “Spirit World” includes all three to include an unseen dimension on the Middle World. ¹²

Likewise, many Creek people held that each person had a soul and a ghost. According to some accounts the soul is related to the “Giver of Breath” and the color white, and is of the Upper World. The ghost was associated with passions, the color black, and the Lower World. Further, the ghost could leave the body at night, and the experiences were remembered upon awakening as dreams. ¹³

The Yuchi believed that each person possessed four souls. While two of these were similar to the soul and ghost of the Muskogee people, the other two were associated with family and the tribe. Upon death, one soul remained at the spot of death, while another began a journey to the afterlife. According to Grantham, this journey passed between the land and sky, which rose and fell. Those who successfully passed continued to “the ‘far overhead,’ a haven of souls,” while others were crushed. Their final disposition is not discussed by Grantham, but he does

¹² Grantham, 21. Some Creeks believed that the Middle World lay between the Upper and Lower Worlds but the three did not touch. The sky sometimes would rise and fall, and if you watched carefully, you could crawl under the sky to another dimension.

¹³ J. N. B. Hewitt, 1939. “Notes on the Creek Indians,” John R. Swanton, ed., *Bureau of American Ethnology Bulletin 123*, pp.119–59, Washington, D.C.: Smithsonian Institution, and William Curtis Sturtevant, “The Mikasuki Seminole: Medicinal Beliefs and Practices,” Ph.D. dissertation, Yale University. Ann Arbor, Mich. 1955: University Microfilms, Inc., cited in Grantham, 39.

mention that still others are “damned to wander the earth for fear of trying,” and that these souls “were held in fear by the living.”¹⁴

As an introduction into Creek cosmogony, one may begin with the “Creek Migration Legend,” the traditional story of Creek origins. This legend, like many around the world is not a chronological history of the people, but rather an explanation of the present state of things. One of the most recognized versions of this particular story is that given by Tchikilli, *mico* of Coweta, to General James Oglethorpe at Savannah in 1735. In this story, the earth opened its mouth in the west, and the Cussetas emerged. After facing some difficulties in that region, they migrated to the east. Along the way they found themselves without fire. Four visitors, the *hayoyálgí*, one from each corner of the earth, offered them fire. They rejected the white fire from the East, blue fire from *Walhalle*, and black fire from the West, but received the red and yellow fire from the North as their “sacred fire.” That fire, according to the *hayoyálgí*, had to be constantly tended so the *Isákita immíssi*, the Holder of Breath, could find them and provide for their needs. The people also received the seven sacred plants from the *hayoyálgí*, of which they only collected four, Rattlesnake Root, Red Root, Sawatchko (similar to wild fennel), and Tobacco. Finally the four visitors taught the people several ceremonies that identify them as a people, including the annual “Busk,” a green-corn harvest festival, and the “Black Drink,” a purgative elixir used for purification ceremonies. The Cussetas and the Cowetas, who claim to be the earliest of the Creek people, also claim that they received their towns from *Isákita immíssi* on opposite sides of the Chattahoochee River.

There are numerous variations of this legend. As is apparent, one of the purposes of this version is to make Cusseta/Coweta towns pre-eminent among the towns. That view reflected the

¹⁴ Granthum, 37.

agenda of the storyteller and his supporters, but many who were present at the telling of the story to Oglethorpe, while not debating the story at its presentation, made it clear that they disagreed with parts of the story. Thomas Causton, who recorded the session, also related that several days later the Hitchiti and the Appalachee promised to add to and correct the story.¹⁵

Louis LeClerc Milfort's version includes some of the least likely accounts. Milfort lived with the Creeks from 1775 until he returned to France in 1793, and was named *tustėnųggi*, "Head Warrior," during the 1780s. He married a sister of Alexander McGillivray, one of the most powerful *Fanni Micos* (or, "Squirrel Kings") in Creek history, and claimed to be McGillivray's best friend. In his *Memoirs*, Milfort relates a migration legend that is somewhat fanciful, but which does contain corroboration for many points of the more traditional versions. (Spellings are true to his original.)

In this case, Milfort describes how the original *Moskoquis* fought against the Spanish Conquistador Hernando Cortez with Montezuma and the Aztecs. Following defeat in central Mexico, the *Moskoquis* migrated northward to the forks of the Red River. It was there that the Alamos attacked and killed several people leading the *Moskoquis* to chase them from the Red to the Missouri River, down the Mississippi, across the Ohio, then to the Coussa River where they, the *Moskoquis*, finally defeated the Alamos. On the urging of the French commander of Mobile, the two warring nations made peace, and the Alamos became part of the *Moskoquis* nation. Milfort also relates refugees from the "Floridiens," "Apalachiens" (Seminoles), "Savanhaughey" (Shawnee), and "Chėroquis" joining the Creeks following the American Revolutionary War.¹⁶

¹⁵ Steven Hahn, *The Invention of the Creek Nation, 1670-1763* (Lincoln: University of Nebraska Press, 2004), 173.

¹⁶ Milfort, 104–120.

A number of errors are readily apparent in this narrative, beginning with an origin for the *Moskoquis* in Mexico. No evidence to support such a statement is known to exist, nor do other versions of the migration story support the Mexican origin claims. Additionally, Milfort's timeline and geographical transitions are wrong. He locates rivers far from their actual courses, and places French Ft. Toulouse on the Alabama River before the arrival of either the Alabama or "Creek" nations. It should be noted that part of Milfort's version is supported in Swan's 1847 report concerning the 1791 migration of northern Indians to the Creek homelands along the present Alabama-Georgia borders.

Other versions of this migration story were recorded, including one related to Benjamin Hawkins, the United States "Principal Agent for Indian Affairs South of the Ohio River" from 1796 to 1816. The deponent for this version was Taskáya Mico of Cussitah. As in the previous versions, the people, identified as the "Cussetuh, Cowetuh, and Chickasaws" originated west of the Mississippi and were without fire. The *hayoyálgi* provided the fire, and the people migrated east. They encountered another people who joined them, the Aubecuh (Abikas). After a period of inter-tribal contest, possibly war, the Cussetuhs and Cowetuhs prevailed and were named first and second town. The Cussetahs selected the Bear clan to rule them and the Cowetuhs selected the Fish clan. No mention is made of the ruling clan of the Chickasaws, who were third in status, or the Aubecuhs. As the towns grew and more people joined the nation, they spread out from the Chattahoochee River to the Alabama-Tombigbee River system in the west and to the Cooper River system in the east. In this narrative, Taskáya Mico was claiming that all of the tribes east

of the Alabama-Tombigbee River system and south of the Cherokee nation, including the Yemassee of South Carolina, were Creeks.¹⁷

From the previous discussion it is clear the Creeks of the eighteenth century were quite distinct from the Mississippians who preceded them. The Creek society developed over a period of decades following migrations from various parts of North America that brought together divergent world-views and merged them. This process was ongoing when European settlers arrived in the southeastern quarter of what would become the United States. As these remnant groups of Indians settled in proximity to each other, a new social and economic system was also forming.

There can be no doubt that the Creeks were primarily agricultural, though they did hunt extensively. It is likely that many of their social and economic life-ways were passed down or adopted from the Mississippian cultures from which they may have derived. Prior to European contact, the Mississippian culture had spread from at least the Savannah River to areas west of the Mississippi River, and from the Gulf of Mexico in the south to the Ohio River Valley in the north. According to J. Leitch Wright, Jr., this vast agricultural society may have numbered in the millions, but was devastated by pathogens introduced by Europeans and Africans in the late 15th and early 16th centuries.¹⁸

¹⁷ Benjamin Hawkins, "A Sketch of the Creek Country in the Years 1798 and 1799," undated, Benjamin Hawkins Papers, MS 373, Box 2, Folder 5, Item 9, Georgia Historical Society, Savannah, 151-55 (hand-written page numbers added in pencil).

¹⁸ J. Leitch Wright, Jr., *The Only Land They Knew: American Indians in the Old South* (New York: The Free Press, 1981; Lincoln: University of Nebraska Press edition, 1999), 22-26. Wright discusses the debate over how many people lived in the south prior to European contact and indicates that commonly accepted estimates may be off by a factor of 20 to 1.

Ann Romanofsky's work supports the idea that millions of people may have died in the region south of the Ohio River prior to European settlement. She posits that the majority of Indian deaths caused by introduced biological sources occurred before Euro-American settlement in a period she designates the "protohistorical period," defined as that period between initial contact with and settlement by Europeans. For the lower Mississippi Valley, to include the Gulf Coast, this would be between 1520 and 1635. She states in her conclusion that "in the first thirteen years of contact native populations experienced a 50 percent attrition, most of which was due to smallpox" and that "it is not unreasonable to suggest a minimal population loss of 90 percent from all introduced diseases" for the century following contact.¹⁹

The loss of so many people in a fairly advanced culture provides an explanation as to why there were so many gaps in the culture that the Europeans encountered. With so many spiritual and political leaders dying of disease in such a short period of time, people had to step into roles for which they were unprepared. There were stories to remember, and ceremonies to conduct. Leaders arose and disappeared before dynasties could be re-established. Entire social divisions, phratries and clans, became extinct, remembered only in a few individuals' names. With such conditions being the norm, Creeks were thrust into an unwanted international contest for their homes and their way of life.²⁰

Euro-Americans approached diplomatic relations with the Creeks and other Indians based on European cultural understandings of political power. While never really accepting any Indians as equals, the Euro-Americans, including those of British, French, and Spanish origins, followed this general pattern as they sought to negotiate land sessions and other advantages with the

¹⁹ Ramenofsky, 170-71.

²⁰ Gatschet, 155-156.

various tribes they encountered. The Euro-American model consisted of deputizing a small number of plenipotentiaries who had full authority to negotiate, but not ratify, treaties. In carrying out their duties as negotiators, representatives of Georgia and the United States typically operated under the assumption that the same procedures held true for the Creeks, Cherokees, and others with whom they negotiated. This was a mistake that led to frustration on the parts of Euro-American negotiators. Creek leaders had no authority to do what Euro-Americans assumed leaders could do. Historian Claudio Saunt cites the example of a “Christian Indian [who] explained to a Spanish official” that a treaty just negotiated “was a peace with that individual only, not with his people.” He concluded by saying that Creek leaders have no authority similar to governors.²¹

Loyalties and allegiances in Creek society were based on a worldview that placed the individual in the center. All other relationships were arranged in what Historian Patricia Wickman describes as concentric circles emanating from the self. The second circle of loyalty was reserved for the spouse, while the third incorporated children. The fourth circle comprised the clan and the remainder of the community.²²

Clan structure was matrilineal, and all political power descended along matrilineal lines. Clans were identified by totems, some of which were anthropomorphic, while some identified with natural forces. Marriage within the clan was prohibited, as was marriage between certain clans. Gatschet maintains that the prohibition of marriage between certain phratries provided evidence of relatively recent family divisions, which, if true, provides further evidence of the

²¹ Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (New York: Cambridge University Press, 2003), 24.

²² Patricia Riles Wickman, *The Tree that Bends* (Tuscaloosa, University of Alabama Press, 1999), 49.

social destruction caused by epidemic diseases. This network of prohibition of marriages between specific clans guaranteed that marriages would not enter within a certain level of consanguinity. Politically, certain clans within a town held great power, but true dynastic cycles were not possible.²³

Typically, there were a number of clans living in each town. As a form of political unit, Gatschet says these towns form a “tribe,” which is basically autonomous. He explains that the Creek word *itálua* “signifies ‘nation,’ while *amitálua* means “my own country,” and *amitáluadshi* is translated “my own town, where I belong.”²⁴

The clans in each town were separated into two moieties. According to Historian Stephen C. Hahn, the matrilineal clans who traced their origins to the founders of the town were designated "*hathagalgi*," called the “white,” moiety, and were said to “own” the town square. The other clans in the town were designated “*tchilockalgi*,” the “red” moiety. Hahn goes on to say that the use of the term “*tchilocki*” is further evidence that the Creek towns incorporated members of other tribal groups in that the term designates “people of another speech,” or “foreigners.”²⁵

In a few cases, as towns grew larger, a few families would move a short distance from the town itself and establish a village. These families continued to participate in the activities of the town and were never considered to be separate from the towns. These villages exercised no political independence or authority, and seem to have appeared only after the arrival of European settlers. Historian Joshua Piker suggests that domesticated animals such as cattle and pigs were

²³ Gatschet, 156.

²⁴ Ibid.

²⁵ Hahn, 21. For a list of known “Creek” clans, see appendix B.

causing damage to the town's communal agricultural areas and that the individuals who owned the offending animals moved out onto smaller farms or "plantations" because of disputes with neighbors.²⁶

Political power within the Creek town followed the white/red dichotomy. Civil, or "white," authority rested with a *mico* who was basically the ceremonial chief of the town. He was assisted by the clan leaders, the *mikalgi*, by the advisers, the *hini-hálgi*, and by the beloved men, the *isti-tchákalgi*. These men exercised civil power within the town and made all of the major decisions regarding town policy, including the appointment of war leaders.

In times of danger or war authority was transferred to the war or "red" faction, who were led by the Great Warrior, called the *tustěnúggi 'láko*. Great Warrior was a permanent position elected by the town council and, during times of danger, held the seat of honor on the west side of the council ring.²⁷ He was assisted by Head Warriors (*tustěnúggi*) and War Leaders (*isti paká'dsha 'láko*). While leaders of the "white" faction were typically chosen from the leading clans in the town, "red" leaders were elected based upon merit in battle.

This, then, was the (simplified) model of authority among the Creeks. And, while each town was considered to be sovereign, each individual within the town had the freedom to follow or not to follow the decisions of the Council. Beyond the authority of the town one can speak of the Creek Confederacy as a loose organization with authority extending only as far as the towns were willing to cooperate. Occasionally, two or more towns would appoint a respected leader, called a *Fanni Mico* (literally, "Squirrel King") to speak for the towns jointly. Such was the case when Brims of Coweta was designated by the Spanish as the "Emperor Brims" in 1711, when

²⁶ Joshua Piker, *Okfuskee, A Creek Indian Town in Colonial America* (Cambridge: Harvard University Press, 2004), 127-34.

²⁷ Milfort, 93.

Tchikilli of Cusetta spoke to Gen. Oglethorpe in 1735, and when Red Coat King of Okfuskee spoke to Governor James Glen of South Carolina in 1749.

Early Carolina colonists who encountered the Creeks in the 1670s as traders were licensed to establish trade with the various Indian nations to the west and northwest of the colony. Prior to that time the Creeks traded with the Spanish at several points, including locations on the St. Mary's, the Apalachicola, the Chattahoochee, and the Alabama rivers. Further west the Spanish and the French traded with the Chickasaw, Choctaw, and other nations along the numerous rivers between the Mississippi and the Alabama. By 1698, Carolina traders were also trading along the Mississippi River.²⁸

The Yemassee, indigenous to the South Carolina low country when the colony was settled, controlled a region extending from the Charleston to the Ogeechee River that would later be claimed by the Creeks after the Yemassee were defeated by the English in the early eighteenth century and fled to St. Augustine. Some sources claim the Yemassee were part of the Creek Nation, and that the warfare that existed between them and the remainder of the nation was recent and temporary. While this is definitely a possibility, there are enough documented differences between the two parties that this claim may be pure conjecture. However, many Yemassee were adopted into Lower Creek towns who agreed with them that the English were the real enemy. This does nothing to weight the argument to one side or the other in that the Creeks often adopted survivors of enemy nations.²⁹

²⁸W. Stitt Robinson, *The Southern Colonial Frontier, 1607-1763* (Albuquerque: New Mexico Press, 1979), 97.

²⁹ Hahn, 81-87. Hahn presents evidence of Creek involvement in the Yemassee War. See also C. C. Jones, Jr., *Historical Sketch of Tomo-Chi-Chi: Mico of the Yamacraws* (New York, 1868; reprint, Savannah, GA: Oglethorpe Press, 1998). In this passage, Jones describes the east coast and southern boundaries of the Creeks as “on the north-east by the Savannah, and on every other

Likewise, the Creeks claimed Gualé Indian land in coastal Georgia as their own, as well. The Gualé lived in what are now southeastern Georgia and northeastern Florida along the coast and possibly as far inland as the second tier of modern counties, perhaps as much as 100 miles. They were heavily proselytized by Spanish missionaries, who built a number of missions among them during the late sixteenth and early seventeenth centuries. Their small population fled their homelands during the slave raids of the Westo and the Yemassee War, between 1660 and 1715, with most taking shelter among the Spanish in St. Augustine.³⁰

British, French, and Spanish authorities tried to persuade the Creek towns to form a single nation with a single head. The closest they came to the realization of this goal occurred between 1717, the end of the Yemassee War, and 1733, the year “Emperor” Brims died. Brims was *mico* of Coweta, a town that rose from modest beginnings to become one of the most powerful towns in the Creek Confederacy.

Brims, whose birth-name was Hoboyelti, was born into the powerful Wind clan which gave him a respected voice among the towns upon his election to *mico*. Following the Yamasee War he was appointed *thluccho mico*, or Great Chief. He became the founder of the closest thing to a Creek dynastic family. His brother, Chigelli, succeeded him as *mico of Coweta*. One of his sons, Malatchi became a powerful war leader, and another, Seepeycoffee, led a powerful group against the English in favor of the Spanish beginning about 1718. Mary Musgrove, whose Creek

quarter by the Atlantic Ocean, and the Gulf of Mexico.” This necessarily includes all lands occupied by the Gualé and Timicua peoples.

³⁰ Bowne, 113. According to Bowne, in 1704, Creek warriors attacked the mission provinces of Gualé, Mocama, and Apalachee, capturing 1000, and leaving some 2000 refugees who sought shelter at St. Augustine.

name was *Coosaponakeesa*, served as translator and culture broker between the Creeks and Georgia, also claimed to be Brims's niece.³¹

Brims was largely responsible for this rise of Coweta, and for the rise of the Creek Nation as it existed during the period directly related to this work, 1783 to 1795. Prior to 1715, as has been shown, the Creeks were a very loosely related group of towns and villages that shared some history, but which had never operated as a single entity. Following the commencement of Queen Anne's War in 1702 through the end of the Yemasee War in 1717, the Creeks had been fairly content to keep their distance from the Carolina settlements and trade with France and Spain, while trading with the English in Creek towns. At some point between 1700 and 1715 those Lower Creeks who were living along the Okmulgee River migrated from the vicinity of what is now Macon, Georgia to what is now southwest Georgia along the Chattahoochee, Apalachicola, and Flint Rivers.³²

As the Europeans pressed the southern tribes to commit to exclusive trading agreements, the Creeks were divided as to how best to proceed. Brims led a group of *micos* who determined not to enter into exclusive agreements, but to remain neutral and welcome traders of all nations. Historian Vernor W Crane says that

By 1718 most elements of the conflict in the Gulf plains had been revealed. From this epoch dates the extraordinary influence retained by the Creeks throughout the colonial period as the custodians of the wilderness balance of power in the South. Even the divisions within the confederacy into opposing factions reinforced what seems to have been the deliberate policy of the powerful Coweta chief, the Emperor Brims....³³

³¹ New Georgia Encyclopedia, <http://www.georgiaencyclopedia.org/articles/history-archaeology/brims-d-1733>.

³² Robinson, 118.

³³ Crane, 260.

Brims recognized that the Creeks were trapped between the three-power conflict for empire in America, and that the best position for the Creeks was neutrality. He convinced the Lower Creek towns to join with him in refusing to participate in the intrigues of the European powers. At one point Brims may have been *Fanni Mico* for as many as twenty Creek towns. The height of Brims' diplomatic achievements occurred in 1718 when he and the leading men of the Lower Towns promulgated the Coweta Resolution, a statement that the Creeks would live and trade in peace and harmony with all of the European powers, but would not join any of them in making war on any other European power.³⁴

Brims' empire collapsed rather quickly as Euro-American traders went to work to destroy his influence and thus gain allies in the individual towns. For most of the traders, this was not a recognized goal, but was an unforeseen outcome. Brims's Coweta Resolution relied on the power of *micos* to control trade in their towns and to be able to guarantee safety to all traders, regardless of the traders' origins. Even so, the Lower Towns would cite the Coweta Resolution for decades as they "refused to shed the blood of white men" in regard to taking sides of Euro-American power disputes.³⁵

The trade system that developed was based on the trade of animal skins, primarily deer skins, in exchange for European manufactured products, to include blankets and cloth, weapons, tools, and decorative items, among other goods. The trade in deer skins formed an economic tie between the Creeks and the English colonists in Carolina, and later in Georgia. This trade was so

³⁴ Hahn, 117-18.

³⁵ Ibid.

pervasive that many Creeks and Cherokees devoted all of the efforts to obtaining deer skins for the trade market. According to historian Vernor Crane, over 121,000 skins were shipped in 1707, while only 4700 were processed in 1715, a result of the Yemassee War. On average, 54,000 skins per year were processed through Charles Town in that period. Crane further states that by 1715, the annual cost of the goods traded to the Indians of the region was “said to exceed £10,000 sterling.”³⁶

Historian Louis De Vorsey, Jr. adds to Crane’s discussion with a chart showing the extent of the skin trade after 1740 for Carolina, and after 1755 for Georgia. According to De Vorsey, the lowest quantity processed through Charles Town between 1740 and 1762 was 130,884 lbs. in 1744 with 355,207 lbs. being shipped through that port in 1757. The average for Carolina was over 200,000 lbs. annually. Georgia’s lowest year of production, as measured by shipments through the port of Savannah, was 1757, with only 5,791 lbs. being shipped. However, in 1767, only ten years later, Georgia merchants traded for 306,510 lbs. of deer skins.³⁷

The traders, being interested in maximizing profits, wanted to monopolize trade as much as possible for themselves or the firm for which they worked. All of the Euro-American powers required licenses from the appropriate authorities for individuals or firms to enter any Indian territory and conduct trade. These laws were intended to protect Indians from unscrupulous traders and to create fair prices to prevent violence from Indians who felt cheated. This was a matter of survival as such attacks could be directed at ethical traders or the colonial settlements.

³⁶ Verner Crane, *The Southern Frontier, 1670-1732* (Ann Arbor, Ann Arbor Books, University of Michigan Press, 1929, reprint 1956), 111-12, 115

³⁷ Louis De Vorsey, Jr., “The Colonial Georgia Backcountry,” in Edward J. Cashin, Ed., *Colonial Augusta, “The Key to the Indian Country”* (Macon, GA: Mercer University Press, 1986), 11.

Many would-be traders did not see the point of applying for a license and simply packed up trade goods and entered the nations without permission. By tradition *micos* and other leaders of the town controlled the trade and refused to allow access to unlicensed individuals. However, there were always individual Indians who lacked any political authority, who wanted to buy from the unlawful traders, and who would seek them out to trade. In so doing a black market was established, resulting in the undermining of the town's accepted authority. Since leaders were often judged by their ability to deliver trade goods, some traders manipulated the politics of the towns by funneling large amounts of trade goods through individuals who were amenable to their, the traders', wishes. Thus, the Creek (and other nations') mythology of social order was under attack from within and without. As William H. McNeill writes, "Discrediting old myths without finding new ones to replace them erodes the basis for common action that once bound those who believed into a public body, capable of acting together."³⁸

Since the trade in deer skins was the principal means of obtaining trade goods, the questions of sustainability and environmental impact need to be addresses. To answer these questions, one must determine how large the deer herds were, and how many deer were harvested annually. The latter question can be answered from the shipping records available for the ports of Charleston and Savannah, but there is a discrepancy in modern sources. De Vorsey provides a list for Charlestown that includes both the number of deer skins and the weight showing that each skin weighed approximately four to five pounds. De Vorsey draws his figures from reports of colonial officials.³⁹

³⁸ McNeill, *Mythistory and Other Essays*, 25.

³⁹ De Vorsey, 11.

However, Historians Kathryn Holland Braund and John F. Richards give the weights of deer skins as between 1 to 3 pounds, and one and three-quarters pounds per skin, respectively. This opens the way for serious objections for the remainder of this discussion, but I will proceed using De Vorsey's numbers because he provides a colonial record indicating quantity and total weight.⁴⁰

The three authors cited do agree on the approximate number of skins being taken by the Creeks in any given year. At its peak, the Creek annual harvest of deer skins reached approximately 200 - 250,000 for trade, and an equal amount for internal consumption, a total of over 500,000 deer per year. Other Indian nations added to that total, so that upwards of 800,000 deer may have been taken from the southern forests each year.⁴¹

Was that sustainable? There is no reliable estimate of the total number of deer living in the southern herds during the seventeenth and eighteenth centuries, but we can, perhaps calculate sustainability from modern numbers. In the colonial period under consideration, virtually all the region was forested, and Richards describes the environment as one in which "few natural predators...threatened the deer herds in a landscape seemingly made for browsing creatures."⁴²

The area under consideration was immense, comprising almost all of the modern states of Georgia, Alabama, and part of central Tennessee. Currently, more than half of the region is now under heavy agricultural use, with numerous large metropolitan areas. According to the Georgia

⁴⁰ Kathryn Holland Braun, *Deerskins and Duffles: The Creek Trade with Anglo-America, 1685-1815* (Lincoln, University of Nebraska Press), 1993, 70; and John F. Richards, *The Unending Frontier: An Environmental History of the Early Modern World* (Berkeley: University of California Press, 2005), 501.

⁴¹ Ibid.

⁴² Richards, 496.

Department of Wildlife, the Georgia deer population in 2002 was 1.2 million deer. In that year, Georgia hunters took 410,000 deer. Alabama hunters also took 410,000 deer. Officials report the Georgia harvest and the deer population have increased in the years since.⁴³ The numbers of deer being taken now are in close approximation of what the Creeks took at the peak of their economic production. It is safe to say the numbers were sustainable, and that other factors such as declining prices for deer skins, not declining deer populations, led to the collapse of the economic system based on deer skins.

There is a great deal of misunderstanding or presumption regarding Creek involvement in the slave trade in the seventeenth and eighteenth centuries. A discussion of the “Indian” slave trade may also, therefore, be in order. In her work, *Creek Country*, Ethridge claims that “the new economic system . . . was ushered in by a trade in dressed deerskins, but even more by a trade in enslaved Indians that enmeshed all the natives in the Southeast.”⁴⁴ Virginia colonists were heavily involved in this slave trade, purchasing thousands of slaves for use in Bermuda, the Bahamas, and other island colonies. Historian Steven Hahn describes a violent and profitable trade carried out by the Ochese Creeks (Yuchi) who lived on the Okmulgee River in the region of the modern city of Macon, Georgia.⁴⁵

There was a slave trade in the region, and the Creeks may have participated in it from time to time, but it was the exception rather than the rule. The primary slavers in the last quarter

⁴³ Georgia Department of Natural Resources, “Georgia’s Quality Deer Herd,” <http://georgiawildlife.com/node/593>

⁴⁴ Ethridge, 23.

⁴⁵ For full discussions, see Ethridge, 23ff, and Hahn, 52ff. Ethridge describes a vibrant slave trade, but never actually says the Creeks were involved. Hahn introduces the subject as part of his discussion of the Ochese-Apalachee war of the late 1690s.

of the 17th century were the Westos, a tribe who moved south to escape the violence of the Beaver Wars along the upper Ohio River. The Westos terrorized the region from about 1659 until 1680 when they were defeated by a Shawnee tribe called the Savannas. Who, then, continued the slave trade?

According to Historian Alan Galloway, the answer varies. Several groups who settled along the Savannah River following the demise of the Westo continued the slave trade. These included the Shawnee who arrived from the north and the Apalachee, some of whom moved from the Florida panhandle to the Savannah River. South Carolina traders were making fortunes selling Indian slaves, and would encourage anyone they could to go to war and sell to them, the Carolina traders, any prisoners taken in the wars thus instigated. This was because it was against the law to buy slaves not taken in war.⁴⁶

Carolina traders ranged far and wide seeking slaves to sell, convincing the Choctaw and Chickasaw to go to war against each other, and paying the Westos, Yamasee, Shawnee, Apalachee, and Yuchi for slaves captured from the Spanish mission settlements, and from the towns that later became the Creeks. In 1704, South Carolina trader James Moore convinced several of these “Creek” towns to join his attack on the Apalachee, which totally destroyed Apalachee influence in the region. Then, in 1715, a few Creek leaders conspired to kill all Carolina traders then within the nation, but refused to join the Yamasee in their attack on the Carolina colony, itself.⁴⁷

Another action that helps answer this question took place in North Carolina and is known as the Tuscorora War of 1711. According to historian Jim Shamlin, feeling pressure by colonists,

⁴⁶ Allan Galloway, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670-1717* (New Haven: Yale University Press, 2002) 67.

⁴⁷ *Ibid.*, 327-29.

the Tuscarora conducted a series of raids against English settlements as a warning against their expansionist policies. The Tuscarora, like the Creeks, were surrounded in an ever-shrinking territory, which they intended to defend. The raid reportedly involved 500 Tuscarora warriors and resulted in the loss of around 125 colonists lives. South Carolina sent thirty state militia officers and five hundred warriors from the Yamasee, Cherokee, and Pee Dee, who joined fifty North Carolina militia soldiers. Hundreds of Tuscarora were captured and sold into slavery. In the summer of 1712, an additional expeditionary force from South Carolina killed over nine hundred Tuscarora warriors, leading to the retreat of most survivors to the north where they joined the Iroquois Confederacy.⁴⁸

Shamlin claims that one result of this war was that several Indian nations in the Carolina colonies considered the outcome of the war and decided that it would be better to be allied to, rather than oppose, the English settlers. If this is so, it would seem the Yamasee quickly forgot this lesson, because they attacked the English for similar reasons as the Tuscarora only a few years later. This period saw the Indian slave trade greatly diminish over the next ten years as most Indian Nations in the region gained greater access to guns and slaving became a most precarious undertaking.⁴⁹

Further, evidence indicates that slavery in the English style was abhorrent to the Creeks. One slave who came into Creek hands was given arms and set free to go hunting, telling him the Creeks “were Friends to all slaves.” English colonists traveling through the towns found a number of runaway slaves living among the Creeks who granted the runaways sanctuary or

⁴⁸ Jim Shamlin, “The Tuscarora War,” *North Carolina Literary Review* 1 (Summer 1992), <http://www.learnnc.org/lp/editions/nchist-colonial/1876>.

⁴⁹ Eric E. Bowne, *The Westo Indians: Slave Traders of the Early Colonial South* (Tuscaloosa: University of Alabama Press, 2005), De Vorse, Jr, 4.

adopted them. Lower Town *micos* made it known that they would rather trade with “the Spanish who enslave no one as the English do.”⁵⁰ However, it would be misleading to imply that no Creeks held slaves “as the English do” in that a number of mixed-blood Creeks, including Alexander McGillivray owned numerous slaves.⁵¹

As the trade system evolved over the early decades of the 18th century, it became more difficult for individual Creeks *micos* to maintain any influence over the actions of many of their people. Such was the nature of Creek politics, then, that Brims did not have the authority to enforce the Coweta Resolution. Shortsightedness, greed, jealousy, and factionalism joined together to destroy the unity that Brims hoped to achieve and led to violations of neutrality on the part of several towns. British traders, especially, worked diligently to destroy the neutrality by withholding trade from the Upper Creeks who depended on British weapons and supplies to defend themselves against the hostile Cherokee to the north.

It was into the vacuum left by the Yamasee War that the Georgia colony would be inserted. No Creeks had lived in this region of what would become the Georgia colony for decades (if ever). The remainder of this chapter will discuss the first Creek settlement along the lower Savannah River, as well as the first Georgia settlement (a short, ten-minute walk away), and the early relations between the two.

The divisions that were working against the power of the *micos* were highly beneficial for Georgia’s settlement. When the colonists arrived in February 1733, they were greeted by the Creek *mico* Tomo-chi-chi and his people, who resided half a mile north of the location selected for settlement by Gen. Oglethorpe. A lasting friendship was made between the two leaders, and

⁵⁰ Saunt, 27-31.

⁵¹ John Walton Caughey, *McGillivray of the Creeks* (Columbia: University of South Carolina Press, 2007), xvii.

peaceful land grants were made by Tomo-chi-chi to the British government. However, at that point in time, Tomo-chi-chi was only recognized as *mico* by his *seminole* Yamacraw band, that is, expatriates, wanderers, individuals banished by their town, and not recognized by any Creek town.

Tomo-chi-chi either had left his town, perhaps over politics, or had been banished. When he found himself leader of a group of outcasts, he moved toward the Savannah River in search of a place to settle. In 1732, as the first Georgia colonists were sailing across the Atlantic Ocean, he requested permission of South Carolina Governor Robert Johnson to settle at Yamacraw Bluff, soon to be the site of the Georgia colony. When the settlers arrived five months later, he welcomed them and worked to introduce them to the Creeks of the Lower Towns.

In 1733 *micos* and headmen of the Lower Creeks visited the Georgia settlement. Since no other Creeks lived in that region, they told Oglethorpe that Tomo-chi-chi was a great *mico* among them, and that they were pleased he had arranged such a friendship with the English. Had the true *micos* not recognized Tomo-chi-chi they would have had no grounds on which to claim the area being settled by the colonists. At that time the next nearest Creek town was over a hundred miles distant. On abandoned or conquered land, the British colonists could have just moved in. Neither the Yamasee nor the Gualé were threats to return. So the area was available for the taking. By naming Tomo-chi-chi as a great *mico*, the others secured for themselves authority to treat with Georgia over all the lands west of the Savannah River.

A successful treaty was negotiated which led to years of cooperation between the parties and which included provisions that would carry unforeseen consequences. Two of the articles are of paramount importance to this work. First, Creek sovereignty over the land was guaranteed in Article Four, but the English could move onto lands not being used by the Creek Nation. In order

to do so, however, there had to be prior consent in the form of a grant negotiated in a treaty. The second article which must be remembered is the final article of the treaty, which declares that the Creeks recognized England's sovereignty and promised "not to have any correspondence with the Spaniards or French." This would be used as evidence in the 1780s that members of the Creek Nation had been members of Georgia since its settlement, so they were not included under the authority of the United States by either the Articles of Confederation or the Constitution.⁵²

The pretense of a unified Creek Nation continued after the settlement of Georgia when a legal case involving Mary Musgrove Bosomworth and her claim to three coastal islands came to a head in court in Savannah. Calling on her close kin, Malatchi, *mico* of Coweta, Mary defended her claim, with Malatchi producing a deed in which the nation had granted her the islands for her services as translator in the founding of Georgia. In a long, drawn-out proceeding, the state tried to repudiate the deed, since it was signed by only sixteen *micos*.

At one point Malachi turned to South Carolina Governor Glen for assistance. While dealing with the dispute in Georgia, a group of Upper Creeks massacred a number of Cherokee who were under Glen's protection, and the governor sent Thomas Bosomworth, Mary's husband, to ask that Malatchi obtain satisfaction for the murders before war broke out. Malatchi used his influence as well as that of Mary, who had relatives among the Upper Creek, including the accused murderer, to seek satisfaction. After a convoluted series of negotiations, the guilty party, one Acorn Whistler, was executed by a kinsman, and afterward, his family was convinced that it was just and no further satisfaction was warranted. Through this incident, Malatchi secured his

⁵² C. C. Jones, Jr., 38.

claim among the colonists that he was the leader of the nation, a claim not supported by many of his countrymen.⁵³

By 1757 many Creek hunters were in considerable financial arrears to the traders in Georgia. While the debts were actually those of the towns, or of individuals, the colonial government could not successfully prosecute individuals who had nothing with which to pay. The only apparent solution was to force the towns in arrears to cover the debts by threatening to cut off all trade to the towns involved. Acting to collect the account balances, Governor Henry Ellis negotiated a treaty by which the combined Creek debt was canceled in exchange for a land session. These lands were insignificant to the *micos* who signed the treaty, but for the colony, the treaty closed a long-standing irritation regarding the islands claimed by Mary Bosomworth and her heirs. It is of importance to note here that only twenty-one Lower Towns were represented at the signing.⁵⁴

A similar situation occurred in 1763 following the French and Indian War. Following the pattern of the Treaty of Paris (1763), the Treaty of Augusta (1763) forced a tremendous land cession to the colony of thousands of square miles by the towns which had supported the French, including all of the lands between the Savannah and Ogeechee Rivers. According to Hahn, the representatives of the Cherokee and other Nations gave speeches of loyalty and exchanged tokens of peace: the Creeks did not. Further, the Creeks who signed the cession included only leaders from those towns which had supported the British during the war, towns which Hahn

⁵³ Hahn, 202-25.

⁵⁴ Hahn, 261.

identifies as “point Towns.”⁵⁵ These incidents would later be used to refute Creek claims that all towns had to agree on land cessions.

Ten years later, in 1773, colonial Georgia negotiated its last treaty with the Creeks. Like the Treaty of 1757, it was based on debts. As they had done in 1763, *micos* of the Upper Towns disavowed the Treaty of Augusta (1773) because it had not been approved by the whole nation. This claim, while not part of Creek political policy before 1757, is an example of McNeill’s statement that “discredit[ed] old myths” required “new ones to replace them.” In trying to maintain control over their lands, the Creeks modified long-standing town autonomy and replaced it with the concept of holding the land in trust for all Creeks. Ironically, Georgia and the Creeks traded myths; Georgia claimed in 1757 that only sixteen *micos* had signed the Bosomworth deed, so it was invalid. Now Georgia claimed that unanimous agreement was not needed, while the Creeks adopted Georgia’s previous position that unanimity was required.⁵⁶

This work may appear to treat the Creek Nation as a unified polity during the period under study. In fact, nothing could be farther from the truth, and that conclusion is not intended. Part of this appearance is due to the nature of Euro-American communications with each other and with the Creeks during this conflict and others. The leaders of Georgia, the United States, Spain, England, and other political entities treated the Creeks as a single polity in order to negotiate in a manner to which they were accustomed and which they incorrectly tried to project onto the various Indian nations. It did not work when Brims was “emperor,” nor did it work when others tried to follow Brims’s path.

⁵⁵ Hahn, 269.

⁵⁶ McNeill, 25.

Because of this inaccurate view of the situation, many officials during the last two decades of the 18th century, especially those in Georgia, the United States, and Spanish Louisiana and the Floridas, conducted most diplomatic business through one man, Alexander McGillivray. William Bowles would become a contender for leadership against McGillivray during this period, but McGillivray continued in his assumed role of *Fanni Mico*, speaker for the towns, until shortly after the Treaty of New York (1790), when his influence would wane until his death in 1793. It is for that reason that this study follows the course it does. This is not to deny that many other Creek leaders played parts in this story, important parts that added to the frustration of Euro-American negotiators as the sources of Creek resistance and support shifted over time. However, through all of this, the vast majority of Creeks, including McGillivray's internal opposition, agreed with him that their lands were sacred and should not be given to Georgia.

Following McGillivray's lead, many Creeks continued to fight for their lands after his death. Leaders who had fought with McGillivray and against him rose to positions of various degrees of prominence. Among these were the Tame King of the Lower Towns, who spoke against McGillivray as often as for him, and Efa Haujo, called "the Mad Dog," who was one of Bowles's most trusted friends. Efa Haujo later signed the Treaty of Coleraine in 1796 and became *Fanni Mico* of the Upper Towns. Tame King went south and joined the Seminoles and probably fought against Andrew Jackson in the Seminole Wars. Many others tried to take McGillivray's role, but the one who came closest was William McIntosh, who fought with General Jackson and the Americans in the Creek Wars. He was killed by Creeks for giving away Creek land.

These last, brief paragraphs only serve to illustrate that the Creek wars continued for decades after the era discussed in this work. The Creeks refused to treat with Georgia or with the United States, which eventually led to their forced removal under the Indian Removal Act of 1830, carried out between 1835 and 1840. The Creek Nation never signed a treaty for removal, maintaining the same position it had held since the end of the American Revolutionary War.

By the end of the American Revolutionary War, the people of Georgia were ready for a respite from violence and a chance to live their lives in peace. The only remaining business was collecting reparations from the Creeks in order to pay the militiamen who had fought the British to win their independence. Georgia wanted those reparations in the form of a land cession. The next chapter describes Georgia's attempt to negotiate with the Creeks to affect that cession, leading to the rise of strong opposition on the part of most Upper Creek and a few Lower Creek Towns, led by a young man of the Wind Clan who was primed for the task, Alexander McGillivray. Of mixed parentage, Creek and Scot, he was literate, articulate, charismatic, and above all, a defender of the Creek Nation. Georgia would find him an intractable foe, steadfastly opposed to their plans, and possessing skills with which to halt any expansion Georgia attempted.

CHAPTER 4. “HALF-BREED SON OF A SCOTSMAN”: THE RISE OF ALEXANDER MCGILLIVRAY

Previous chapters have provided basic information on the claims made on land in Georgia as understood by the Creeks, the Spanish, and by Anglo-Americans. Those claims can be broadly categorized as right of prior appropriation, divine right, and right of conquest or agreement. This chapter will explore Georgia’s efforts to expand its territorial holdings based on the latter, which, among other things, led to the rise to power of Alexander McGillivray as *fanni mico* of the Creek Nation. As such, he would stand as Georgia’s greatest adversary in their expansionist plans as he overtly and covertly worked to protect the interests of the Creek Nation against such intrusions.

Alexander McGillivray was the son of Lachlin McGillivray, a major factor in the Georgia trade during the colonial period, and Sehoy, of the Wind clan. Thus, while still young and largely untested in the role of *mico*, as the grandnephew of Emperor Brims and grandson of Chigelli, he found himself in a very powerful position.¹ This chapter will further relate how he used this position to garner the support of the Spanish governments in East and West Florida and in Louisiana as he implemented his struggle to prevent Georgia from usurping title to Creek territory.

Opposition to McGillivray, in the form of negotiated treaties with Georgia, showed that not all Creeks agreed with his resistance to Georgia. *Hoboithle Mico*, called Tame King, and

¹ Hahn, *in pass.*, Hahn relates that Malatchi was the son of Chigelli and nephew of Brims. Malatchi was also related to Brims niece, Coosapnakeesa, who was known as Mary Bosomworth, and served as a translator between the Creeks and General Oglethorpe. Caughey, xvi, says Lachlan McGillivray married Sehoy Marchand, “a woman of the Wind clan,” purportedly a niece of Coosapnakeesa.

Neha Mico, called Fat King, led the Lower Creek towns as they negotiated three treaties with Georgia between 1783 and 1787.²

McGillivray was beginning to show weaknesses physically as various unidentified medical conditions began plaguing him, but he remained strong-willed and steadfast to his commitment that the Creeks had emerged from the war without any loss of territory, and they would not cede land to Georgia based on Britain's cessation of hostilities. His fierce loyalty to his people created within him a driving force to protect the nation from encroachment, and he determined to be in the forefront as the Creeks controlled the outcome of the confrontation with Georgia. The Creek people controlled their own destiny, and Alexander McGillivray personified that determination.³

The American Revolutionary War destroyed political, economic, and social interactions as they existed between Creeks and Georgians prior to the war. Georgians, patriot and loyalist, had fought each other in violent confrontations, and the Creeks were forced to choose whether to support the Loyalists and the British government, to support the independence movement, or to remain neutral. A relatively small group, primarily of the Lower Towns, supported Georgia's efforts, while a larger group, drawn mostly from the Upper Towns fought for the British cause. The majority, however, tried to remain neutral.⁴

²Claudio Saunt, 81-83.

³Caughey, 3-4. Caughey lists several ailments that plagued McGillivray, including migraines, gout, rheumatism, and venereal disease that tended to prevent him from travel and other physical activities throughout the course of his years. Yet, he persisted in his struggle against Georgia despite these handicaps.

⁴Cusata King's talk delivered to [John Galphin], 11 April 1786, Document TCC205, Hargrett Library, Digital Library of Georgia.

The Creek Nation had, for several decades prior to the war, relied on the relative stability that the British imposed on the region. One result of that was the decentralization of the Creek polity that Brims had sought to establish in the 1720s in favor of more independent authority among the town *micos*. Amid the chaos that arose following the war, with the incumbent loss of order, most *micos* tried to establish control as best they could. During this period a number of leaders would arise, including Fat King, Cusa King, Tallassie King, Mad Dog, William Bowles, and Alexander McGillivray. While the European powers struggled against each other for suzerainty, these Creek leaders would struggle with each other for prominence in leading their nation in its fight for independence and security. Some would turn to Georgia and seek long-term peace, while others would turn to Spain. Yet, even as they sought differing means, their goal remained constant, sovereignty of their homeland. Thus, as the European powers tried to protect their own self-interests, the Creek Nation, primarily through the manipulations of McGillivray, “the half-breed son of a Scotsman,” sought to control the ebb and flow of the conflict.⁵

Additionally, Spain and France had entered the war on the American side, further adding to the complications faced by Creeks. Both Spain and France sought to regain territory previously lost to Britain. French forces fought in eastern Georgia, most notably at the Siege of Savannah in 1779, while the Spanish army took British outposts in south and central Georgia, i.e., the panhandle of modern Florida, Alabama, and Mississippi (the so-called “Yazoo Strip). Spain did not recognize the territory it captured as part of Georgia, which would lead to animosity between the two.

The Creeks emerged from the war having lost their primary European ally, but never having lost territory. An honest appraisal of the military situation between those parts of the

⁵ Arturo O’Neil to Josef de Ezpeleta, Oct 19, 1783, in Caughey, 62. This letter, to the Captain-General of Havana, explains O’Neil’s first meeting with McGillivray.

Creek Nation that allied with Britain and Georgia would adjudge the confrontation a stalemate. Creek forces lost major confrontations in eastern Georgia, such as Kettle Creek, but they did not lose any battles on their own territory. This fact supported their claim that they did not lose any of their rights based on Britain's surrender of territory.

Before the end of the Revolutionary War the Creek Nation existed as a Euro-American creation established by colonial authorities for the purpose of negotiating with disparate groups, each holding a degree of sovereignty. Beginning in 1783, as the new state of Georgia made demands for land as restitution for damages suffered during the war, new leaders arose among the Creeks who tried to unite the towns into a single polity capable of standing up to those demands. As far as the Americans and Spanish were concerned, from that point in 1783 the Creek Nation was a real political entity with whom they had to negotiate. While the elected officials of Georgia imagined that they were in a position of power in regard to Indian affairs, that was not the case. For the next thirteen years, the Creeks, far from being passive bit-players on the stage of history, controlled the history of the Georgia frontier. Alexander McGillivray led new leaders in developing a policy in which there would be neither negotiations nor peace with Georgia until Georgia accepted that the border between the Creeks and the state would remain the Ogeechee River.⁶

On July 11, 1782, the British garrison began its evacuation of Savannah, the last British garrison in Georgia. Troops and Loyalist civilians, as well as various Indians in service to the British military, were transported to Charleston, Nova Scotia, or St. Augustine. Charleston was

⁶McGillivray for the Chiefs of the Creek, Chickasaw, and Cherokee Nations, July 10, 1785, in Caughey, 90-93. Specifically, McGillivray wrote, "We have repeatedly warned the Sates of Carolina and Georgia to desist from these encroachments and to confine themselves with the Lands [granted] to Brittain in the year 1773," referring to the Treaty of Augusta, 1773, which established the Ogeechee River as the western limit of British settlement.

evacuated five months later. Under preliminary articles ending the Revolutionary War signed in Paris in February 1783, British subjects were ordered to leave Florida, but Patrick Tonyn, governor of British East Florida, managed to negotiate extensions with the Spanish in which the date was set for July 19, 1785, and then for November 1785.⁷

Large numbers of Creeks traveled to St. Augustine in 1782 because they were concerned that since the British had ceased military action against the Americans, they would be abandoned. Under Governor Tonyn's direction, Lieutenant Colonel Thomas Brown, British Superintendent for Indian Affairs in East Florida, urged the Creeks to go home and return to hunting, farming, and trading. When the Creeks complained that there would be no supplies forthcoming, Brown promised to continue the trade somehow. Indeed, despite knowing that British subjects had to remove in the near future, Tonyn and Brown licensed Panton, Leslie and Company to open a trading store at Pensacola at the mouth of the Apalachicola River.⁸

As with all complicated situations, numerous motives operated within the differing groups affected by the impending changes. Some of these motives overlapped, changed, or carried different weights within each group. Individual responses also varied within groups. There were some common, over-riding concerns that can be safely generalized, if allowances are made for exceptions.

Among the Creek Nation two major concerns were evident. The first was trade. The Creeks, like many nations, had become dependent on European goods, and were highly concerned about the withdrawal of their primary supplier, Britain. That is evident by the actions

⁷Carole Watterson Troxler, "Loyalist Refugees and the British Evacuation of East Florida, 1783-1785," *Florida Historical Quarterly*, 60 (July 1981): 13.

⁸William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie & Company and John Forbes & Company, 1783-1847* (Pensacola: University of West Florida Press, 1986), 49-50.

of Creeks who traveled to St. Augustine to beseech Governor Tonyn not to abandon them. Their other major concern was the security of their land. The British Crown had guaranteed the Creeks their lands and had somewhat prevented Georgia colonists from crossing the Ogeechee River, but post-revolutionary Georgia was not of the same mind. This, then, the security of Creek lands, would become the pre-eminent concern for the Creek Nation for decades.

The boundaries were also a major concern of Georgia, the United States in Congress Assembled, and Spain. For its part, Georgia was confident that its borders were clear. According to Georgia, the border with the Spanish began at the mouth of the St. Mary's River and followed that river to its headwaters, thence westerly to the Chattahoochee-Flint River confluence, north to 31°N latitude, and west to the Mississippi River. This boundary was established by the Preliminary Articles of Peace between Britain and America.⁹

Georgia did not delay in announcing that the Creeks would pay for supporting the British in the war. Shortly after the British evacuation, Georgia Indian agents began pressuring the Creeks to cede the territory between the Ogeechee River, the 1773 boundary, and the Oconee River, about forty miles to the west, an area of some 800 square miles. Spain, however, did not accept that boundary. By the treaty ending the Seven Years War, Britain had taken possession of East and West Florida. In the summer of 1763, the borders of West Florida were extended from 31°N to 32° 28"N by the British to improve efficiency in managing the region. During the war

⁹ *Preliminary Articles of Peace; November 30, 1782, Treaties and Other International Acts of the United States of America, Vol. 2, Documents 1-40: 1776-1818*, Ed. Hunter Miller (Washington: Government Printing Office, 1931), "The Avalon Project," Yale Law School, http://avalon.law.yale.edu/18th_century/pre11782.asp.

Spanish forces had captured territory well north of Natchez, near the western terminus of the border, and claimed that Britain had been generous in giving America land it did not control.¹⁰

The issue of trade was of major concern for all parties. British traders had been conducting the trade with the Creeks for decades, with minor intrusions by France and Spain. With Spain gaining control of the Gulf coast, it fully intended to profit from the trade, but did not have the mechanisms in place to fill the needs of the Creeks. In fact, Spain's record on Indian trade must be considered dismal, as British traders from Georgia to Virginia had provided the majority of trade with the Creek, Choctaw, and Chickasaw nations in French, then Spanish Louisiana east of the Mississippi.

Tonyn had sent memorials to the Spanish court in favor of Panton, Leslie and Company, but Bernardo de Gálvez, interim governor of Louisiana, preferred to license Spanish traders to supply the Creeks, Chickasaws, and Choctaws through Mobile. He did recognize the amount of time that would be necessary to establish such a trade. Because of the danger that Georgians could insinuate themselves and direct the trade to the east, he granted a temporary permit to Panton under the courtesy of allowing that company to dispose of its trade goods.¹¹

The state of affairs following the Treaty of Paris (1783) ending the Revolutionary War created a situation in which numerous parties attempted to claim territory in Georgia west and south of the Oconee–Altamaha river basin. Not all parties agreed on the interpretation of the treaty stipulations, especially as regarded territorial limits and boundary lines. Indeed, the Creek Nation, like its northern counterparts, having not even been party to the negotiations, totally rejected the insinuation that the treaty applied to them. It was basically understood by the

¹⁰ J. Leitch Wright, Jr., *Anglo-Spanish Rivalry in North America* (Athens: University of Georgia Press, 1971), 133.

¹¹ Coker and Watson, 54-55.

American, and especially, Georgian negotiators that the land claims of all Indians who had allied themselves with the British, especially, in this case, the Creeks and Cherokees, were forfeit. As with the treaty itself, the majority of the Creeks rejected this premise for many reasons, not least of which were the facts that they had not been defeated in the war and were still in possession of the territories claimed by the Americans.¹²

As in many parts of the new nation, Georgians were clamoring for the extinguishment of Indian land claims so that they could take possession of the territory. In the interest of propriety, Georgia sought to do so through treaty negotiations, as had been the custom of the Colonial British government. Even during the colonial period, however, the use of extortion was not uncommon in treaty negotiations. The Treaty of Augusta (1773) was an example of such negotiations. Under that treaty, the Cherokees and the Creeks were forced to cede territory which included lands along the watershed between the Oconee River and the Broad River, from near Augusta to their headwaters, in payment for debts incurred since 1761. Neither the Creek nor the Cherokee were entirely without guile during the negotiations, either. Both nations claimed the territory after the Westos had been removed from the region, so neither considered it a great loss to surrender land claimed by their enemy in exchange for a clean financial slate. The other section ceded in that treaty by the Creeks consisted of strip of land between the Ogeechee and

¹² Governor Estevan Miró, to Gov. Arturo O'Neill, 10 July 1785, Berry, 464, in which Miró tells O'Neill about McGillivray's protest concerning the British ceding the Creek lands (along with the Chickasaw and Cherokee lands) to the Americans. For a discussion of the issue in the Northwest Territories, see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), 405-10, 417.

Oconee Rivers from Phinhotaway Creek to Barber Creek on the Altamaha River, and then north until the line intersected the Ogeechee River (Fig. 2).¹³

Following this pattern in 1783, Georgia governor Lyman Hall appointed a delegation to negotiate a new boundary with the Creeks. In the Treaty of Augusta (1783) signed on November 1, the Creeks purportedly ceded all of their lands east of the Oconee River. Leading the negotiators for Georgia were General John Twiggs, Edward Telfair, and Colonel Elijah Clark, a commander in the Georgia Militia.¹⁴ Creek signatories included Tallesee King, Tallesee Warrior, Fat King, Mad Fish, and ten other *micos* and warriors.¹⁵

One of the major stated purposes of this treaty was to establish formal relations between the State of Georgia and the Creek Nation. This was obviously necessitated by the cessation of British sovereignty, and a reasonable first step in closing hostilities in the region. The first and fourth articles of the treaty were designed to establish friendship and amity between the formerly warring parties. Article I of the Treaty is a statement that all differences existing between the parties “shall cease and be forgotten.” The fourth clause acknowledges the giving of gifts by the Georgia commissioners to “the Indians present.”¹⁶

Likewise, Articles II and V aimed at restoring property and trade to the *status quo antebellum*. All property, to include slaves, livestock, and other property was to be restored by

¹³ Robert and George Watkins, “Treaty at Augusta with the Cherokee and Creek Indians, in 1773,” *A Digest of the Laws of the State of Georgia From Its First Establishment as a British Province Down to the Year 1798, Inclusive, and the Principal Acts of 1799* (Philadelphia: R. Aiken, 1800), 764.

¹⁴ Watkins, “Treaty at Augusta with the Creek Indians, in 1783,” 767-68.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

the parties in possession of the property. Trade, likewise, would be restored, to include resident traders in the Creek Nation operating under Georgia licenses.

Article III of the treaty designated the boundaries for a new land session. Both Creek and Cherokee claimed the northern area of the cession, so identical wording was used in this treaty and in the *Treaty at Augusta with the Cherokee Indians, in 1783*. The line started at Keowee on the Savannah River at the point the cession of 1773 ended, and went southwest to the Ogeechee River. This line marked the old boundary, and became the starting point for the new cession. From Keowee, a line was drawn north to the Tugaloo River (one of the headwaters of the Savannah), then southwest to Currahee Mountain, and thence to the headwaters of the most southern branch of the Oconee River. The final line went down the center of the Oconee River to the point where the Creek line intersected the previously established Georgia border, a line paralleling the Atlantic coast from the headwaters of the Altamaha River south to the Florida line; i.e., the inland reach of the tidewater.

Table 1. Creek Signers of the Treaty of Augusta (1783)

Alachago	Mad Fish
Cowetaw	Okolege
Cuse King	Second-man
Fat King	Sugahacho
Hitcheto Warrior	Tallesee King
Inomatuhata	Tellesee Warrior
Inonmatawtusnigua	Topwar King

Of the Creek delegation members who are listed in the records as attending, Okoney and Head Warrior did not sign the treaty, while Cowetaw, who was not originally listed, did sign. Thus, of the signers of the treaty (Table 1), at least six were *micos*, and at least six others were Clan leaders, Beloved Men, or Great Warriors. This treaty was immediately denounced by

several principle chiefs of the Creek Confederacy, including Alexander McGillivray, *tusténúggi* 'láko of Little Tallassee, and Mad Dog, *mico* of Tuckabatchee, both Upper Creek towns.

Creek Land Cessions, 1733 - 1800

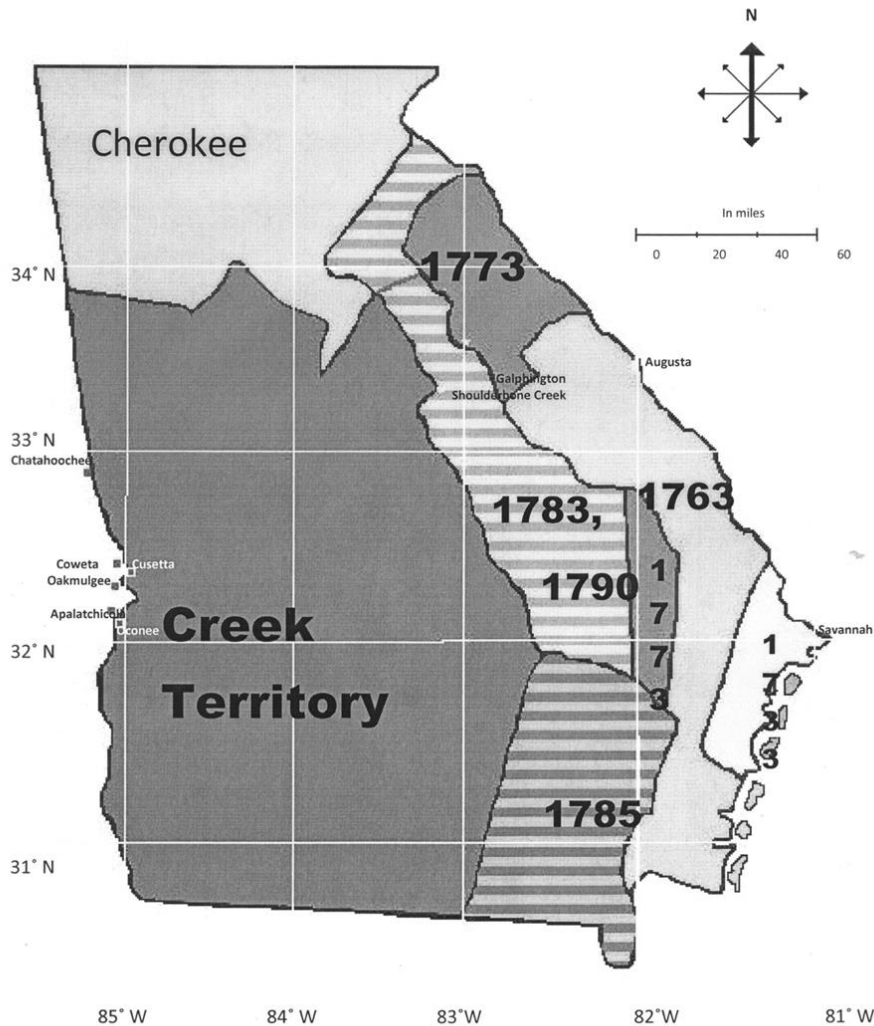


Fig. 3. The striped areas on this map represent the contested lands during the period under consideration.

It was at this point in time that Alexander McGillivray came to the forefront as one of the most important leaders of the Creek Nation. During the American Revolution McGillivray had led several war parties on behalf of the British against Georgia and South Carolina. Following

the cessation of hostilities in 1781 he led a faction of Upper Creek in an attempt to create a more unified nation with the Head Warriors (*tustěnúggi*) holding more power. Typically, with the end of hostilities, power among the Creeks reverted back to the civilian *micos*. With the end of the war the *micos* tried to reestablish their control with the assistance of some Georgians who hoped to reestablish trade with the nation. The dissenters did not believe that the treaty adequately addressed the circumstances, so they did not consider the treaty binding on them, especially as regarded land cessions. McGillivray, who was at that time both Great Warrior and Beloved Man, consistently maintained the boundary between Georgia and the Creeks remained as it was before the war, that is, the Ogeechee River plus the narrow coastal strip from the Ogeechee to the St. Mary's River. In a show of power, perhaps intended to impress his opponents, both red and white, McGillivray ordered the execution of three traders led by a "Col. Sullivan" who supported the "peace" faction, which execution was carried out in the town square.¹⁷

Explaining his reasons for commencing what became generally known as the "Oconee War" with Georgia in 1783 in a letter to Arturo O'Neill, the Spanish Governor of Pensacola, McGillivray claimed that only two secondary chiefs of the Creeks had signed the Treaty of Augusta in 1783, and then only after they had been held for nearly a week and threatened with death if they refused to sign. He insisted that all treaties had to be approved by the "General Convention," an assembly of the *micos* of all the towns, and that, since the treaty had not been properly negotiated and approved, it was of no effect.¹⁸

Who was Alexander McGillivray, and by what authority did he come to speak for the Creeks? McGillivray was the son of Lachlan McGillivray, a wealthy trader from Savannah and

¹⁷ McGillivray to O'Neil, Jan. 3, 1784, AGI C 197, in Caughey, 66. The town in which the executions took place is not specified in this letter.

¹⁸ McGillivray to O'Neill, 28 March 1786, AGI C 199, in Caughey, 104.

Augusta, and a Creek Indian woman named Sehoj, described by George White as “of high rank in her nation . . . cheerful in countenance, bewitching in looks.” Sehoj’s mother was a Tuskegee of the powerful Wind Clan, while her father was, Captain Jean Marchand, commander of Ft. Toulouse, a French post on the bend of the Alabama River.¹⁹

Alexander was educated under his uncle Farquhar McGillivray’s tutelage in Charleston and took an apprenticeship as a clerk in a Savannah trading house. Alexander McGillivray was commissioned as a colonel in the British army and led the Creeks against the Georgia and South Carolina militias on several occasions. Lachlan McGillivray had also sided with the British during the war and subsequently lost his entire estate when it was confiscated by Georgia.²⁰

During the Revolutionary War Great Warriors assumed control of the towns as many of the Creeks allied themselves with the British. While never providing the manpower the British expected, Creek warriors did engage in a number of actions in Georgia against the Americans, including the battles at Alligator Creek, Long Cane, Fish Dam, and Kettle Creek.

Following the Revolutionary War, Georgia offered to restore the McGillivray family estates to Alexander (Lachlan having returned to Scotland), but he rejected the offer and began an effort to lead the Creeks in their efforts to prevent the expansion of the Georgia settlements into Indian Territory.²¹ He refused to accept that the Creeks had been defeated and maintained that the Head Warriors were still the rightful authorities. McGillivray realized that the only way

¹⁹ George White, *Historical Collections of Georgia: Containing the most Interesting Facts, Traditions, Biographical, Sketches, Anecdotes, Etc., Relating to Its History and Antiquities from Its First Settlement to the Present Time* (New York: Pudney & Russell, 1854), 154.

²⁰ Amos J. Wright, Jr., *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815* (Montgomery: New South Books, 2001), 155-58. According to accounts provided, the McGillivray family lost a minimum of £27,462 under the Georgia Banishment and Confiscation Act (1783), of which the British government reimbursed £9,048.

²¹ White, *Historical Collections of Georgia*, 154-55.

in which he could maintain the independence of the Creek Nation would be to establish an alliance with Spain. In order to do so he requested a meeting with the Spanish governor of Pensacola to be held sometime in 1783. Still a newcomer to positions of leadership within the Creek Nation, and reacting to personal emotions regarding the loss of the British and therefore Creek claims to territories within Georgia, McGillivray worked diligently to convince other Creek leaders that only a Spanish alliance would allow them to maintain their territory. At about the same time, he appealed to British Governor Tonyn to continue supporting trade with the Creek Towns through the trading house of Leslie and Panton.

The Spanish recognized the true importance of McGillivray before the Georgians. Arturo O'Neill, Governor of Pensacola, described him as the "half-breed son of a Scotsman and an Indian woman of the Wind Clan, a sister of the Indian chief named Red Shoes."²² As the nephew of a powerful *mico* of the Wind Clan, McGillivray was one possible heir to an honored position of great authority. According to Milfort, McGillivray was elevated to that rank (*mico*) in May, 1780, at his (Milfort's) insistence.²³ More reliable sources claim that McGillivray was elected *tustěnúggi 'láko* shortly after the June 23, 1782, Battle of Ebenezer Creek in which *mico* Emistisigua was killed. It was in this position, as *tustěnúggi 'láko*, and possible heir to Emistisigua's position of *mico*, he requested a meeting with the Spanish governors of the Floridas.

The long anticipated treaty conference was held from May 30 to June 1, 1784, in Pensacola. The Spanish colonies were represented by Florida governors Estevan Miró and

²² O'Neil to Josef de Ezpeleta, Oct 19, 1783, in Caughey, 62.

²³ Milfort, 35. It would seem unlikely that McGillivray would be elevated to *mico* in 1780 since his uncle, Red Shoes, was still living. He died sometime between October 19, 1783, when Gov. O'Neil mentions him alive, and January 3, 1784, when McGillivray mentions his death.

Arturo O'Neill, and Martín Navarro, Intendant of Louisiana. McGillivray represented the Creek Nation and was escorted by a small delegation of *micos* and *tustěnúggi 'láko*. His Catholic Majesty was represented by Commanding General Bernardo de Galvez, and Estevan Miró, Governor of West Florida, and their deputies.

The goals of the Spanish were twofold. First they were concerned with protecting their borders as they understood them under the Treaty of Paris. Britain governed the Floridas before the war, and Spain had defeated the British in that quarter. Therefore, Spain maintained, the entire Yazoo strip, which had been administered as part of West Florida by the British, was included in the session to Spain. Thus, Spain claimed the territory from 32° N. at the headwaters of the Apalachicola River west to the confluence of the Yazoo and Mississippi rivers and all the territory south of that line. This was opposed by Georgia's claim that, based on the royal charter of Georgia and previous treaties with Spain, the boundary of Georgia extended from the headwaters of the St. Mary's River westward along the 31st parallel to the Mississippi River.

Spain's second goal was to control the Indian trade in the region it claimed and, perhaps, beyond. Its desire for gold and silver in the region had long since been abandoned, but the Indian trade offered an impressive profit. In this arena Spain was at a distinct disadvantage, because British traders operating out of Charleston, Augusta, Savannah, and Pensacola had long maintained a monopoly on the trade, and with their removal, American traders presumed that they inherited the operations.

McGillivray convinced both Galvez and Miró, who wrote that the Creek Nation held the answer to Spain's dilemma. Using his impressive knowledge of diplomacy and his strong analytical skills, he presented the case to the Spanish representatives, convincing them as to why Spain should take Britain's place as guardian of the southern Indians. In his arguments he

showed a clear understanding of international relations and the desperate economic conditions in which the United States found itself. He began by denouncing the transfer of Creek lands by Britain to the United States based on Britain's loss, and claimed that the Creeks, a free people, could decide for themselves with whom they would ally. His analysis of the economic conditions in the United States, which owed over \$40 million and was struggling to meet a \$2 million interest payment to France, was extremely accurate. He related how the Congress had assessed the states for the debt, but the states were reluctant to comply, while many Americans were migrating west to avoid taxes and were considering secession. McGillivray strengthened his arguments by appealing to the mutual safety of the Creeks and the Spanish territories by insisting that the Creeks were Spain's best defense against "greedy" American encroachment, while Spain had the resources to provide the Creeks the trade goods on which they relied.²⁴

By the time the treaty negotiations began, both parties were fairly sure of the terms of the treaty. The Creeks pledged loyalty to the Spanish crown and agreed not to allow any traders to enter their territory except those with Spanish passports. They further agreed to support Spain in the event of any military confrontations with the United States or Georgia. For their part, Spain pledged to provide all of the trade goods previously provided by the British at fair prices. Since Spain did not have the means to open this trade immediately, McGillivray insisted that Panton, Leslie, & Co., the British firm that had been conducting trade during British rule, would continue operating as a monopoly out of Pensacola with the right of opening additional trading houses. Panton and Leslie secretly made McGillivray a partner in the business for having secured their position.²⁵

²⁴ McGillivray to O'Neil, AGI C 36, in Caughey, 64.

²⁵Caughey, 24.

One article of the treaty made McGillivray the Spanish agent for the Creek Nation at an annual salary of \$2000, later increased to \$3500. However, unknown to the governors was the fact that McGillivray still held his commission as a colonel in the British army with pay commensurate to his rank.²⁶

With the signing of the treaty, officially titled the “Articles of Agreement, Trade, and Peace stipulated and Granted by the Spanish Nation to the Talapuches Nation,” both parties gained what they thought they needed most: secure borders and a sound economic system beneficial to all. Thus, McGillivray based his authority on his office within the Creek Nation and his alliance and assurances from Spain. Armed with these credentials, he began his diplomatic war with Georgia. This also served to cement his ties with Spain. Some Creeks had signed the Treaty of Augusta the previous year, on November 1, and with the signing of the Treaty of Pensacola on June 1, 1784, the Creeks appeared lawfully obligated to competing powers. From McGillivray’s view, the first priority must be the extrication of the nation from the Treaty of Augusta.

He began the process by first calling a meeting of the towns for late June demanding to know why Tallassee King and Fat King had agreed to the terms of the Treaty of Augusta. Under Creek custom, claimed McGillivray, no treaty could be valid unless all of the towns approved (a condition that McGillivray did not think applied to him in that he, alone, signed the Treaty of Pensacola on behalf of the entire nation).²⁷

²⁶Ibid., 25.

²⁷ Charles H. Fairbanks, “Ethnohistorical Report of the Florida Indians,” Tallahassee, University of Florida, UF Digital Collections, George A. Smathers Libraries. This is an undated document commissioned 11/16/1956 by the United States Department of Justice Before the Indian Claims Commission, Docket #s 73 & 151.

McGillivray informed the Georgia administration that the meeting was called because some of the Creek towns were about to attack Georgia surveyors rumored to be on the Oconee River marking a line supposedly ceded by two Lower Creek towns the previous year. He described how the two *micos* who signed the treaty did not have authority to give lands held “in common” and that they reported that they did so only under threat of “instant death.” This letter also included the open threat of war if Georgia did not act to prevent white settlers from crossing the Ogeechee River.²⁸

While tensions were building between the Creek Nation and Georgia, it appeared that they were ending as regarded the Cherokees. The Cherokee chiefs and headmen also met with Georgia commissioners in Augusta and negotiated a treaty acceptable to both parties. “The Treaty at Augusta with the Cherokee Indians, in 1783” was signed on May 31, 1783. This treaty included the requisite articles confirming peace, the return of property appropriated unlawfully by each party, and a specifically described boundary.²⁹

Col. Clark was assigned to oversee the marking of the boundary between Franklin County, Georgia’s northernmost county, and the Cherokee Nation. The custom in eastern woodlands was to physically mark trees along the designated line with hash marks (cut with axes) on one or two sides of the trees in a manner that the marks could be seen clearly from one tree to the next, with the distance between marked trees dependent on the visibility allowed by the geography. The Cherokee–Georgia line went north from the Savannah River at Keowee Creek northwestward to the confluence of the Savannah and Tugaloo rivers, then southwest to the peak of Oconna Mountain, then onward to the peak of Currahee Mountain. From Currahee

²⁸ Alexander McGillivray [to an unspecified recipient, possibly Gov. John Houston], 30 June 1784, Document TCC901, Hargrett Library, Digital Library of Georgia.

²⁹ Watkins, *Digest*, “Treaty at Augusta with the Cherokee Indians, in 1783,” 765-66.

Mountain the line continued on a straight line to the headwaters of the southernmost branch of the Oconee River. The line then followed this branch of the Oconee to where it intersected the Creek boundary.³⁰

Sixty miles of this boundary were across heavily wooded mountains that presented some difficulty in marking. Clark and his team of surveyors were greatly assisted by Cherokee representatives, an indication of the effort taken by both sides to negotiate amicable relations. The running of the line was completed by February 1785, and the legislature voted to approve Clark's invoice of £74.9.4. Due to lack of funds, payment was not made, however, until September 1785.³¹

Congress was also paying close attention to the threat of a general Indian War rising in the southern states, especially in Georgia. The Committee on the State of Southern Indian Affairs sent, on March 11, a recommendation to Congress (the United States, in Congress Assembled) that it appoint commissioners to treat with the various Indian tribes as far north as the Cherokees and as far south as United States boundaries extended, that is, the Choctaws. These commissioners were to inform the Indians that they had taken great advantage of American settlers during the war, and would have to cede land in reparation. However, once the boundaries were marked, they, the Indians, would be secure in their lands and protected from interlopers.³²

Four days later Colonel Elijah Clark, Colonel Benjamin Hawkins, and Major General Lachlan McIntosh were given commissions from Governor Samuel Elbert to negotiate with the

³⁰ Watkins, "Treaty at Augusta with the Cherokee Indians, in 1783." 765-66. I have not been able to locate "Oconna" mountain and believe this may have been an alternate spelling of "Oconee."

³¹ Resolve of H[ouse of] A[ssembly] and rec[eip]t for E Clarke, 26 September 1785, TCC203, Hargrett Library, Digital Library of Georgia.

³² Early American Imprints, Series I: Evans, #19294.

Creeks, though McIntosh declined to serve. Elbert also sent a messenger, a trader by the name of James Durouzeaux, to the Creek towns to invite them to Galphinton on the Ogeechee River to talk and, perhaps, negotiate a new treaty. Obviously, Governor Elbert and the Executive Council were paying heed to McGillivray's threatening letter of the previous year and intended to come to a mutually agreeable understanding, if not renegotiate a new treaty, with the proper Creek authorities.³³

Elijah Clark was one of Georgia's heroes during the Revolutionary War, having played a major role in the battles of Kettle Creek (the Hornet's Nest) and the Cowpens, as well as conducting the Siege of Augusta, which wrested it from British control. Clark's actions were meant to distract Lord Cornwallis so that he could not march north and are credited with instigating the confrontation at Cowpens, Cornwallis's first defeat in the south.

Benjamin Hawkins served as Washington's primary interpreter with the French until the arrival of LaFayette, then left the service and was elected to Congress from North Carolina. He was appointed as a commissioner to negotiate with the Choctaw, and later with all southern Indian nations, serving as the United States' agent to the Creeks for a number of years.³⁴

Lachlan McIntosh served as a general in the Continental Army, serving in the Western Department at Ft. Pitt. A man of extreme temper, he is infamous for his penchant for dueling, including a duel with Georgia Congressman Button Gwinnett, signer of the Declaration of Independence, during which he killed Gwinnett. Later in the war McIntosh served at Charleston, where he was taken prisoner, later to be released in a prisoner exchange (1782). As stated,

³³ Extract from the minutes, Executive Council [of Georgia], 15 March 1785, Keith Read Collection, Box 12, Folder 7, Document 1, Hargrett Library, University of Georgia Libraries, Athens.

³⁴ H. Thomas Foster II, ed., *Collected Works of Benjamin Hawkins, 1796-1810* (Tuscaloosa: University of Alabama Press, 2003), vii-xix.

McIntosh was little involved in the negotiations because he was preoccupied trying to rebuild his estate, which had been totally destroyed during the war. He died in poverty at Savannah in 1806.

As the controversy with Georgia continued to build, McGillivray acted to solidify his authority. By virtue of the Treaty of Pensacola he held the post of Indian Agent, and as such, was the official contact for Spanish authorities. This meant that all presents from the Spanish to the Creek people came through him. He was also a silent partner and commissary for the trading house of Panton, Leslie, & Company of Pensacola, so he had a hand in negotiating prices favorable to all of the southern Indians, but guaranteeing a handsome profit to his partners. Though a partner, he did not refrain from intimating that American trade goods provided by Elijah Clarke and other Georgians were of higher quality and were less expensive, thereby increasing his importance to the Pensacola firm by keeping the trade flowing south.

McGillivray's reply to the invitation to meet at Galphinton was both terse and optimistic. Either by mistake or by guile he sent two letters to William Clark, possibly a nephew or employee of Elijah Clark (but who was not named as a commissioner), and expressed extreme displeasure that the invitation was sent via Durouzeaux, explaining that the "chiefs will not be called to meetings by Traders or others." He believed that the Americans would not be content with Oconee lands, but would then require lands to the Ocmulgee. McGillivray included a threat that a war would result if Georgia pursued its course. He concluded the first letter by thanking Governor Elbert for his concern, then added that he, Elbert, needed to remove a trader named Bartly from the banks of the Oconee before some "disorders" were done. The second letter, of the same date, chided Clark for not visiting Tuckabatchee and smoking the pipe, as promised.

This letter includes mention of a trip to New Orleans for meetings with Spanish officials including Galvez, perhaps intended to impress Clark.³⁵

McGillivray was familiar with Elijah Clark's trading house on the Ogeechee, though there is no reference (found) to his ever having actually met him. Clark ran the business while also serving as a commander in the Georgia Militia, eventually rising to the rank of general. William Clark was licensed to travel to the Creek towns to conduct business, and was well known to McGillivray as "Billy" Clark. In that Elijah was illiterate, able only to sign his name, it is possible that William was writing the letters sent by Elijah, and that McGillivray mistakenly thought that William was the commissioner. It is also just possible that McGillivray was repaying a perceived slight with one of his own.

Out of concern for the rising threat in the southwest, Congress decided to join the negotiations at Galphinton and appointed as commissioners Benjamin Hawkins, Andrew Pickens, Joseph Martin, Lachlan McIntosh, and William Perry. Three of the five began preparing for the meeting immediately, but McIntosh remained uncommitted and rarely participated in any of the proceedings. Perry never participated.³⁶

Andrew Pickens was a General of Militia most notably known for commanding the militia at the battles of Cowpens, King's Mountain, and Guilford Courthouse. He also supported Elijah Clark at the battle of Kettle Creek and the Siege of Augusta. After severe set-backs to the patriot forces, Pickens surrendered and accepted parole by the British. He rejoined the war after

³⁵ McGillivray to Wm Clarke, 24 April 1785 (two letters), Telamon Cuyler Collection, Box 80, Folder 5, Document 2, Hargrett Library, University of Georgia Libraries, Athens.

³⁶ A diligent search of the records did not uncover any biographical records for William Perry.

his home was destroyed and later participated in the Battle of Cowpens, where he led his men in the defeat of Colonel Banister Tarleton.³⁷

Joseph Martin of Virginia was known for his frontier diplomacy, credited with stopping the Over-Hill Cherokees from launching attacks on the frontier during the Revolutionary War. His actions are also credited with keeping the Cherokees neutral at the battle of King's Mountain. Three years after this appointment, Martin was investigated for treason based on comments made in a letter to Alexander McGillivray, but was exonerated when Patrick Henry disclosed that Martin was acting as a spy in an attempt to uncover McGillivray's true relationship to the Spanish authorities.

The appointment of Hawkins by Congress slightly altered Georgia's plans. Receiving a Congressional commission, Hawkins refused to negotiate on behalf of Georgia, and was replaced by John Twiggs. Elbert then appointed a committee of three, Edward Telfair, John King, and Thomas Glasscock, to "assist the U.S. Commissioners in forwarding this business as far as they [were] authorized by the Confederation to go." Also included in these instructions was the admonition to "protest against any measure" beyond the scope of the Articles of Confederation or contrary to the Georgia Constitution or other state laws.³⁸

John Twiggs entered the Georgia Militia at the onset of the Revolutionary War as a lieutenant, and fought in several engagements. He was severely wounded at the Battle of Camden, but recovered and continued his service, being promoted to brigadier general in 1781.³⁹

³⁷ National Park Service, "Cowpens National Battlefield," <http://www.nps.gov/cowp/learn/historyculture/andrewpickens.htm>.

³⁸ Louise Frederick Hays, *Hero of the Hornet's Nest: A Biography of Elijah Clark, 1733–1799* (New York: Stratford House, 1946), 183.

³⁹ Russell K. Brown, "John Twiggs (1750-1816)," *New Georgia Encyclopedia*, <http://www.georgiaencyclopedia.org/articles/history-archaeology/john-twiggs-1750-1816>.

On June 10, 1785, Hawkins reached out to the Creek Nation with an invitation to treaty negotiations to be held in October at Galphinton on the Ogeechee River. He told the chiefs, headman, and warriors that Congress desired to have peace now that it had defeated all of its enemies and that it wanted to forget the Creeks were ever its enemies. The purpose of the upcoming meeting was to come to terms which both the Creek Nation and the United States could live.⁴⁰

Not receiving a response, Pickens wrote directly to McGillivray in mid-July informing him that there might be a slight delay in the October date for the meeting, but that the postponement would be as short as possible. He also asked McGillivray to use his influence to stop some mischief that was occurring along the Cumberland settlements. His wording in that request was such that McGillivray had to feel complemented, because Pickens was acknowledging McGillivray's power and influence over what happened not only in the Creek Nation but along the Cherokee borderlands as well.⁴¹

McGillivray finally responded the first week of September, apologizing for the delay and blaming the messenger who did not deliver the commissioners' letters in a timely manner. Accepting the invitation to meet at Galphinton, McGillivray laid out the primary cause of contention as he saw it. He told Pickens that the Creeks were grateful to have an opportunity to treat with Congress, but chastised them (the new US government) for waiting so long to make contact with them; they had expected a treaty meeting immediately following the Treaty of Paris, 1783. The people of the Creek Nation maintained only one prerequisite for peace with Georgia:

⁴⁰ Benjamin Hawkins, "Hawkins, Pickens, and Martín to the Creeks, June 10, 1785," in Caughey, 97-98.

⁴¹ Andrew Pickens, "Pickens to McGillivray, July 23, 1785," in Caughey, 96-97.

that all Georgia settlers remove to the 1773 boundary, that is, east of the Ogeechee River.⁴²

While McGillivray was well educated and particularly astute at political maneuvering, this exchange indicates he did not fully understand the division of powers between the states and the national government during the period the Articles of Confederation were in effect. He was not alone in his confusion.

Following this message to Pickens, McGillivray explained to O'Neil what was transpiring. O'Neil was concerned that McGillivray might be trying to play both sides for his own benefit, perhaps a well-placed concern, but McGillivray assured O'Neil of his loyalty, as well as that of the nation. The only purpose for meeting with the Congressional delegation was to firmly establish the Ogeechee River as the boundary between American and Creek, and by extension, Spanish territory. In the end, O'Neil "suggested" that McGillivray not attend the conference, advice with which he ultimately complied.⁴³

Very few Creek chiefs attended the Galphinton negotiations, but there were more than had been at Augusta two years earlier, and the Georgia committee successfully prevented Hawkins and the Congressional negotiators from concluding even a semblance of a treaty. Recognizing that the Georgia delegation was intent on preventing their success, the Congressional commissioners withdrew from Galphinton and traveled north to negotiate with the Cherokees, who had allied themselves with the Creeks and had attacked settlements in western North Carolina (eastern Tennessee).⁴⁴

⁴²Alexander McGillivray to Andrew Pickens, Little Tallassie, September 5, 1785, ASP 17-18.

⁴³ McGillivray, "McGillivray to O'Neil, September 14, 1785," in Caughey 97-98 including footnote.

⁴⁴ The Cherokee attacks were largely provoked by the forces of John Sevier, governor of the State of Franklin, and his associates who formed four counties in what is now eastern Tennessee. Franklin existed from 1784 to 1788, when Sevier was arrested for high treason. Sevier's militia

Hawkins blamed McGillivray's absence for the failure, and wrote to him requesting an explanation. McGillivray did not respond to Hawkins, but did write to O'Neill about the events at Galphinton. He claimed that the Congressional commissioners and the Georgia delegation argued to the point of making themselves "ridiculous," and that all parties "departed . . . equally dissatisfied with each other."⁴⁵

McGillivray neglected to mention to O'Neil the Treaty of Galphinton (1785) negotiated by colonels Twiggs and Clark with twenty-one Creek leaders, only two of whom signed the Treaty of Augusta.⁴⁶ Under the terms of this treaty, "all of the tribes and towns within the respective nations, within the limits of the State of Georgia, have been and now are members of the same, since the day and date of the constitution of said State of Georgia."⁴⁷ This was one of the most important clauses of the treaty in that by incorporating all of the Indians within Georgia, according to Historian and State archivist Louise Frederick Hays, it "took away from the Confederate Government all pretension as to jurisdiction" over the Creeks.⁴⁸

Article XI of the Galphinton Treaty confirmed the Oconee River as the boundary between Georgia and the Creek Nation, and then extended the boundary southward from the

attacked peaceful Cherokees and committed unprovoked atrocities in several villages, resulting in the Cherokee alliance with the Creek. See John Preston Arthur, "Chapter VI - The State of Franklin," *Western North Carolina: A History from 1730-1913* (Asheville, NC: Edward Buncombe Chapter of the D.A. R., 1914), <http://www.newriversnotes.com/nc/wnc6.htm>.

⁴⁵ Benjamin Hawkins to Alexander McGillivray, 8 January 1786, AGI C 2360, McGillivray to O'Neill, 10 February 1786, AGI C199, in Caughey, 101-03.

⁴⁶ McGillivray to O'Neil, 10 February, 1786, AGI C 199, in Caughey, 102-03. In this letter, McGillivray explains the failure of the US commissioners to negotiate a treaty, but does not mention the Treaty at Galphinton, nor does he mention that treaty in other letters to Spanish officials.

⁴⁷ Watkins, *Digest*, "Treaty at Galphinton with the Creek Indians, in 1785," 768-70.

⁴⁸ Hays, 184.

confluence of the Oconee and Ocmulgee Rivers to the most southern reaches of the St. Mary's River. This last cession gave Georgia claim to one of the Creeks major hunting grounds below the Altamaha River, to include much of the Okefenokee Swamp, and known as "Tallassee" (not to be confused with the Upper Creek town of the same name). McGillivray immediately renewed his appeals for support to the Spanish as the land in question, being south of the 31st parallel, was claimed by Spain as well.⁴⁹

While the number of Creek leaders who signed the treaty was not very large, there were more than had been at Augusta. And, none of the signers at Galphinton were under the duress that McGillivray claimed existed two years earlier. Examining the list of leaders shows that support for an agreement with Georgia was growing.

Table 2. Creek Signers of the Treaty at Galphinton (1785)

Abico Tuskanucky	Opohelthe Micko
Coso Micko	Opoyhajoe
Cuso Micko	Pohelthe Oakfuskie
Cusrater Micko	Tuskia Micko
Dickson Tallicus	Upalahajoe
Eneha Lucko	Warrior King
Inneha Micko	Wartucko Micko
Innehana Ufollies	Yaholo Micko
Okemulgey Tuskonucky	

When conducting business on behalf of their towns Creek leaders often used their titles rather than their personal names. Also, each man would tell the official scribe for the treaty his name, and depending on how he pronounced it, the scribe would transliterate it to the document. Thus, the spelling of words is often inconsistent.

⁴⁹ McGillivray to O'Neill, 28 March 1786, AGI C199, in Caughey, 104-06.

The list in Table 2 is taken directly from the treaty, and nine *micos* can clearly be identified. The names “Eneha,” “Inneha,” and “Innehana” all indicate that the signer held the position of *hiniha*, or “council advisor.” *Láko* translates as “great” and is seen in the name Eneha Lucko, “Great Counselor.”

The chart also shows that three of the *micos* who signed the Treaty of Augusta (1783) also signed the Galphinton treaty: Tallassie King (Hopothle Mico, Tame King), Inneha Mico (Fat King), and Cuso Mico (Cuse King). McGillivray, in denouncing the Augusta treaty, claimed that only two minor chiefs had signed it, and that they had been under severe duress after being held against their wills for a week and had been threatened with death if they refused to sign. Yet, Tame King, Fat King, and Cuse King, who had supposedly been forced to sign at Augusta, came to Galphinton and reaffirmed the terms of the previous treaty. It seems likely that McGillivray’s claims of mistreatment at Augusta were groundless.

Even so, McGillivray was then exerting tremendous influence among the towns, especially among the Upper Creeks. In only two years he had risen from *tusténúggi láko* of Little Tallassie to *Fanni Mico* representing a large portion of Creek towns. It was their intention to bind together under McGillivray’s leadership in order to maintain control of their land. They would accept McGillivray’s interpretation of the situation and would dictate the terms by which the Creek Nation and Georgia would coexist, and would accept no other.

Between the Treaty of Augusta (1783) and the Treaty of Galphinton (1785), the intransigence of the Creek Nation and the State of Georgia solidified, and several individuals came to the fore representing their respective parties. It would be the Creeks who dictated the events to follow, as Alexander McGillivray called the Creeks to war. Many joined him and attacked the frontier settlements of Georgia, while other Creeks opposed him and sought peace

with Georgia. The next chapter discusses the development of that war as the Creek Nation pressed its “sanguinary purpose,” maintaining control of their land and their destiny.

CHAPTER 5. “THE SANGUINARY PURPOSE:” OUTBREAK OF THE OCONEE WAR

The years 1783-1785 witnessed the various claimants for western Georgia posturing and rattling a few sabers as each sought advantage over the other. Georgia’s main focus was on gaining land cessions by means of treaty, while at the same time issuing state treasury notes for “the sanguinary purpose of carrying on a war against the Creeks.”¹ Spain sought to adjudicate its claim based on the prior British division of the administrative districts, while arming the Creeks to stand as a barrier to Georgia encroachment. In doing so, Spain endorsed Alexander McGillivray, the rising leader among the Upper Creek towns. McGillivray sought and secured Spanish support because it added substance to his claim that the Creek Nation would defend its land with force. The Creek Nation, not Georgia, would determine the fate of Creek lands.

During this period historical watershed in the relations between the Creek Nation on one part and the state of Georgia and the United States on the other was reached. Prior to independence the parties had worked peacefully to settle disputes and managed to co-exist with very few acts of violence between them. Following independence, Georgia made demands on the Creeks that the Creeks deemed unjust, and the two failed to peacefully resolve those differences. In large part, this was due to divisions within the Creek Nation, as McGillivray and his supporters vowed not to yield to Georgia, while those following Fat King were willing to settle with Georgia in exchange for peace and commerce. This chapter discusses the efforts of the various parties to secure their positions, and the 1786, decision of McGillivray to force the issue by declaring war on Georgia. As each side jockeyed for position, geographically, politically, and morally, during the years 1783 to 1785, 1786 saw a substantial increase in violent attacks by

¹ “Common Pleas: Jacob Mr. William Holmes: Mr. John Holmes; Georgia,” August 12, 1786, *Charleston Morning Post*, Vol. IV, #442, p. 2, <http://www.genealogybank.com/gbnk/newspapers/doc/v2:10CE63E31DF8BEA8>.

those aligned with McGillivray. All of Georgia's posturing meant nothing to those Creeks opposing its expansion. The Creeks were in control of the Georgia frontier, and were not inclined to relinquish that control.

Spain's intentions were to use the Creek Nation as a buffer between Georgia and the United States and Spanish territory to the southwest. In doing so, it thought it could manipulate the political situation without resorting to a direct military conflict with the Americans. Georgia sought to force a land cession to compensate for losses during the Revolutionary War, and to force the Creeks to acknowledge the sovereignty of the state. The Creeks were divided: some sought closer relations with Georgia, while others rejected that option and turned to Spain for support. Many of the Upper towns, under the rising leadership of McGillivray, determined to enforce their borders, declared war on Georgia.

On February 11, 1786, the Georgia General Assembly received the report of the state commissioners appointed to "attend the continental commissioners" at Galphinton. The commissioners, Edward Telfair, John King, and Thomas Glasscock, reported to the committee responsible for Indian affairs that the commissioners appointed by Congress had tried to negotiate a treaty with the Creeks at Galphinton that violated Georgia's sovereignty. They called upon the General Assembly to denounce the actions of the US commissioners and to "move and contend for an immediate abolition of their [the commissioners'] powers." The committee also urged that Georgia's representatives in Congress do all within their powers to have everything accomplished by the US commissioners invalidated.²

The US commissioners were successful in negotiating treaties at Hopewell, South Carolina, with the Cherokee, Choctaw, and Chickasaw. William Blount, one of North Carolina's

² James Simmons, Clerk, Georgia Assembly, Extract from the Minutes, February 11, 1786, ASP 17.

congressmen, was appointed to monitor the congressional commissioners in the same manner as Georgia's commissioners had done at Galphinton. When the Treaty at Hopewell was signed by the commissioners and the representatives of the Cherokee Nation, Blount filed protests with the commissioners and with Governor Richard Caswell that the treaty violated state sovereignty by drawing boundaries in violation of the North Carolina Constitution.³ It should be pointed out that the drawing of boundaries by the US commissioners also violated the Articles of Confederation in that the sole authority granted to the US Congress over territory was to settle territorial disputes between the sovereign states.

In April 1786, Abner Hammond, a licensed trader, sent a report to Augusta indicating that the Upper Creeks were in favor of preparing for war. According to unnamed secondhand sources of the Hillibies' town, McGillivray had called a meeting and warned the towns that the Americans were preparing to enter the Creek Nation with 15,000 soldiers to "tame" the women and "incorporate" with them to "raise up a tame" people. He told them to have all men remain at home to protect their towns. McGillivray further indicated that he would shortly be calling them to another purpose.⁴

According to Hammond this talk was given publicly, and served as a prelude to war. McGillivray then had a private talk with Mad Dog in which he indicated that he, McGillivray, would soon send out the broken days, and that the warriors should prepare themselves. He told Mad Dog that he had sent horses to the Floridas to obtain ammunition for the expedition. Hammond tried to ascertain the targets of the attacks, but could not get the information, and

³ Letter from William Blount to Richard Caswell, March 1, 1786, Documents of the American South: Colonial and State Records of North Carolina, csr18-0059, <http://docsouth.unc.edu/index.html/documents/csr18-0059>.

⁴ The information of Abner Hammond, 20 April 1786, TCC017, Hargrett Library, Digital Library of Georgia.

suggested that the only two real targets were the Georgia frontier or the Cumberland settlements.⁵

McGillivray did not hesitate in using force against Georgia predicated on the moral and material support of Spain. The Treaty of Augusta (1783) had been negotiated before McGillivray had consolidated any real power, and he was limited to protestations and threats that served to prevent the treaty line from being established. Following the Treaty of Galphinton, McGillivray was powerful enough to send “the broken days,” calling the towns to war.

Hammond’s report was received just days after McGillivray sent the broken days to all the Creek towns, beginning what became known as the Oconee War. The “broken days” refers to the procedure by which all of the towns were notified of a declaration of war and the date to attack the enemy. A bundle of sticks equal to the number of days left before the attack was to begin was put together and sent to each town. One stick was broken each day, including the days in transit, so that all the towns could launch their attacks simultaneously. In this instance, the date of the attack was set for April 23, 1786.

At about the same time John Galphin received information warning Georgia that the Upper Creeks, along with the Chickasaw and Choctaw nations, were about to attack the upper portions of the state. The talk, from Cusseta King and delivered by Second Man of Coweta, told of Spanish intrigues to convince the three nations to rendezvous at Tallassee to receive guns and ammunition with which “to murder the white people on the frontears” (sic).

The Cusseta and Coweta towns had always been friendly with the “Vergani” (sic) (Virginia, i.e., Georgia) people, supporting them in the Revolutionary War, and intended to remain so. While McGillivray was trying to enrage the Upper Towns to attack both the

⁵Ibid.

Cumberland and the Oconee settlements, the Lower Towns seemed intent on maintaining their relations with the southern counties by not participating in the attacks. This is but one indication that McGillivray, while very powerful and extremely dangerous, did not have the level of control which he intimated to his supporters.⁶

The situation of the Georgia Militia was rather dire in the face of an impending invasion. Major Patrick Carr received a letter from Barnard (probably Timothy) explaining that the Creek leaders had been called to a meeting in St. Augustine for purposes unknown. He informed Governor Telfair of the news and told him that he expected “some sort of mischief” when they returned. He concluded by telling the governor if he “could give me an order to town for some [ammunition] I would take it as a particular favor,” since his company had none.⁷

The threat of war posed by the Upper Creeks was also confirmed by William Davenport, Georgia's agent to the Chickasaw and Choctaw Nations. Reporting in May, he said that he had tried to send information twice before, but the messengers had been forced to retreat in the face of hostile Creeks. McGillivray had also visited the two nations and tried to recruit them to join the Creeks against Georgia. He told them that he had support from Britain and Spain, and that he had sent his talks to the northern nations as well. Davenport spoke to the two nations to dissuade them from joining McGillivray. He said he used every means to argue that it was not in their best interest to become involved. Since all Americans had been banned by both the Creeks and the

⁶ Cusata King's talk delivered to [John Galphin], 11 April 1786, TCC205, Hargrett Library, Digital Library of Georgia.

⁷ Patrick Carr to Gov. Edward Telfair, 2 April 1786, TCC694, Hargrett Library, Digital Library of Georgia.

Spanish from being in the region, the dangers Davenport faced were considerable, but he was evidently successful in keeping the Chickasaw and Choctaw out of the conflict.⁸

The day after Davenport wrote his report, Capt. Joshua Inman sent a report to Augusta that Creeks had crossed the Oconee and killed four or five settlers. Col. Clark had led a detachment in pursuit of the attackers and killed two of them. Capt. Inman recommended that the regiment be mustered and officers be commissioned to raise "one or two Companies of Horse."⁹

Attacks were also launched to the north against settlements along the Cumberland River. Col. Anthony Bledsoe identified the perpetrators to Gov. Richard Caswell as Creeks and "Chickamawgah" Cherokees based on information from the Cherokees, themselves. They claimed that they only killed three Whites, a Mr. Clark and his wife and child, as satisfaction for an attack the previous winter by three Kentuckians, two of whom they also killed. Eight other White men were killed in the raids with six others wounded.¹⁰

For an attack that was supposed to cause massive damage and cripple Georgia, little damage was done. It would appear that most of the towns simply refused to participate in the war. This was partially confirmed by a talk authorized by the chiefs and warriors of the Lower Towns to the governor and commissioners of Georgia, and transmitted by translator James Durouzeaux. The Lower Towns used their influence to stop the attacks. They wrote to tell the Georgians that some of their men were peaceably hunting in the Oconee lands and had reported the Georgia settlers were treating them well, but they, the headmen, did not want any "bad" or

⁸ William Davenport to the Governor of Georgia, 22 May 1786, TCC280, Hargrett Library, Digital Library of Georgia

⁹ Capt. Joshua Inman [to unspecified recipient], 23 May 1786, CMT002, Hargrett Library, Digital Library of Georgia.

¹⁰ Anthony Bledsoe to Reichard Caswell, 12 May 1786, CSR18-0114, Documents of the American South: Colonial and State Records of North Carolina.

misinformed people to do harm to their hunters. The talk was signed by Innehau Mico and “Folottivyege” (Folotouiche), *Tustěnúggi láko* of the Chehaws, also known as Yntipaya Masla.¹¹

These events caught the Spanish by surprise. In a letter to West Florida Governor Estevan Miró dated May 1, 1786, McGillivray described the events leading to the Treaty of Galphinton. He then told of a convention that he called of all the Creek towns and chiefs held at Tuckabatchee at which sixteen Upper Towns and five Lower Towns were represented. McGillivray reminded the other chiefs of the treaty they had with Spain and the promise of support they had from the Spanish crown. He then asked Miró for his support in order to protect Creek lands from Georgian encroachment. Interestingly, he was careful not to implicate the American Congress, declaring it had been misled by Georgia.¹²

Furthermore, claimed McGillivray, in the attacks following, Creek warriors forced the unlawful (from the Creeks viewpoint) settlers off of Creek lands, but they acted only in self-defense. No Georgians were killed, according to McGillivray, but a few settlers were killed at Cumberland (modern-day Nashville). Sensing that Georgians would counter-attack, he asked the governor to provide the Creek towns with “fifty barrels of powder and ball in proportion.”¹³

Governor Zéspedes, of East Florida, knew that Georgians had been killed during these actions. It was widely reported that three Creek parties had crossed the Oconee and killed several settlers. This was confirmed in a personal conversation between Zéspedes and Yntipaya Masla. Responding to a direct question from Zéspedes, Yntipaya Masla said, “It is true that we were the

¹¹ A talk of the Headmen and Warriors of the Lower Creek Nation, 23 April 1786, Document TCC111, Hargrett Library, Digital Library of Georgia.

¹² McGillivray, to Miró, 1 May 1786, AGI C 2352, in Caughey, 106-10.

¹³ Ibid.

first to shed blood of the invaders.” Zéspedes responded that, “It is lawful to repel by force of arms any invader . . . when good offices have not served.”¹⁴

The Creek attacks on Greene and Washington counties northwest of Augusta resulted in numerous families being forced off their lands. Of those small farmers who were attacked, at least four were killed. Col. Clark responded with a hundred and fifty men in pursuit of the attackers, killing two. Captain Joshua Inman was ordered to assemble his men and assist Col. Clements in forming up a regiment which had already been commissioned. It would appear that Georgia was not prepared for the attacks promised by McGillivray, despite the previously mentioned warnings.¹⁵

Thirteen of the Lower Towns held a meeting on June 4 to draw up a letter explaining that they were not involved in the “disturbances” and had maintained the peace. They had “held out the hand” to every “White man” and shared their meals with travelers as well. All of the violence, they said, came from a few of the Upper Towns, and an answer for those attacks would have to come from them, but the Lower Towns would do what they could to recover stolen property and return it to its proper owners.¹⁶

Shortly thereafter a general meeting was held of thirteen Upper Creek towns at Okfuskee, resulting in a consensus talk being sent by Tallasee King to Augusta, presumably to the governor and council. He informed them that the Upper Creeks were still desirous of peace and asked that

¹⁴ Talk that Zéspedes the Governor of Florida had with Yntipaya Masla, principal warrior of the Lower Creek Indians, called Toclatoche, on the ten articles that were proposed and the answers that he gave to each one of them in order, May 29, 1786, in Caughey, 115.

¹⁵ Unidentified Officer to Capt. Joshua Inman, letter, May 23, 1786, CMT002, Hargrett Library, Digital Library of Georgia.

¹⁶ Fat King, A talk from the kings, beloved men and warriors of the Lower Creek Nation, 4 June 1786, TCC206, Hargrett Library, Digital Library of Georgia.

all "Stragling White people" be denied entry to the Creek Nation, and that no one should bring a talk except by proper authority. Tallasee King concluded with the assurance that those people for whom he was speaking would not take any action in the near future as they were waiting to receive a response from the Cherokee as to their intentions, and for McGillivray's arrival from New Orleans.¹⁷

Davenport's July report to the governor and council told of events and conditions occurring in the Chickasaw and Choctaw Nations. McGillivray had been sending talks emphatically pressing the two nations to take up arms against the Americans, to no avail. Both nations were concerned that the Spanish were about to cut off trade and expressed that they would be completely reliant on the Americans for goods. As more pressure was brought on them, they turned to Davenport for advice, and he convinced them that their choice not to engage in war was the correct course. Because of the difficulties in getting messages to Georgia, Davenport sent this message to John Sevier in Cumberland. There is a notation beside Davenport's signature stating "murdered by Indians in Tenn." It is unclear to whom this is referring, since Davenport continued to send reports. Perhaps the bearer was the victim.¹⁸

In late June or early July of 1786, Daniel McMurphy, a registered agent for Georgia to the Creek Nation, visited the Lower and Upper towns and requested a meeting of the *micos* for the purpose of disseminating some important information. The *micos* present told him that McGillivray and some of the other leaders were not available, so the meeting could not occur.

¹⁷ Tallasee King, A talk from the kings, beloved men and warriors of part of the Upper Towns, 25 June 1786, Document TCC207, Hargrett Library, Digital Library of Georgia.

¹⁸ Davenport to John [Sevier], 28 July 1786, TCC125, Hargrett Library, Digital Library of Georgia.

The Lower Towns assured McMurphy that they had supported Georgia before and were in favor of continuing that support in the present circumstances.¹⁹

McMurphy then traveled to the Upper Towns, where he was again told that they could not have a formal meeting because McGillivray and Mad Dog were not present. He agreed to wait, but after a few days dismissed himself to return to Augusta. While waiting he had the opportunity to talk informally with the *micos* and headmen of each town and learned that only thirteen of one hundred towns were actually in favor of war.

Based upon these findings, he wrote to Governor O'Neil of East Florida asking that the Spanish refrain from supplying the Creeks with more powder and ball than reasonably necessary for hunting. He reported that Mad Dog sent "his brother and 14 other Indians" on an attack by Creeks across the Oconee in which five men and one woman settler were murdered, their property pillaged, and their houses burned, and that the house of John Galphin had also been burned. Galphin's trading house on the Ogeechee was looted and burned in the attack, as was another trading house along the Altamaha River. It is unclear if these attacks were the same referenced by Zéspedes earlier, but it does strengthen the argument that deadly attacks on settlers were widely known. McMurphy, in a letter to Governor O'Neil, asked why the Spanish had promised the "Tuckebatchy Indians" 700 pounds of powder and 700 pounds of ball?²⁰

The intentions of the Upper Towns quickly became more evident. On August 3 the chiefs assembled at Tuckabatchee sent a talk to the Georgia Legislature explaining their views. They had heard McMurphy's talk from Tame King and Fat king, "which was the same as if we had heard it from Yellow Hair" (McMurphy) and found it "bad conduct pertaining to the [Oconee]

¹⁹ McGillivray to the Governor of Georgia (Edward Telfair), 3 August, 1786, TCC 904, Hargrett Library, Digital Library of Georgia.

²⁰ McMurphy to O'Neil, 11 July 1786, in Caughey, pp.118-21.

lands.” Again, the chiefs emphasized that no one who signed the previous treaties had authority to cede the lands to Georgia, and warned that all settlers must remain east of the Ogeechee.²¹

In another letter of the same date McGillivray requisitioned a large amount of ammunition from Panton & Leslie. He instructed that Hollowing King of Coweta was to be issued “500 lbs. of powder, and 500 lbs. of ball, and that Second Man, chief of Ousitches was to be given “200 lbs. [of] powder [and] 400 lbs. of ball and flints in proportion.” McGillivray also informed Panton that Alexander Cornel would be arriving in Pensacola soon, and that other requisitions would be directed to O’Neil. While the Spanish were proclaiming that they were only supplying the Creeks with weapons and ammunition for hunting and self-defense, the quantities of ammunition belie that disclaimer. According to Spanish letters, they provided not only the amounts mentioned here for August, but had also supplied “4524 pounds of powder, 9176 lbs. of ball, and 7994 flints” in late May.²²

When McGillivray and the others returned from New Orleans, he, McGillivray, called a general conference, and many *micos* and headmen traveled to Tuckabatchee to discuss the situation. By that time, however, McMurphy had returned to Augusta, so the Creeks never heard the talks. Somewhat disturbed by the turn of events, McGillivray wrote to Gov. Edward Telfair objecting to the insult and inquired as to whether McMurphy had been authorized to call a general meeting of the towns.²³

²¹ Talk of Part of the Creek Indians to the Georgia Legislature, 3 August 1786, in Caughey, 123-24. The Ousitches allotment was later increased to 30 pounds of powder and 600 pounds of ball and flints, *ibid.*, 125.

²² McGillivray to Panton, 3 August 1786, in Caughey, p. 123, and Zéspedes to McGillivray, 24 May 1786, footnote, 113.

²³ McGillivray to John Habersham (Georgia commissioner for Indian Affairs), 28 November, 1786, TCC 905, Hargrett Library, Digital Library of Georgia.

McGillivray further instructed Telfair that Fat King and Tame King were not authorized to speak for the nation and that any communications from them should be ignored. He then warned the governor to keep all Georgians on their side of the Ogeechee River. In closing, McGillivray issued an ultimatum requiring an answer by the end of September as to whether Georgia would abide by the colonial boundary. Failure to answer would indicate that Georgia did not intend to provide satisfaction for the Creeks' grievances.²⁴

Eight days later, on August 11, Fat King, Tallasee King, and Cusseta King responded to McGillivray with their own letter to Telfair. They accused McGillivray of bringing great disturbance to the nation that would end in their reduction to poverty, and ensured Telfair that they had always allied themselves with "Virginia people," a term used to identify the frontiersmen who migrated to Georgia from Virginia and North Carolina and who fought against the British in the Revolutionary war.²⁵

Earlier in the year a party of Creeks had murdered six settlers near the Oconee, and Georgia authorities demanded satisfaction--the deaths or surrender of the parties involved. The *micos* requested Telfair to send McMurphy back to the lower towns in order to witness the deaths and thereby appease Georgia's demand, and for him to negotiate the settlement of disturbances within the nation.²⁶

²⁴ McGillivray's talk to the Governor of Georgia, 3 August 1786, TCC904, Hargrett Library, Digital Library of Georgia.

²⁵ John Galphin, translator, Talk from the Lower Towns in the Creek Nation, 11 August, 1786, TCC 026, Hargrett Library, Digital Library of Georgia.

²⁶ John Galphin, translator, "Talk from the Lower Towns in the Creek Nation," 11 August 1786, TCC026, Hargrett Library, Digital Library of Georgia..

McGillivray objected strenuously and again instructed Telfair not to heed any talks originating in the lower towns and added to the prohibition any information signed by John Galphin. McGillivray claimed Galphin was too young and inexperienced to be trusted, and that he did not conform to the "forms and usages the Indians are accustomed to observe on such occasions." He repeated his demand that all settlers be removed from the land between the Ogeechee and Oconee rivers and insisted that the killing of those settlers was justified by their unlawful encroachment on Creek land. Therefore, no satisfaction for their deaths was warranted. McGillivray reiterated his condition that no treaty would be negotiated until all settlers were removed from the Oconee lands.²⁷

What is not shown in the documentary evidence is the reaction of the majority of the Creek people. For their response, then, we are left to examine what did, and more importantly, what did not happen. This was supposedly a war to remove all Georgia settlers from the Oconee lands, which seems to have happened, if only temporarily. However, for an all-out war, it would seem that very few Creeks participated.

By the most conservative estimates on the part of the Americans, the Creek Nation had at least six thousand warriors capable of fighting at any one time. Based on the report of the attacks, it would be hard to show that as many as one thousand actually participated, virtually all of those from Upper Towns closely allied with McGillivray. The preponderance of evidence supports the claims of Fat King, Tallassee King, and Cusseta King that the Lower Towns were not involved. Tallassee King had also told the governor that most of the Upper Towns also wanted peace; they only demanded that unlawful settlers be removed from their lands.

²⁷ McGillivray [to unspecified recipient], 16 September 1786, TCC903, Hargrett Library, Digital Library of Georgia.

From this we can deduce that the majority of Creeks were either opposed to the war or content to remain neutral. They lived in fear of being attacked, but went about their business of hunting and planting crops. They did this despite being attacked by Georgia militia who burned their homes and destroyed their foodstuffs. Considering the desperate pleas from Georgia's lower counties, had this not been the case, eight hundred Lower Creek warriors could have easily eradicated the southern counties.

While initiating another treaty negotiation, the state was also seriously preparing for war. In early August the Georgia treasury issued £50,000 in notes (£30,000 in one source) with half "appropriated to the sanguinary purpose of carrying on a war against the Creeks." The notes were backed by 2.3 million acres of land. The *Charleston Morning Post* commended Capt. Dickenson for bidding on a large portion of these bonds at "the advanced rate of 21s 9d." At the same time the legislature divided the state into three military districts to be commanded by Brigadier Generals; Gen. Twiggs was appointed Commander of the Upper Division, Gen. Clark, the Middle, and Gen. Jackson, the Lower.²⁸

Nine commissioners were appointed with the charge of organizing a treaty conference to settle the outstanding issues with the Creek Nation. Chief among the issues to be settled were the Oconee River boundary, and the surrender of the individuals who murdered a number of settlers the previous spring during the raids east of the Oconee. The commissioners were given full discretionary powers, and would be escorted by not less than 1500 soldiers. If they were unsuccessful in reaching a resolution, they were to walk away and "surrender their power to the military." Whether the latter was a real order or a ruse to intimidate the Creeks cannot be

²⁸ "Common Pleas: Jacob Mr. William Holmes: Mr. John Holmes; Georgia," August 12, 1786, *Charleston Morning Post*, Vol. IV, #442, p. 2, <http://www.genealogybank.com/gbnk/newspapers/doc/v2:10CE63E31DF8BEA8>.

determined. The fact that the legislature then adjourned until January may indicate that it was a ruse, because the idea that the legislature would authorize a war while they were not in session is not realistic.²⁹

McGillivray was also engaging in deception and distraction at this point. According to information provided by an un-named principal chief of the Choctaw nation, and reported by John Sevier of Tennessee in a March 1786 letter to Georgia Governor Mathews, the Creek Upper Towns had planned a major attack on the Georgia frontier, but either acting on their own or acting under orders too quickly, a small party attacked and killed six settlers. This resulted in the largest battle of the Oconee War, the Battle of Jack's Creek, which, on September 21, 1787, pitted a large force of Creeks against the recently promoted General Elijah Clark and a force of 130 volunteers. This battle resulted in six dead and eleven wounded Georgians and, by Clark's estimates, around twenty-five dead and forty or more wounded Creeks. Clark's response with the militia had been so fast that the Creeks were caught off guard and postponed the planned attack until the following spring.³⁰

In response, Georgia sent invitations to all of the towns to meet at Shoulder Bone Creek in late October to discuss the status of relations between the two parties and possibly negotiate a third treaty. On October 21 the commissioners, led by John Habersham, gave a talk to explain Georgia's position on the major dispute, the Oconee lands.

²⁹ "Augusta; State; Georgia; January; Brigadier; Twiggs; Clarke; Jackson, 9/11/1786," *Charleston Morning Post*, Vol. IV #469, 3, <http://www.genealogybank.com/gbnk/newspapers/doc/v2:10CE63E31DF8BEA8>.

³⁰ John Sevier To Gov. George Matthews, 3 March 1787, TCC916, Hargrett Library, Digital Library of Georgia.

As the negotiations began, the United States in Congress Assembled³¹ received and accepted a report from the committee that investigated whether the various states were in compliance with the commerce resolution passed by Congress in April 1784. Representatives Pinckney, Smith, and Henry reported that the State of Georgia, along with five other states, was “in conformity” with the resolutions of Congress.³² Georgia took this to mean that it was fully in compliance with the laws of the Confederation and could continue to pursue land cessions from the Indians within the state.

As the parties gathered at Shoulder Bone Creek, Habersham and his compatriots had mixed feelings regarding the Indian turnout. More *micos* and headmen attended than were present for any previous meeting, but many of the most important did not show. Among these was McGillivray, maintaining his vow never to negotiate with Georgia, and his close ally, Mad Dog. Many other Upper Creek *micos* also boycotted the negotiations. While those noted exceptions carried a great deal of weight, the commissioners thought it promising that nearly half of the nation was represented by at least fifty-eight chiefs and headmen.³³

In his opening talk Habersham stated that Georgia had negotiated two treaties with the Creeks to include a boundary at the Oconee River, and had abided by them faithfully, while the Creeks had repeatedly ignored the treaties, following the orders of “a man by the name of ‘Halfbreed McGillivray,’” murdering settlers, including women and children, and stealing or

³¹ “The United States in Congress Assembled” was the legal designation of the United States government under the Articles of Confederation and Perpetual Union.

³² “By the United States in Congress Assembled, October 23, 1786,” Boston, *The American Herald*, December 18, 1786, VI, #270, p. 4, <http://www.genealogybank.com/gbnk/newspapers/doc/v2:109E8E164FBDF7E0>.

³³ The total number of *micos* and headmen attending was not recorded, so this figure is based on those who signed the treaty.

destroying property. Habersham further explained that Georgians had shown great patience, without which, the Creek villages would have been burned.³⁴

The *micos* responded the next day, October 22. They said the murders were committed by two White men, Richard Bailey and John Francis, and a number of Creeks who joined them, and that two of those had been killed by the pursuing militia. They gave their word that the other guilty parties would be executed upon the return of the delegation to their towns. Following the completion of these promises the Creeks would send a representative to run the boundary line so that both sides would clearly know how far they could go.³⁵

At that point Habersham read letters from McGillivray to the Georgia governor in which he not only admitted responsibility for the spring attacks, but also justified them based on his rejection of the previous treaties. Habersham may have emphasized that in the letter of September 16, McGillivray declared that whether there would be war depended on whether Georgia surrendered the Oconee lands, that is, the land between the Oconee River and the Ogeechee River to the east. To this, the Creek leaders responded “the talks and letters that have been sent you by McGillivray as the voice of the Nation are not so. They are of his own making.”³⁶

Habersham continued that Georgia soldiers were being prevented from obtaining satisfaction, but should a treaty not settle the dispute, Georgia militias would be unleashed to

³⁴A talk, October 21, 1786, to the Kings, Headmen, and Warriors of the Creek Nation, on Shoulder Bone Creek, near the Oconee River, author unnamed, but probably John Habersham, TCC 117, Hargrett Library, Digital Library of Georgia.

³⁵James Derouzeaux, translator, A talk delivered by the Kings, Headmen, and Warriors of the Creek Nation, 22 October 1786, TCC118, Hargrett Library, Digital Library of Georgia.

³⁶ A talk, October 21, 1786, to the Kings, Headmen, and Warriors of the Creek Nation, on Shoulder Bone Creek, near the Oconee River, author unnamed, but probably John Habersham, TCC 119, Hargrett Library, Digital Library of Georgia.

attack and destroy all of the towns. To strengthen the threat, the commissioners told the assembled *micos* that Congress was prepared to send troops to support the disruption of enemies of the United States, so the towns needed to prove they were friends. In order to prove their friendship, they had to execute the murderers and return all prisoners and property then being held in the nation.³⁷

On October 23 the Creek leaders present consented to the running of the boundary, but then the commissioners presented a final demand: the Creeks would leave six hostages to live in Augusta until they had complied with all of the terms of the treaty. The *micos* and headmen immediately refused. The commissioners noted that this procedure had been used since the days of British rule, and that the hostages had always been treated as friends, and returned unharmed.³⁸

For the *micos* and headmen this was a decision that would take some private discussion. They simply could not fathom going home while willingly leaving any of their people as prisoners of the Whites. While this procedure was practiced during colonial times, never had it been done to guarantee the execution of murderers, or when war was imminent. Then, on the morning of the 25th, the commissioners gambled and announced that they were leaving and “no

³⁷Treaty Commissioners of the State of Georgia, James M. Stewart, Clerk, A talk to the Kings, Headmen, and Warriors of the Creek Nation, on Shoulder Bone Creek, near the Oconee River, 21 October 1786, TCC11, Hargrett Library, Digital Library of Georgia.

³⁸ James M. Stewart, clerk, A talk to the Kings, Headmen and Warriors of the Creek Nation 1786 Oct.23, on Shoulder Bone, near the Oconee River, October 23, 1786, TCC 119, Hargrett Library, Digital Library of Georgia.

treaty would take place” since there was to be no agreement on the hostage demand. The end result would be war.³⁹

On that morning Tallasee King sent a private letter through John Galphin to the commissioners expressing his sorrow that they thought him untrustworthy. He had always been loyal to the Americans, and was a man of his word. He was offended that they would demand hostages, as all present were friends. He also promised to deliver the land he had given in the treaties. This was truly a proud man who was genuinely hurt that those he thought to be friends would treat him so.⁴⁰

The Creeks were suspicious that the number of hostages, six, was equal to that of the satisfaction Georgia was requiring and they asked that the number be reduced to three. At least one *mico* left the negotiations during the night of the 24th, refusing to be a party to the demand. Both sides eventually agreed to five hostages; the commissioners’ gamble had paid off. Habersham wrote that he did not expect the number of *micos* present to be able to fulfill all of the terms of the treaty, but the hostages might guarantee an end to the depredations.⁴¹

The Treaty at Shoulder Bone Creek was signed on November 3, 1786. The basic principles expressed in the treaty included the re-establishment of peace and friendship and the responsibility of each party to punish its own members for violations of the treaty in the presence of witnesses from the aggrieved party. In cases in which a Creek offended Georgia, the governor would appoint a representative to act as witness. The 10th article of the treaty affirmed all

³⁹ John Habersham to Edward Telfair, Governor, 25 October 1786, TCC116, Hargrett Library, Digital Library of Georgia.

⁴⁰ John Galphin to the honorable Board of Commissioners, 26 October 1786, TCC175, Hargrett Library, Digital Library of Georgia.

⁴¹ John Habersham to Gov. John Houston, 26 October 1786, KRC093, Hargrett Library, Digital Library of Georgia.

articles of the Treaty of Augusta (1783) and Galphinton (1785), especially in making the Oconee River the boundary between the two parties. The 11th article required that all persons from one party must have passports in order to cross into the territory of the other party, while the 12th article named five *micos* and headmen who would live with the Georgians as surety against violations of the treaty.⁴²

As mentioned, McGillivray and Mad Dog boycotted the negotiations. In stating his objections to the negotiations, McGillivray defended the killings the previous spring as “defense of their just rights,” and insisted that all demands for satisfaction must be abandoned, since no treaties existed between Georgia and the Creeks - again denying the legitimacy of the treaties of Augusta (1783) and Galphinton (1785). He warned that the continued holding of the hostages, “leaders of the first distinction,” would result in increased violence rather than a guarantee of peace.⁴³ It is noteworthy that McGillivray valued the hostages so highly, while denouncing their authority to negotiate treaties.

⁴² Watkins, *Digest*, 779-781.

⁴³ McGillivray to Gov. John Habersham, 28 November 1786, Hargrett Library, Digital Library of Georgia, Document TCC905.

Table 3. Creek Signers of the Treaty at Shoulder-bone (1786)⁴⁴

Cusa Mico	Ochunnee Hola
Ninnehohta Tustenuckie Mico	Fousachee Mico
Mico Chee	Tholau Hajo
Hothlepoya Mico	Tusikia Mico
Othlepoya Mico	Ausunuck Tusto Nucke
Opaya Lata	Teomy Tusto Nucke
Opaya Hajo	Tolobe Mathle
Eufalla Testonoky	Hitcheta Mico
Okellasa Hajo	Opaye Tusto Nuckie
Eneathlaco Opaya	Tusto Nuckie
Wawlata Mico	Aulack Hajo
Opay Emathla	Enea Thlaco
Ockehan Hajo	Hopaye Mico
Olackta	Othlepoya Mico
Tuljsca Mico	Chuwackle Mico
Tusto Nuckie	Eneuthlocko
Hottesy Mico	Olacte Emathla
Osuchee Mathla	Muojoy
Cussita Mico	Hallatowegie
Enea Mico	Will Jones
Enea Thlaco	Chatossaha
Epha Tusto Nuckie	Sokakoway
Espane Tusto Nukis	Cuchas Hajo
Goppitchu Tusto Nucke	Toutkis Hajo
Oke Lesa	Opayouchee
Cousa Tustonucke	Tusk Encha
Yahola Mico	Wakse Hajo
Econehot Hajo	
Cusa Mico	
Cuchas Mico	

Again, it is informative to analyze the treaty in terms of who among the Creeks signed. Nineteen *micos* signed the treaty along with at least ten war leaders. In considering the relative importance of the other men who signed the treaty, it should be remembered that the leaders of the town with the highest rank signed first, in order of importance in the town, followed by the

⁴⁴Signatories are listed in the order in which they signed, and should be read down the first column, then down the second column.

leaders of the next highest ranking town and so forth. The list in Table 3 is in the order in which it was signed, so that Cusa Mico was recognized as the most important man to sign, while Wakse Hajo was the least important. Fifty-seven Creek leaders signed at Shoulder Bone Creek, including at least seven who signed the Treaty at Galphinton, and three who signed all three treaties with Georgia.

As Georgia was concluding a treaty with the Creeks, notice came from William Davenport that the Spanish in New Orleans were spreading word that Spain and England had allied themselves to make war upon the United States. This caused consternation among the Choctaws and Chickasaws, who were trying to maintain neutrality and friendship with all sides. The Choctaws and Chickasaws together declared that they were one nation with one voice, but various towns and individuals were tempted to ally themselves with either the Americans or the British and Spanish, especially since they had been so content under British authority.⁴⁵

Others of those nations doubted the rumors. Gov. Miró sent orders that all Indians in possession of British medals were to report to New Orleans to surrender those and receive Spanish medals. Davenport recommended that the Chiefs ask that if Spain and Britain were now joined together as one, why they needed to exchange their medals. This logic clearly impressed the leaders who declared they would not go down to New Orleans in the spring.⁴⁶

Miró also ordered that any person not in possession of a Spanish passport be apprehended and sent to Mobile. This order put Davenport in great danger, but he elected to stay in order to continue advising the Chiefs. McGillivray made a number of trips to the Choctaw and Chickasaw towns trying to convince them that Georgia was trying to destroy the Creeks and that

⁴⁵William Davenport to the Governor of Georgia, November 1, 1786, Hargrett Library, Digital Library of Georgia, TCC211.

⁴⁶ Ibid.

they were next. Davenport countered that it was the Creeks who were crossing the boundary of the Oconee, attacking settlers who were lawfully there according to treaty. The end result of Davenport's work was that the Choctaw and Chickasaw remained friendly or neutral toward Georgia, with relatively few exceptions.⁴⁷

McGillivray continued to pressure the commissioners to abandon their demands for the Oconee lands based on the principle that they were invalid according to Creek usage. Instead, he suggested that they attend a meeting to be held in the spring of 1787 using friendship rather than the threat of force as their approach. "The Indians," said McGillivray "may be led, but will not be drove."⁴⁸

By late fall McGillivray was convinced that victory was at hand. He informed O'Neil that the Georgians had mustered every man available to attack the towns but had been scared off at the Oconee. Shortly afterward, Galphin and McMurphy were turned back when McGillivray refused to allow them to speak to the chiefs. McGillivray did assure "the young Galphin" that the Creeks would not attack Georgians, except in self-defense, before a peace conference could be held in the spring. At that time, the *micos* expected Georgia to decide "whether we have peace or war."⁴⁹

A letter to the editor of the *Georgia Gazette*, one of the newspapers of Savannah, in Chatham County, denounced the citizens of the county for failing to prepare a defense against a Creek attack. Instead, people were conducting business as if no danger existed, and spent their

⁴⁷ William Davenport [to the] Governor Georgia, November 1, 1786, Hargrett Library, Digital Library of Georgia, TCC211.

⁴⁸ McGillivray to Gov. John Habersham, 28 November 1786, Hargrett Library, Digital Library of Georgia, TCC905.

⁴⁹ McGillivray to O'Neil, December 3, 1786, in Caughey, 140.

evenings in “ease and indulgence, and risk the existence not only of ourselves, but our wives and little ones.” McGillivray had threatened to strike in “the heart of Savannah,” where part of his father’s substantial estate had been confiscated following the Revolution. The residents, American and British alike, were in danger of being killed or mutilated, because there would be no time or inclination on the part of the warriors to distinguish between friend and foe. So inadequate were the preparations that the officials could not even post sentries, and the country to the west was likewise inadequately prepared. The warning was posted by an unidentified private in the militia.⁵⁰

The Oconee War started with McGillivray’s promise following the 1785 Treaty at Galphinton to defend Creek land against Georgia’s presumptuous claims. By November of 1786 he had proven his ability to do so. The new Treaty at Shoulder Bone Creek did not alter the Upper Creeks’ resolve to hold their hunting grounds. Georgia settlers had abandoned many of their farms and towns in the contested area between the Ogeechee and Oconee Rivers, and McGillivray’s success was drawing more Creek towns to his side. A close examination of the situation exposes the fact that internal Creek divisions, rather than any sense of unity, was working in favor of those who sought to preserve the Creek nation’s domination of its lands. This disunity functioned to increase the determination of opponents to Georgia settlers to hold their land against the usurpers, and for Georgia, the worst was yet to come.

⁵⁰ “From the Georgia Gazette,” November 20, 1786, *Pennsylvania Packet*, Philadelphia, <http://www.genealogybank.com/gbnk/newspapers/doc/v2:10CEB9BDCC081400>.

CHAPTER 6. "SURROUNDED BY ENEMIES BOTH RED AND WHITE;" CREEK INITIATIVE IN THE OCONEE WAR

By the winter of 1786-87, the war was fairly a stalemate. Neither Georgia nor the Creeks could force the other to the negotiating table on terms they would accept. Georgia governors sent numerous emissaries to the Creeks to persuade them to treat for peace, but were unsuccessful in convincing McGillivray and his allies to accede even to discuss the crisis. McGillivray held fast to the position held by many Upper Creek Towns that there could be no negotiations with Georgia as long as settlers were allowed to remain in the Oconee lands. Under the circumstances, a stalemate favored the Creeks in that they, not the Georgians, held the key to peace, and they, the Creeks, would decide the conditions under which peace would be attained. McGillivray and his cohort drove the course of events, and both Georgia and McGillivray's Creek opponents could only react. McGillivray would soon force greater reaction as he chose to expand the war from the contested lands and take it to the eastern counties of Georgia.

Evidence has previously been presented showing that, from 1783 to early 1786, the war, while real, had been localized, and consisted of small, infrequent attacks by Creek warriors. Most, but not all of the action had occurred in central Georgia, encompassing Greene, southern Franklin, and northern Washington counties along the Oconee River. This area, approximately one hundred and twenty miles in length north to south, stretches from just north of modern Athens south to Dublin. These counties were the center of the violence because they were the prime areas of Georgia settlement to which the Creeks objected.

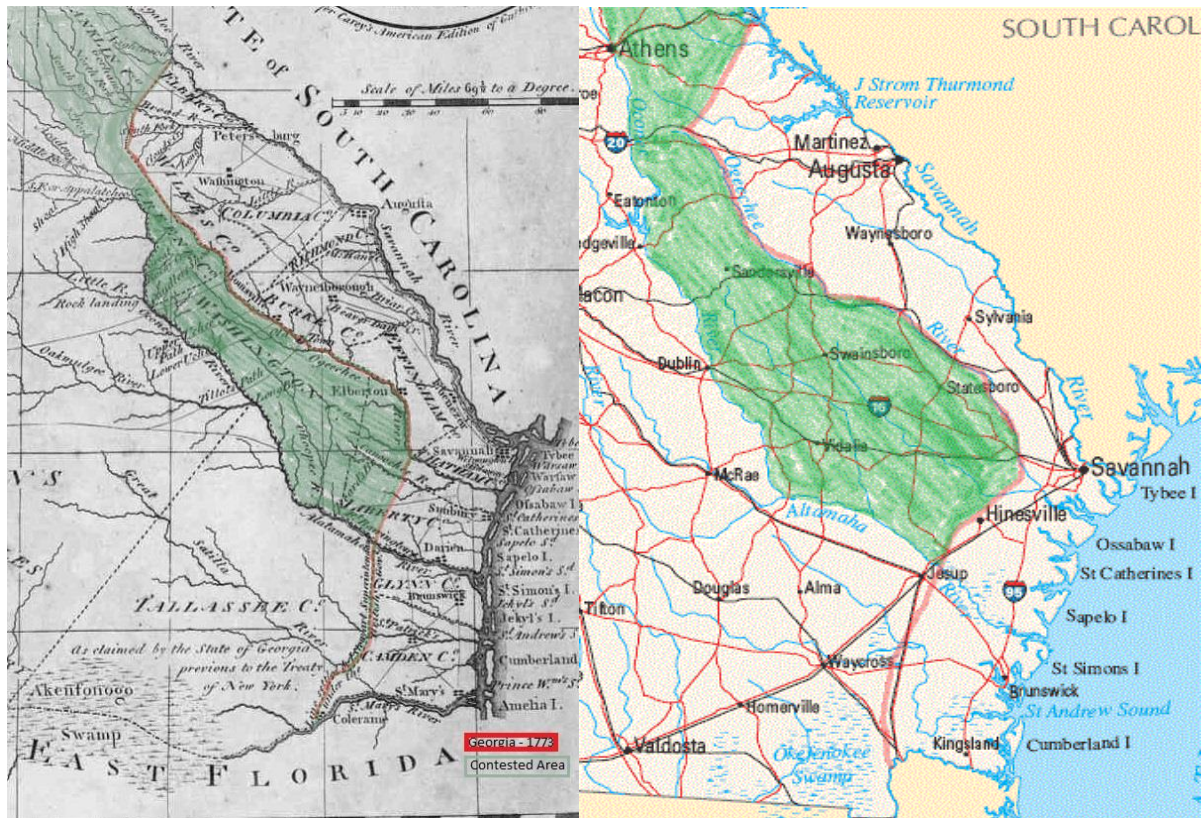


Figure 4. Portion of "Jedidiah Morse's Map of Georgia, 1796"; Corresponding portion of a current Georgia map¹

During the previous years, Georgia had countered each attack with similar raids, rarely encountering warriors, but, rather, destroying crops and houses. Several of these attacks were carried out against Lower Creeks, who generally supported Georgia. This chapter will examine the escalation of violence to include all Georgia counties from Franklin, on the Cherokee border, to Tallasse County on the Florida border, and reaching eastward to the coastal counties. At times, the situation would appear desperate to the settlers in the interior and to the under-supplied Georgia militia.

¹"Jedidiah Morse's Map of Georgia, 1796," GeorgiaInfo, <http://georgiainfo.galileo.usg.edu/topics/maps/article/historical/georgia-map-1796>, Ed Jackson Collection. Current map http://dlg.galileo.usg.edu/cgi-bin/govdimag.cgi?page=1&path=dbs/2013/ga/t700/_ps1/m2/2013_h2014/elec_p_btext.con/.

Winter 1786-1787 saw a decided increase in violent acts along the frontier. Creek raiders were accused of attacking and killing civilians from Franklin County in north-central Georgia south to coastal Camden County on the Florida line, as well as in the vicinity of Cumberland, Tennessee. These attacks, discussed in a letter from federal Superintendent of Indian Affairs for the Southern District, Richard White, to Alexander McGillivray, provided justification, in Georgia's opinion, for launching attacks against Creek villages. Georgia militia retaliated swiftly against these raiders, not paying any particular regard as to whether the Creeks they attacked were involved in the violence for which it, the militia, was pursuing justice. Thus, White would also tell McGillivray that the Georgia militia's actions "were the marks, not of the soldier, but the savage." In a report to the governor, a frontier trader identified as J. Gray, speaking of the price Georgia would pay for the Oconee lands, would declare, "A many . . . must fall . . . to their artfull crueltys."²

Reports of those killed rose into the hundreds. Thousands fled the contested region for what were thought safer counties to the east. Many left the state. The horror stories of massacre and mutilation mostly concerned civilians, including women and children. The stories, both real and exaggerated, were picked up and printed in newspapers across the country. These reports were examined by the Georgia Assembly which reported that hostilities perpetrated by the Creek warriors "have taken place on the whole length of our borders and a war, by the savages, is now raging with all its horrors. That much of Georgia was under attack or in a state of panic is not an exaggeration, and Congress found itself in a situation it could no longer ignore."³

² James White to the Honorable Alexander McGillivray, Esq., April 4, 1787, ASP 21-22, and J. Gray to Gov. George Handley, 18 March 1788, TCC296, Hargrett Library, Digital Library of Georgia.

³ James M Simmons, Clerk, Georgia Assembly, Extract from the minutes, October 23, 1787, ASP, 24.

As one of his first official acts, Cyrus Griffin, the last President of the United States in Congress Assembled, mindful of the situation in Georgia, appointed Major General Richard Winn Superintendent of Indian Affairs for the Southern District. After several days of debate, Congress confirmed the appointment on February 29, 1788. Winn immediately began working on solutions to the problems present in all areas under his charge and devoted considerable effort toward the situation in Georgia.⁴

What Griffin, like all American leaders, failed to consider was that the Creeks were only interested in peace on their terms. While Winn was ordered to investigate the causes of the situation and to determine if the treaties negotiated by Georgia had been in good faith, he had no authority to change anything. Since Winn lacked that power, the Creeks concluded that no acknowledgement of their claims to the land would be forthcoming, so neither would they alter their position. The war would continue as Creeks seized the initiative and pressed their attacks on multiple fronts, at will.

Therefore, despite the agreement at Shoulder Bone Creek, the Upper Towns continued preparations for a spring attack. Choctaws on their way to negotiate with the United States commissioners in North Carolina made a courtesy visit to Governor Sevier in Nashville and passed on this news received directly from the source. Sevier forwarded it to Governor Matthews of Georgia and promised to forward any other pertinent news regarding the Creeks and other

⁴Charles Thompson, Secretary, *Journals of the United States in Congress Assembled*, United States of America, Stanley Klos, ed., <http://www.charlesthompson.com/p/journals-of-united-states-in-congress.html>.

Indians in the Tennessee Valley. Rather than ending hostilities, as far as the Upper Creeks were concerned, Shoulder Bone was just another distraction.⁵

The Lower Towns were intent on honoring the peace. By spring the headmen of Buzzards Roost and Cusseta were offering to help run the line as soon as practical, and at the same time were encouraging the state to release the hostages held in Augusta. Their reasoning was sound. First, all of the hostages were long-standing friends, officials in towns that traded with Georgia instead of Spain, and that supported all three treaties negotiated between the two parties. Second, were one of the hostages to get sick or be injured by another calamity, support within those towns might be in peril.⁶

Others were unsure of the intentions of the Lower Towns. Timothy Barnard, a mixed blood who lived at Buzzard's Roost, and who interpreted the talk of its headmen, was one who doubted their sincerity and claimed that the Indians had been encouraged by the Spanish to lull the Georgians to lower their guard in advance of an attack. The Spanish had been encouraging a war between the Creeks and Georgia for some time and pledged their full material support were military action to commence.⁷

Unaware of Winn's appointment, James White continued his pursuit of a peaceful settlement of the war. He believed that most of the killings on both sides were carried out by uncontrollable youth and a few "bad" people. Yet, despite pledges to stop hostilities and punish the troublemakers, the leaders of the Lower towns had taken no action. He chided the Creeks

⁵ John Sevier to Gov. George Matthews, 3 March 1787, Hargrett Library, Digital Library of Georgia, Document TCC916.

⁶ Timothy Barnard, Interpreter, A Talk from Headmen of Buzzard Roost and Cussetas to the Gov of Georgia, 1 May 1787, TCC672, Hargrett Library, Digital Library of Georgia.

⁷ Barnard [to Governor George Mathews?], 1 May 1787, TCC673, Hargrett Library, Digital Library of Georgia.

sternly for this lack of control and berated them with a list of crimes that had gone unpunished. Since the Creeks had no written laws, and since Georgia negotiators had secured treaties ceding the Oconee land in the same manner that the British had before them, White recommended that the Oconee boundary be accepted in the interest of peace. From that point, both sides could enact laws strictly enforcing that boundary and establish civil relations. According to White, Georgia would have no need of further agricultural lands, since its citizens would be too widely dispersed, while the Creeks would benefit from peaceful trade.⁸

White's proposals to the Creeks, had they been accepted, would have gone far to end the dispute, at least in its then-current form. Continued violence would only lead to more bloodshed and death, and greater animosities. He presented a list of crimes against Georgia settlers that were the "marks, not of the soldier, but the savage."⁹

White, however, was no friend of Georgia. In his dialogue with the Indians he called Georgian's by the derogative term "Virginian" preferred by the Creek. His reports contained references to Georgia officials threatening and cajoling *micos* who participated in the earlier treaties. Nor were Georgians innocent in the cycle of violence. White kept records of murders reported by various towns and individual families he met in his travels through the nation. He took notes of fact and rumor of "Virginian" incursions not only across the Ogeechee into the Oconee lands they claimed, but also across the Oconee. The state, declared White, was not upholding its side of the bargain, either.¹⁰

⁸ James White, At a Meeting of the Lower Creeks, April 10, 1787, ASP 22.

⁹ James White to the Honorable Alexander McGillivray, Esq., April 4, 1787, ASP 21-22.

¹⁰ James White to Maj. Gen Knox, May 24, 1787, ASP 20-21.

While White was traveling through the Creek towns investigating the situation, a number of Georgians crossed the Oconee and attacked a group of Creeks, perhaps from Cusseta or a nearby town, killing twelve. Fat King issued the formal talk demanding satisfaction and warned that full satisfaction must be given, “life for life.” A number of other Creeks were murdered between the summer of 1786 and 1787, along with the numerous raids and the indiscriminate destruction of towns then occurring for which satisfaction had not been given. It was these murders that caused the attacks of 1787.

Fat King informed the governor of trespasses by settlers and then ordered an escalation of violence. He related to Governor Mathews an attack in which Georgia militia attacked a town to obtain satisfaction for the killing of White settlers by Creeks. According to Fat King, the perpetrators of the attack on the Whites were from the Upper towns, while the revenge attack on the Creeks was carried out against a town known to be friendly to Georgia. Therefore, it was the failure of Georgia officials to stop incursions into Creek territory that resulted in war.¹¹

Mathews requested help from the Congress because he was uncertain whether Georgia could maintain its defenses much longer. He reported that in one attack on Greensburgh (now, Greensboro), the Creeks “killed thirty-one of our citizens, wounded twenty” and kidnapped a number of others. He further spoke of numerous “other houses in different parts of the country” also coming under attack. In response, the Georgia assembly had ordered up 3000 additional troops, with authority to call up 1500 more. Mathews’s request to the Congress was for funds to equip the troops.¹²

¹¹ Fat King, Talk of the Fat King to Governor Mathews [and] the Council, 1787 July 27, Cussitah, <http://neptune3.galib.uga.edu/ssp/cgi-bin/tei-natamer-idx.pl?sessionid=73ad3f32-58e57f4769-3560&type=doc&tei2id=TCC906>.

¹² George Mathews, Augusta, Geo. 15th November, 1787, ASP 23.

Another major twist in the circumstances occurred at this time with the advent of another claimant to the leadership of the Creek Nation. William Augustus Bowles reappeared on the scene in 1787 after a hiatus of several years. Bowles was born in Frederick Town, Maryland, and, like his father, remained loyal to the crown during the American Revolution. In 1777 he joined the British Army in Philadelphia after negotiating the dangerous countryside, avoiding Patriot patrols, and arriving shortly after the British had taken the city. He quickly transferred to the newly-formed Maryland Loyalist Militia where he was commissioned, at age 14, as an ensign.

Following the British retreat from Philadelphia to New York, Bowles sailed with his unit to Jamaica and from there to the Floridas. Instead of defeating the Spanish and taking control of the Mississippi River, the British were pushed back into East Florida. Because of unspecified conflicts, Bowles was released from the military. It was reported that he threw his tunic into the Gulf and left in disgust. With nowhere to turn, the sixteen-year-old took refuge among the Lower Creeks.¹³

For the next two years Bowles lived among the Creeks, learning their culture and language, and married two women, one Creek, the other Cherokee. In 1780 the British called for support from their Creek allies, and Bowles joined the fight, this time dressed as a Creek warrior. At Mobile he distinguished himself in combat, impressing both British and Creek compatriots. When the British were repelled and fell back, Bowles stood his ground until he was forced to retreat, the last man on the field. Shortly thereafter, the Spanish attacked Ft. George, where the British had taken refuge, and the British were forced to surrender. Bowles had remained to fight

¹³ J. Leitch Wright, Jr., *William Augustus Bowles: Director General of the Creek Nation* (Athens: University of Georgia Press, 1967), 12.

for the crown and was among the prisoners transported first to Havana, where they were paroled, then to New York. When New York was evacuated in 1782, Bowles went to the Bahamas.¹⁴

When the Revolutionary War ended, Bowles made his way back to Georgia and to the Lower Creek towns. Because of his bravery in combat he was elected *tustěnúggi* and gained some recognition among the nation. He traveled anonymously in Georgia and probably Maryland over the next few years, and spent time in the Bahamas as well. There is a story that on at least one occasion he acted as a spy for the Creeks when he supposedly went to Augusta and observed the Georgia Assembly debating legislation regarding the Indian nations situated within Georgia's claimed boundaries, and their lands.¹⁵

Thus, when John Lord Dunmore, former royal governor of New York, and more recently Virginia, arrived in Nassau in the fall of 1787, accompanied by John Miller, a merchant and former Indian trader who had lost most of his fortune following the war, the stage was set for Bowles's attempt to regain prominence among the Creeks. Dunmore and Miller were trying to figure out a means by which to insinuate themselves into the southern Indian trade and break Panton and Leslie's monopoly. The answer to their question soon arrived in the person of Bowles, who arrived in Nassau in full regalia as a Creek war chief.

As these events unfolded in the Bahamas, the governors of the Floridas were reducing the flow of arms and ammunition to the Creeks and Cherokees. Before leaving for the Bahamas to organize a filibustering campaign, Bowles managed to get a small cache of British weapons to McGillivray, who gladly accepted it. This exchange raised governor Mirò's concerns, who

¹⁴ Ibid., 15-16.

¹⁵ Wright, *Bowles*, 24.

reported to Captain-General Ezpeleta “the conduct of McGillivray . . . is strange and incriminating, and it is the first act that rouses [Mirò’s] suspicion against him.”¹⁶

Bowles’s return to the Lower Creeks began fairly well. He and his patrons outfitted two ships and hired a crew of about fifty men to include Loyalists, unemployed, and a number of prisoners looking for a way out of jail. Each man was fitted with clothing and a musket and promised land bounties and salaries. Once the ships were loaded in the Bahamas, they set sail for the Indian River, which flows into the Atlantic a short distance southeast of the present city of Port St. Lucie. Their plans began faltering when they found out there were not enough Indians or horses in that area of Florida to supply them. Men began to desert, with many surrendering themselves at St. Augustine. The remaining crewmen managed to sail upriver, where they could cross to the St. John’s River and skirt past St. Augustine to the St. Mary’s River and into south Georgia.¹⁷

Bowles’s chances for a successful campaign quickly ended, but not without effect. Spain had reversed its policy of arming the Creeks as the United States was gaining power. However, with the rise of the possibility of direct trade with Britain, which offered lower prices, higher quality, and greater reliability, guns and ammunition began flowing fairly freely through Spanish ports again. McGillivray returned to the Spanish fold and renewed his loyalty to Pantón, leaving one to question if his embracing of Bowles was but another tricky political feint.

Another point to remember is that this event revealed a dangerous breach in Creek loyalties, as some declared for Spain and McGillivray, some for the Americans, and a large and

¹⁶Mirò to Ezpeleta, July 28, 1788, in Caughey, 191. In a footnote, Caughey says that “O’Neil had distrusted for some months past,” footnote 139, *ibid.*

¹⁷Wright, 32.

powerful group espoused Bowles and England. While his first foray into the Creek Nation ended unsatisfactorily for him, Bowles was full of hope.

The events in Nassau corresponded closely in time with the American Constitutional Convention being held in Philadelphia. The Articles of Confederation and Perpetual Union were found to be inadequate by many, and a number of delegates were proposing a new constitution to establish a federal union. One goal of those seeking a new constitution was to empower the central government to implement designated powers that they thought could most effectively be accomplished by a central authority. The Constitution was adopted on September 17, 1787, and the state of Georgia became the fourth state to ratify when it did so on January 2, 1788.

Georgians had many reasons for wanting to displace the Articles of Confederation. Especially pertinent to this discussion is Article VIII which states, in part, “All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury. . . .” Predominantly the Creeks allied themselves with Britain during the Revolutionary War, and that war was carried on in Georgia. State negotiators signed three treaties with the Creeks to end hostilities, but large portions of the nation refused to accept the validity of those treaties. The war between the two was costly in terms of life, property, and money. The national government supplied neither soldiers, nor weapons, nor financial support, even though Georgia was fighting for “the common defense [and] general welfare” of the confederation. Congress focused its efforts on the Ohio River Valley, virtually ignoring the south.

When the Constitutional Convention offered the new document, Georgia’s representatives must have believed they would be better served by the proposed federal union. In the continued confrontation with the Creek Nation, the federal union would be able to levy taxes

and raise troops to aid Georgia. And, while being empowered to secure substantial aid, Georgia would maintain control of its internal affairs based on the wording of the Constitution. Article I Section 8, discussing the so-called “enumerated powers,” includes, in the third paragraph, Congress’s authority “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” This paragraph succeeds authority granted to Congress under the Articles of Confederation in the fourth paragraph of Article IX which reads “regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated.”

However, the wording of the Constitution on the topic of Indian relations became the cause of many legal disagreements between the national government and the several states, including several in Georgia, many of which continue to the present. Under the Articles of Confederation the Congress was granted limited power over Indian affairs. One specific limitation mentioned was that the Indians in question must not be incorporated “members” of a state. In the context of the Creek Nation and others living within the boundaries of Georgia (as defined by the Treaty of Paris, 1783), their status would be considered to be that of an autonomous polity residing in the state. In the case of Georgia, the Creeks had been specifically incorporated as “members” of Georgia under the Treaty of Augusta (1773) before the American Revolutionary War, which membership was re-affirmed by the Treaty at Galphinton (1785).¹⁸

Thus, when Georgia ratified the Constitution, the legislature understood that certain previously established conditions remained in force, including treaties. Further, it would appear

¹⁸ “Minutes of the Southern Congress at Augusta, Georgia: Georgia; North Carolina; Cherokee Indian Nation; Catawba Indian Nation; Et Al., October 01, 1763 - November 21, 1763,” Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. Volume 11, Pages 156-207, <http://docsouth.unc.edu/csr/index.html/document/csr11-0084>. p. 200, and Watkins, *Digest*, 768.

Georgia officials may have understood that since Art. I Sect. 8 only refers to “commerce,” and that since the Articles of Confederation prohibited national interference and stipulated their “legislative rights . . . not be infringed or violated,” they had full authority to continue treaty-making powers.

Despite the new Constitution with its broad military powers granted to the national government, fear among Georgians increased in early 1788 as the war intensified, escalating to panic in some regions. A licensed trader, tentatively identified as “J. Gray,” notified Gov. Handley, “A many good Citizen must fall, a pray [prey], to their artfull crueltys, Notwithstanding, all our Posts, & Scouting parteys on the frontier.” Gray informed the governor that he was on his way to Savannah to receive orders, and would return immediately to the Creeks, who he said chose him as a mediator (“ . . . their Chice of me . . .”) [sic]. He made clear that if the “fire” were allowed to “spread Many more men” would be lost.¹⁹

General John Twiggs was forced to deal with the panic and fear in March, 1788. The militia was abandoning its posts, and the frontiers of Burke County had been breached. The attacking Creeks laid waste to numerous farms, while the owners fled with what they could carry. Twiggs told Governor Handley so many people were abandoning their farms that he thought the frontier might fall all the way back to the Savannah River. While this may seem like hyperbole, other sources reinforced the perception of destruction in Twiggs’s missives. In the meantime, no assistance was forthcoming.

Col. Jared Owen responded to a series of attacks in which a Mr. Hogans was killed and scalped, followed by deaths of a Mr. Daniels, and of the entire David Jackson family, which was

¹⁹ J. Gray to Gov. George Handley, 18 March 1788, Document TCC296, Hargrett Library, Digital Library of Georgia.

comprised of Jackson's wife and four children, and his brother, and the deaths of three other people. Capt. Kemp and four men rode out on a reconnaissance mission and were attacked by about thirty-five warriors who killed one of the men. Capt. Wood was reported missing, and his horse was found covered in blood. Col. Owen presumed that Wood was dead, but said the search would continue.²⁰

Additionally, General James Jackson reported that the entire country south of the Ogeechee was in danger of being overrun by Creek war parties. He urged the governor not to try resupplying the region by driving cattle, as was the normal procedure, because that would only result in supplying the Creek warriors.²¹

Further south the Creeks were pressing hard on outposts and forts in Glynn and Camden counties. According to Captain William McIntosh the Creeks had attacked Barnett's Fort near the Altamaha River in Glynn County with "four to five hundred guns." Relief from the state failed to arrive when promised, and McIntosh was afraid the entire population would "fall a prey to the barbarity of the Savages." General Jackson added to this that if Barnett was not relieved, "Glynn [would] not have a settler."²²

The idea that four hundred or more Creek warriors attacked Barnett's is but one example of exaggeration in the face of panic. However, that Glynn County "would not have a settler" is a realistic assessment of the situation. Barnett's was a frontier post, more of a stockade to which local residents retreated in times of danger. No soldiers were garrisoned in such local forts, nor

²⁰ Gen. John Twiggs to the Governor of Georgia (George Handley), 28 March 1788, Document TCC306, Hargrett Library, Digital Library of Georgia.

²¹ James Jackson, to Gov. George Handley, 28 March, 1788, Document TCC304. Hargrett Library, Digital Library of Georgia.

²² Ibid.

were there any in the region to provide relief. It would contain a small stock of provisions, and a similarly small supply of powder and shot, but in no way could it have withstood the massed attack of four hundred warriors. These facts were well known to the Creeks, as was the fact that Glynn County was sparsely populated. The 1790 census would show, two years later, that the total population of Glynn was 413 people, less than four per square mile.²³

In Liberty County, just to the north of Glynn, many local residents refused to answer the call for militia. At least twenty enrolled militia members were arrested and placed in jail in Sunbury for failing to respond when called up for militia duty. Morale was low for those in the rear and lower among those in the field. Jackson told the governor that Capt. Cone, the commander of local forces between the Creeks and Savannah, was “undetermined, and his men disheartened.” Local opinion held that if Cone withdrew, “there [would] not be a settler left to Savannah River.”²⁴

While receiving no pay and few rations, though, Cone and his men continued to defend the state as best they could. Five men of Cone’s Regiment charged a much larger body of Creeks and forced them into retreat. While lacking support from the state, Cone patrolled the country between Beard’s Bluff on the Altamaha River to the southern line of Burke County, an area nearly one hundred miles from north to south. Capt. Lewis provided the only relief south of the Altamaha by patrolling from Beard’s Bluff to the Florida border.²⁵

²³ US Dept. of Commerce, US Census Bureau, <http://www.census.gov/history/img/1790-b.jpg> and <http://georgiainfo.galileo.usg.edu/topics/counties/glynn>.

²⁴ James Jackson to Gov. George Handley, 28 March 1788, TCC304, Hargrett Library, Digital Library of Georgia.

²⁵ Ibid.

Camden County, with a population of about three hundred, was in more dire circumstances. Camden is located on the border with Florida, and was an open target to the Creeks, who were being supplied with guns, powder, and shot by the Spanish in St. Augustine. Creek warriors further received assistance from Panton, Leslie, and Company, the Gulf Coast trading firm, and from British loyalists who evacuated Georgia and South Carolina following the Revolutionary War.

Colonel Jacob Weed apprised General Jackson of the nature of the distress in Camden. He and most of the residents had abandoned the mainland and were taking refuge on Cumberland Island. Having no civil law present, Weed described being “surrounded with enemies both red and white.” Weed further informed the general the approaches to the island were guarded by two canoes, neither of which was armed, and there was not a pound of lead in the county for shot.²⁶

Another major issue described by Weed was that British refugees were sailing up the coast to Fredericka on St. Simon’s Island (Glynn Co.) to collect intelligence. He requested four swivel guns and a supply of grape shot with which to arm a small sailing vessel he had obtained, intimating that he could stop the traffic coming from Florida up the channel (now part of the Intra-Coastal Waterway).²⁷

Weed’s letters also brought a glimmer of hope. According to his intelligence McGillivray had sent runners to recall all Creek war parties in preparation for a treaty negotiation. He asked

²⁶Colonel Jacob Weed to General James Jackson, 20 April and 16 May 1788, Hargrett Library, Digital Library of Georgia. Document TCC929.

²⁷ Ibid.

General Jackson if this was true, but also asked when the state troops, promised as relief, would be arriving.²⁸

The situation was further complicated early when the United States Constitution was ratified. The greatest of the complications revolved around the fact that there was a new governing power, but that government existed only on paper. Measures were taken to organize the new government pending ratification, but certain things could not be completed beforehand.

As discussed previously, under the authority of Article I Section 8 and Article II Section 2 of the U.S. Constitution, the new federal government had authority to negotiate all treaties with foreign powers, including Indian nations. Numerous questions were raised by the assumption of these powers by the federal government, including the status of treaties negotiated prior to the ratification of the Constitution. Part of the debate centered on the wording of the treaty powers of the national government under the Articles of Confederation, where it states that “Congress shall have the sole and exclusive right and power of regulating . . . all affairs with the Indians, not members of any of the States.”²⁹

The discussion arises as to the status of treaties negotiated by states prior to the ratification of the Constitution. Article I Section 10 of the Constitution prohibits states from entering into treaties. However, Article VI states, “All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.” Georgia officials maintained these clauses would

²⁸Ibid.

²⁹ *The Articles of Confederation and Perpetual Union*, Article IX, “The Avalon Project: Documents in Law, History, and Diplomacy,” Lillian Goldman Law Library, Yale Law School, http://avalon.law.yale.edu/18th_century/artconf.asp.

indicate that at the most restrictive, under the Constitution, states may not treat with the Indians, but that all previous treaties remained in effect.

Unfortunately for Georgia, there were those who interpreted this clause differently. How “valid” were the treaties between the State of Georgia and Creek Nation under the Articles of Confederation if the Creek Nation did not accept them as “valid?” The Constitution went into effect on March 4, 1788, after ratification by nine states. Winn remained superintendent in the interim and continued working toward negotiations with the southern Indians. He presented his understanding of the situation, which the *micos* listened to with full attention. At his mention of running the line, they interrupted and raised serious objections. The *micos* asked if they were to be taken prisoners, again.³⁰

Tallassee King explained how the Georgians had held him in Augusta until he was forced to consent to a treaty ceding lands, and Hallowing King discussed the history of Georgia since before Oglethorpe landed, centering on actions of the colony to take possession of Creek lands from then to the present without ceasing. While the record is incomplete regarding Hallowing King’s speech, he would have undoubtedly discussed the cessions of 1733, which were given in friendship, and of 1763 and 1773, which were forced in payment of arrears. Cessions were then demanded again in 1783, 1785, and 1786.³¹

Washington and Knox were well aware of the danger of a southern Indian uprising to the security of the new union and immediately focused a great deal of attention on producing a solution satisfactory to the Creeks and to Georgia. In late June, 1788, Superintendent Winn, who worked through the transition without waiting to hear whether he still held his position, informed

³⁰James White, Report, Proceedings of the meeting of the Lower Creeks, April 10, 1789, ASP 22-23.

³¹ Ibid, see map, “Creek Indian Cessions, 1733 – 1800.”

Knox that McGillivray had agreed to a cessation of hostilities pending the negotiation of a treaty with the United States, with September 15 set as the date for negotiations to begin. Winn asked Knox to secure funds for gifts and rations from Congress in preparation for the meeting. One of Knox's first steps was the extension of Winn's appointment as Superintendent of Indian Affairs for the Southern Department beyond the August 29 expiration date.³²

By June Knox had sent letters to McGillivray and the Creeks explaining some of the changes that were coming as a result of the ratification of the new Constitution. He also invited them to attend treaty negotiations at a place to be determined near the Tugaloo River in northeastern Georgia, scheduled for September 15.

In preparing for this treaty he appointed as commissioners Generals Andrew Pickens and George Matthews. Both Pickens and Matthews had served as commissioners previously and were intimately familiar with the issues. Additionally, Winn made a request to Congress for funds to pay for provisions for the negotiations which were expected to last a week to ten days. Based on information received from Pickens and Matthews, he expected approximately 1500 Creeks to attend.³³

A Creek delegation including McGillivray, Hallowing King, and Mad Dog replied to Winn's invitation, accepting the terms laid out for the meeting. However, McGillivray demanded that prior to the meeting all Georgia settlers had to remove to the colonial borders, i.e., the

³² Richard Winn, to General Knox, Winnsborough, June 25, 1788, ASP 26.

³³ Richard Winn, An Estimate of Money necessary to be advanced by the Southern States for carrying on a Treaty with the Creek Indians, June 18, 1788, ASP 27.

Ogeechee River. The three *micos* also expressed their pleasure and hope that the new Congress and President would do justice regarding the plight of their nation.³⁴

Winn replied to McGillivray's demand that all settlers be removed from the contest land, noting that the commissioners did not have the power to do so. He did agree to ask the governor to prohibit additional settlers from moving into the contested area and to order a cessation of hostilities until a treaty could be negotiated. Winn requested McGillivray and the *micos* to do the same. McGillivray agreed to the request and confirmed the date and place for the meeting.³⁵

At the same time Secretary of War Henry Knox was evaluating what it would take to defeat the Creeks if the United States were to go to war. At the time, all available United States troops were in the Ohio Valley fighting the Wabash Nation, leaving the Southern District with no soldiers on the frontier. Furthermore, due to the size of the conflict in the Western District, no troops could be transferred from there to the south.³⁶

This situation was disconcerting to many Georgians who had supported ratification because of the promise of military assistance from Congress. Instead of receiving the expected aide, Georgia was advised to negotiate peace at whatever cost. The only person really considering assistance in the southwest was General Knox. While Winn and the Federal Commissioners were inviting the Creeks to talk, Knox was planning for an invasion of the Creek Nation to force them to the peace table. In analyzing the strength of the Creeks, Knox stated that

³⁴ Richard Winn to Alexander McGillivray, Esquire, and others, Chief Men and Warriors of the Creek nation, July 16, 1788, Ft. Charlotte, SC. In this reply, Winn acknowledges receipt of a letter from the three *micos*, McGillivray, Hallowing King, and Mad Dog, and their willingness to treat with the United States, ASP 29.

³⁵ Alexander McGillivray to Richard Winn, Andrew Pickens, and George Mathews, Commissioners, August 12, 1788, ASP 29.

³⁶ Knox, ... a plan for the protection of the frontier of Georgia, agreeably to the principle of the resolve of Congress of the 21st of July, 1787, War Office, July 26, 1788, ASP 25.

they were more numerous, more disciplined, and more united than the Wabash, and that they were led “by a man whose talents appear to have fixed him in their confidence.” Knox estimated that a minimum of 2800 soldiers would be needed and requested Congress to order the conscription of 700 infantrymen each from North and South Carolina and Georgia along with eight companies of cavalry and two companies of artillery. The cost of the operation would be a minimum of \$450,000.³⁷

By August plans for the meeting were beginning to unravel. The Georgia legislature considered the event to be outside the authority of the U.S. government and argued that it infringed on the sovereignty of the state. They further aggravated Winn’s plans by passing a land grant act awarding land as bounty to soldiers who fought in the Revolutionary War. All of these parcels were located in Creek or Cherokee Territory and were awarded in addition to bounty script (promissory notes given in lieu of payment) paid to soldiers during the Revolutionary War.³⁸

By September the meeting was postponed. McGillivray and the *micos* again issued their demand that all settlers be removed from the Oconee region before a treaty could be signed. According to McGillivray, Georgia was not honoring the cease fire but was perpetuating continual acts of violence against his people. A Georgia citizen by the name of “Ja[s]n Alexander,” in a letter tacked to a tree near the Flint River on August 5, personally threatened McGillivray that no peace would be granted until satisfaction was rendered for all grievances against the settlers. Further, according to McGillivray, the majority of Creeks believed that

³⁷ Ibid.

³⁸Richard Winn, to Knox, Winnsborough, October 14, 1788, ASP 28. Winn referenced this law in August but was unsure as to its exact nature. It was not until October that he learned it was a land bounty for military service, thus confirming the Creek claim that the state was attempting to co-opt more Indian land.

Congress was trying to somehow trap “the whole nations and tribes” with “deceitful snares” so that the “Americans may the more easily destroy them.”³⁹

Winn and the commissioners responded with a chastising letter to the Creek delegation. Their goal, he wrote, was to provide justice to the Creek Nation while preserving the lawful rights of Georgia. The Creeks were impugning the character of Congress, the President, and the commissioners without cause, and they could not remain silent without appearing to look guilty. He reminded the *micos* that the Creeks had signed three treaties with Georgia, all of which included cession of the region still under dispute. Yet, Creek warriors had continued attacking settlers and stealing their property, while in some case killing or doing violence to them. It was the Creeks who were failing to honor their agreement, not the Georgians. Winn supported his claim with a list of thefts, including “between 25 and 50” slaves, “several large stocks of cattle,” and at least fifty horses, and reminded the *micos* that at least one man had been killed in Effingham County and one wounded in Franklin County, both of which were east of the Ogeechee. He urged McGillivray to put a stop to the violence, and told him his demand that all Whites be removed prior to the treaty was unreasonable and unfair, and stated that Congress would not “look on in silence” as Americans were being robbed. He closed the letter with an invitation to reschedule the meeting for June 8, 1789, to be held at Rock Landing on the Oconee.⁴⁰

Not convinced that the Creek, Choctaw, and Chickasaw Nations could provide a long-term protective barrier between the United States and Spanish territory, Spain began trying to

³⁹Alexander McGillivray, Little Tallassee, September 15 1788, ASP 30. McGillivray ends this missive with the words, “Be not offended, gentlemen, at the remark; ’tis true that it is universal through the Indians.”

⁴⁰Richard Winn, Andrew Pickens, and George Matthews, Commissioners, an untitled letter to Alexander McGillivray and the head men and warriors of the Creek Nation, Hopewell on Keowee, November 28, 1788, ASP 30.

court American frontier settlers, especially in Kentucky and the Cumberland area, to break from the United States and form a colony under Spanish dominion. In order to accomplish this task they reduced the weapons and ammunition supplied to the Creeks to force a reduction in attacks against settlers. McGillivray and many of the Creeks became concerned that the settlers would be given their lands and were desperately looking for a way to prevent such an action. The political intrigues expanded in the winter of 1789 with the return of Bowles, an old acquaintance of McGillivray's, and an arch-foe of both the Spanish and Panton and Leslie, to the Lower towns.⁴¹

The Oconee War produced significant casualties on both sides, as is evident from a report filed with the state house in Augusta. According to the report, seventy-two settlers were killed, twenty-nine others were wounded, while another thirty were taken prisoner. Ten Negroes were killed, while 110 Negroes were "carried off." In addition, large numbers of horses and other livestock were stolen, and eighty-one houses were burned.⁴²

The war was especially hard on the Creeks. The Georgia militia engaged Creek warriors when confronted, but focused on destroying crops and towns. Many Creeks were facing starvation in the upcoming winter. For these and other reasons a number of towns indicated that they wanted peace with Georgia.⁴³

⁴¹ Wright, *Bowles*, 35.

⁴² "A Return of Persons killed Wounded and taken prisoner together with Property taken and destroyed by the Creek Indians from the 1st Jany 1787 untill 1789 inclusively" [sic], State House Augusta, 25 June 1790, 4-2-46, Box 76, File 2, Subjects, Folder 1. Georgia Archives, Morrow, GA.

⁴³ Hallowing King of the Cowetas and Fat king of the Cussetahs, by the request of the Lower Creeks, John Galphin, scribe, and James Douzezeaux, interpreters, June 14, 1787, ASP 32.

Lack of more open warfare can be attributed to several causes. The Creeks were reluctant to create a situation that would result in direct conflict with the federal government for at least two reasons. First, they knew that provoking the U. S. Government to action would be fatal to their cause. Additionally, they relied heavily on the support of the Spanish Crown and had to be careful not to lose that support by risking an international war between Spain and the United States. Spain, however, was not concerned with starting a conflict with the United States. While the United States was negotiating for navigation rights on the Mississippi River and the right of deposit at the Port Orleans, Diego de Gardoqui y Arriquibar informed Madison that Spain would consider its own interests rather than those of the United States and would block the port against use by any forces not in line with Spanish interests.⁴⁴

The United States, on the other hand, could not afford a general uprising of the southern Indians. It was engaged in a land grab of its own in the Ohio River valley, and could not afford to divide the army on a two-front war. Authorities in New York were more concerned with gaining control of lands claimed by the federal government than with helping Georgia grab lands claimed by the state.⁴⁵

Still, the Creek Nation held the upper hand. Georgia could not force the Creeks to cede their lands, and the United States could provide no real relief to Georgia. Georgia was holding a semblance of control in the Oconee lands, but the Creeks had yet to launch an all-out attack. Settlers in the contested region, that is, the land between the Ogeechee and Oconee Rivers, lived in fear of that attack, and more and more families moved back east across the Ogeechee.

⁴⁴ James Madison, February 19, 1787, James Madison notes for the Continental Congress debates, from February 19, 1787 to April 26, 1787, 800-05.

⁴⁵ Randolph C. Downes, "Creek-American Relations, 1790-1795." *Journal of Southern History* 8 (Aug., 1942), 357-58.

The eastern counties of Georgia were also reconsidering the wisdom of the actions taken by the state. As the Creek attacks persisted against counties the Creeks recognized as belonging to Georgia, such as Glynn, Camden, and Effingham, little support could be raised to defend the frontier counties. McGillivray's tactics were dividing Georgia regarding the issue of expansion. Not only were the Creeks controlling the situation on the frontier, they were dictating the topic of debate in Georgia politics.

CHAPTER 7. “DECEITFUL SNARES: COMPLICATIONS IN THE CONSTITUTIONAL PERIOD”

Throughout the decade of the 1780s Georgia tried to wrest the Oconee lands from the Creeks, primarily by treaty. Many Creeks supported friendship with Georgia, while the majority of Upper Towns opposed Georgia’s overtures and demands. In 1786, the Creeks launched a war to prevent Georgia from enforcing any form of the treaties negotiated, claiming that the treaties were all void, while Georgians feared that the Creeks were trying to annihilate the state. Under these circumstances, Georgia looked for assistance from the United States, assistance that did not appear to be forthcoming.

As the Creek Nation and Georgia struggled over control of the Oconee lands, the United States central government was struggling to survive. The states were having difficulty agreeing on what the central government could or could not do and were engaged in power-plays with each other. States refused to pay levees for the financial support of the central government, and the possibility of the collapse of the union was real.¹

Congress issued a call for a Constitutional Convention to address the problems of the Confederation government, which led to the creation of a federal union. Georgia, in a fight with the Creeks for its very existence (or so it thought) supported the new union, partially in hopes of getting help with the Indian situation. The new leaders of the federal government immediately began investigating the situation in Georgia with the intent of bringing about lasting peace by negotiations or by force, but the Creek Nation continued its control of the frontier and the events in Georgia for the next few years.

¹ Gary Duane Olson, “Between Independence and Constitution: The Articles of Confederation, 1783-1787,”(PhD Dissertation, University of Nebraska, 1969), 382, <http://search.proquest.com.ezproxy.lib.ndsu.nodak.edu/docview/302323321/>.

Two major events occurred in 1788 and 1790 which would further complicate matters. The first, the ratification of the United States Constitution, changed the rules by which the central government dealt with Indian nations. The second, the “Treaty at New York with the Creek Indians, in 1790,” led to several severe, perhaps drastic, reactions.²

For the federal government the years 1788 and 1789 were formative years, as each separate body of the new government struggled with issues from basic organization to testing the waters of designated authority. To be sure, the men holding the reigns of authority did not enter their duties blindly, each having an idea of what he should be doing. Additionally, the new Treasury Department had secure sources of funding with the authority to collect duties and imposts, and could establish a reasonable budget. In theory, the government was off to a good start.

In practice, however, reality could not keep up with good intentions. That situation has been and continues to be a source for further research. In this chapter of this study, however, the focus must remain the impact of the federal government on the relationship between the Creek Nation and the state of Georgia. Each group of people had different goals and expectations based on widely differing viewpoints of authority, but the Creeks, maintaining their position that they controlled their own destiny, remained unchanged in their resolve to hold the Oconee lands.

Entering this new relationship, Georgia was expecting the federal government to protect and enforce Georgia’s borders in line with all previously established treaties and precedents. Georgia came into the Confederation and the federal union with land claims extending from its

² “Treaty at New York with the Creek Indians, in 1790,” ASP 81-82. The official name of the treaty is “A Treaty of Peace and Friendship made and concluded between the President of the United States of America, on the Part and Behalf of the said States, and the undersigned Kings, Chiefs and Warriors of the Creek Nation of Indians, on the Part and Behalf of the said Nation.” ASP 81-82.

then current eastern boundary based on the Royal Charter and the Treaty of Beaufort (with South Carolina) and westward to the Mississippi River in accordance with the Treaty of Paris (1783).³

The federal authorities were intent on ending the war that existed between Georgia and the Creek Nation with as little intervention as possible. To that end, Congress and the President sent “Commissioners Plenipotentiary for negotiating and concluding treaties of peace with the independent Indians within the limits of the United States, south of the river Ohio.” By the evidence which will be presented, neither Congress, nor the administration, was too concerned with Georgia’s claims.⁴

Georgia’s actions were dangerously close to involving the United States in a war with Spain. The possibility of losing was not an issue; in one report Secretary of War Knox submitted plans for sending 28,000 troops against the Creek Nation, if need be, a force that Spain was totally unprepared to face. Among the primary concerns were immediate expenses and long-term relations with the southern nations. Faced with the war against the Ohio River nations, war in the south was highly undesirable for the federal government, and Georgia’s claims could, and would, be dismissed, if necessary, for national security.

The Upper Towns, those along the major eastern rivers in Alabama, preferred alliance with Spain and demanded that all settlers remove east of the boundary of 1773, that is, the

³ The Treaty of Beaufort was signed in 1787. In accordance with the new Constitutional prohibition on treaties between states it was renamed the “Beaufort Convention” and accepted by Congress as law in 1788. Georgia’s pursuit of land led to a suit before the Supreme Court in 1990 to decide the boundary between Georgia and South Carolina. In that suit, the Court decision was largely based on the “Treaty of Beaufort” as it is designated in the decision. For more, see “Georgia v South Carolina,” 497 US 376 (110 S.Ct. 2903, 111 L.Ed.2d 309).

⁴ H. Knox, By Command of the President of the United States, Instructions to the Commissioners for treating with the Southern Indians, 29 August, 1789, ASP 65. The full title given to Benjamin Lincoln, Cyrus Griffin and David Humphreys, as written on the instructions they received from Henry Knox,

Ogeechee River. They maintained the land between the Ogeechee and Oconee Rivers was their finest hunting ground and their very existence depended on maintaining it as such. They pointed out that they had no area into which they could retreat, as the Choctaw and Chickasaw lived on their western borders, and that surrendering the Oconee lands would lead to starvation.

Georgia and the Creek Nation had been at war with varying degrees of active combat, or more often, violent raids, for roughly five years. With the United States government becoming more established administratively, the prospect of peace appeared promising to each of the principal parties, that is, the Creeks, Georgia, and the United States, if for varying reasons. Though these reasons conflicted, the prospect that peace would be achieved in the near future continued to act as a deterrent to further violence as the Creeks and Georgia maneuvered for the best negotiating positions.

The primary concern for most Creeks was basic: protection of their land from encroachment by Georgia settlers. There were differences among various factions as to what that meant. Many representatives of various towns had signed the three treaties that were the basis of Georgia's expansion. For whatever reasons, they felt that Georgia's demands were reasonable, and that friendly status with Georgia was preferable to relying on Spanish Florida for trade.

This opinion, as has been shown, was mainly held by the Lower Towns, those closest to Spanish dominions, but also closest to Georgia. Based on this proximity, the Lower Towns were more susceptible to attack by Georgians who made no distinction between friendly towns and hostile when violence erupted. By the time the federal government had been created, however, the belief that the Lower Towns generally supported trade with Georgia was questionable. Numerous events transpired which slowly but surely created rifts and distrust of Georgia and the United States among the Lower Towns.

Internally, the progress and prosecution of the war caused many Lower Creeks to disavow their friendship with Georgia. In the conduct of attacks on Creek villages and towns, Georgia troops tended to attack those closest and most vulnerable, which happened to be Lower Creeks. While the attacks focused on destruction of crops and food reserves rather than on killing people, these losses led to hunger and eventual starvation. While a few such attacks might be forgiven as misunderstandings, constant attacks caused the Lower Towns to withdraw support for those seeking peace with Georgia. Even Fat King, who signed the treaties, declared he would support war with Georgia.⁵

Historian J. Leitch Wright characterizes this as support for the return of Bowles who was conspiring with the governor of the Bahamas to make in-roads into the Lower Creek towns. Bowles managed to obtain support from many Lower Towns and declared himself the “Director General of the Creek Nation.” Never able to make a major impact on the politics of the situation, Bowles’s presence was, at the very least, a nuisance for Spanish East Florida, which he physically attacked, and for McGillivray, who was trying to create a situation in which he, alone, spoke for the Creek Nation.⁶

As the federal period was beginning, then, the Creeks were less unified than they had been immediately following the Revolutionary War, which is to say, they were not unified at all. According to Wright, the divisions followed basic tribal identity. The “true” Creeks, the Muscogee, were fairly unified in theory, but not so much so that McGillivray could count on the towns to send warriors when he requested. The Lower Towns were quite independent of both the Upper Towns and their neighbors. McGillivray, while presenting himself as Fanni Mico of the

⁵ Alexander McGillivray, Talk of the Fat King to his honor Governor Matthews and the Council, 27 July, 1789, ASP 33.

⁶ Wright, *Bowles*, 38.

Creek Nation, had virtually no authority among the Yuchi, Shawnee, Hitchiti, Alabama, or Seminoles, or among other non-Muscogee people.⁷

Early in 1789 McGillivray began expanding his pleas throughout the southern states seeking to gain allies to his position in Georgia, at least to the point that the other states would remain neutral. Sometime in late 1788 McGillivray met with Little Turkey of the Cherokees and discussed peace negotiations between the Cherokee Nation and Virginia. During those negotiations the Governor of Virginia had ordered all settlers to remove from Cherokee lands. This gave the Cherokees and the Creeks great hope that the treaty meeting called for early spring would bring about a peace that would be satisfactory to all parties. Based on these events, McGillivray “advised” all of the warriors to return home for the winter and take care of their families.⁸

He also sent word to the governor of Virginia, through Virginia commissioner Andrew Moore, that no warriors of the Creek Nation had ventured so far afield that they could have molested Virginia citizens. Defending his attacks on Georgians, McGillivray described the manner in which the Creek Nation was surrounded so that they could not cede any more land without endangering their survival. Georgia’s misconduct at treaty negotiations, including kidnapping and extortion, resulted in five years of fighting. McGillivray declared that Congress would find Georgia just as intractable as had the Creeks.⁹

When Governor Thomas Pinckney of South Carolina offered to mediate between the Creeks and Georgia, McGillivray did not hesitate to present his full case in hopes of swaying the

⁷ J. Leitch Wright, Jr., *Creeks and Seminoles* (Lincoln: Nebraska Press. 1986), 135-40.

⁸ McGillivray to Andrew Moor, Esquire, Little Tallassie, January 4, 1789, ASP 19.

⁹ *Ibid.*

governor to his view of the events. Using every opportunity to discuss the Creek Nation's position, he remained consistent, claiming that the Creeks were victims of uncivil treatments and incorrigible brutalities and charging Georgia with using unscrupulous, unlawful means to obtain title to Creek land. In all of this, he insisted that the Creeks were blameless in their pursuit of justice, while carefully omitting, but never refuting, the justifications claimed by Georgia. McGillivray refused to meet with Georgia negotiators, even if Pinckney served as mediator. In case of war, McGillivray said, "Spain is bound by treaty to protect and support us in our claims and properties," but the Creeks would prefer a just, peaceful solution.¹⁰

In fact, the war that had been waging for several years was devastating to the Creeks. Numerically, the loss of warriors was statistically small, but strategically great -- they could not be replaced. For Georgia, on the other hand, more men of military age were arriving in the port of Savannah on a regular basis, in the form of immigrants, thus increasing the number of men who could serve.

Of equally great import was the loss of crops. There were few skirmishes between warriors and the Georgia militia, with most fights being between small scouting parties and lasting only a few minutes. Those same Georgia scouting parties, however, destroyed crops both in the field and in food stores, leaving the Creeks with few supplies. This further forced the warriors into the difficult position of staying closer to home to provide protection for their families while having to travel farther afield to provide food. Ironically, the tactics used by the militia did the greatest harm to those who were most supportive of Georgia, the Lower Creek towns.

¹⁰ McGillivray to Thomas Pinckney, Esq., Governor of the State of South Carolina, Little Tallassie, February 26, 1789, ASP 19-20.

Georgia pursued this strategy of waging war on Creek towns indiscriminately, which successfully reduced the number of attacks on the eastern counties by forcing warriors to stay closer to home. The fact that Georgia held a precarious upper hand can only be attributed to forces acting outside of the contested region, that is, the Oconee lands, and moving the fight to the Lower towns. As has been shown, Georgians in the eastern-most districts refused to send troops to the southern and western counties for fear of losing their own defenses.

The Creek Nation had far superior numbers and probably could have overrun Georgia in short order. The one strategic concern was its inconsistent source of supplies. While Spain had promised to provide everything the nation needed for its defense, there was little certainty about its ability to deliver, and even less certainty about its willingness to risk war with the United States. Spain promised assistance for defense, but not for an offensive action that would threaten the security of the new nation.

The other point to reiterate here is that the Creeks held the moral upper hand, though some refused to recognize it. In their geographical position they were completely surrounded by other sovereign entities, which created a position of no retreat. The land that Georgia was demanding included some of their finest hunting grounds. (Even today some of the best hunting and fishing are to found in the region between the Altamaha-Oconee and Ogeechee Rivers.) After decades of the pelt trade, they were stretched to their limits to procure deer skins for trade and meat for food. In their own eyes, and that of many supporters, the Creeks were fighting for their survival.

The other side of that is there were Creeks who were driven by greed and the attainment of power. Some would say that William Bowles was the epitome of such thinking, and others would place McGillivray in that position. What we must remember is there is no stereotypical

modus operendi for the Native Americans, just as there is none for the Euro-Americans. Motives are not limited by ethnicity.

While this is only a brief summary of a few of the driving forces, it gives us enough to understand the situation of the Creek Nation as the United States transformed to a federal union. McGillivray had stated several times during the Confederation period that he did not understand why the Congress had not taken action to relieve the Creek's situation. Now, finally, Congress had sent commissioners. Even so, this new development did not alter his goal, but only opened to him the possibility of a greater authority reigning in Georgia and its demands for territory.

Thus, on April 10, 1789, when McGillivray and the principal *micos* of the Lower Towns met with US Superintendent of Indian Affairs Richard Winn and Georgia commissioners Barnard and Galphin, their intent was to press their demands that the Georgia Assembly or the U.S. Congress order the evacuation of the Oconee lands by settlers. Tallassee King spoke of being held hostage until he signed the Treaty of Augusta (1783). There followed Hallowing King's talk about the manner in which the Georgians had demanded more and more land since Oglethorpe first negotiated for Savannah. The *micos* were quite clear to Winn: either evacuate the Oconee lands or prepare for continued war.

Ten days later the U.S. Commissioners to the Creek Nation, Richard Winn, Andrew Pickens, and George Mathews, notified the *micos* that the meeting scheduled for June 8 had been rescheduled for June 20, and that the place of meeting was changed to Rock Landing on the Oconee River. Evidently, the commissioners sought to accommodate some *micos* who said it was too far to travel to Augusta, probably a polite way to say they did not trust Georgians.¹¹

¹¹Andrew Pickens and H. Osborne, commissioners of the United States, to the headmen, Chiefs, and warriors of the Creek Nation. April 20, 1789, ASP 31.

One glaring gap in the documents of April and May 1789 is that there is no indication that McGillivray discussed these meetings with Spanish authorities, although he was quite active in his communications with them. Historian John Caughey presents a series of letters from April to May indicating that some tension was developing between McGillivray and Governor Miró, indicating that Miró was questioning McGillivray's veracity. In a letter to the governor via Captain Folch, Commander of Mobile, dated April 22, 1789, McGillivray wrote that Chickasaw warriors reported some Alabamas had separated from the Creek Nation and moved to ally themselves with some Choctaws to drive a group of American settlers off the Tombigbee River, then to proceed to the Natchez and kill all Americans there. He also said that he had been detained from meeting the governor by a conference with the Cherokee earlier in the month, when in fact he was meeting with Winn and company.¹²

Miró responded on May 11 telling McGillivray that he had been badly misinformed. The Chickasaw did not go to the Tombigbee, but had gone to New Orleans. The settlers on the Tombigbee were expatriate Americans who had sworn allegiance to the Spanish crown and been given a grant of land on the river. And, the warriors who were plotting to attack the Tombigbee and Natchez settlements were, in fact, Creek. In a not-so-veiled warning to McGillivray, Miró declared, "How unfortunate it would be if our own powder and ball, for they have no other, should be used spill our blood. Such behavior would irritate our Sovereign so much that he would order me to provide a large enough force that it could not be opposed."¹³

During the summer of 1789 President Washington and Secretary of War Knox began serious discussions of the Creek situation in Georgia as they grappled to find a solution

¹² McGillivray to Folch, April 22, 1789, Little Tallassee, AHN E 3887, in Caughey, 119, 226-28.

¹³ Miró to McGillivray, May 11, 1789, New Orleans, in Caughey, 120, 228-30.

satisfactory to all in order to maintain the peace. Knox had apprised himself of the content of the treaties of Augusta, Galphinton, and Shoulder Bone, and expressed serious concerns about how binding they were on the United States. The Articles of Confederation granted all treaty powers, including Indian treaties, to the United States government, but excluded areas in which the tribes in question were “members” of the states. Knox acknowledged that the Creeks were “members” of Georgia, as Georgia claimed, when he said, “the Indians acknowledged without doubt, and regret their forming a part, and being members of the State.”¹⁴

The major problems in reaching a peaceful solution were the refusal of the Creeks to acknowledge the validity of the three treaties, and Georgia’s refusal to stop settlement of the disputed lands until peace was achieved. Continued settlement led to increased and more violent attacks, but Georgia would not prohibit settlers from crossing the Ogeechee. This led to a cycle of attacks and reprisals that threatened to spread to interventions by the United States and Spain.

Some may question whether Georgia refused to stop the settlements, or if it was unable to do so. An answer to this can be found in land records from the disputed region between the Oconee and Ogeechee Rivers from the 1780s. As an example, in August 1784, one William Franklin received from Georgia a grant of 287.5 acres in Washington County for his service in the Revolutionary War, and in 1789, Philemon Franklin received a headright grant in Wilkes County. These grants were given by the state to settlers to encourage them to populate the area. This presents strong evidence that the state was refusing to stop settlement.¹⁵

¹⁴ Report from H. Knox, Secretary of War, to the President of the United States, dated War Office, July 6, 1789, ASP 15-16.

¹⁵ Leatha A. Betts, “Georgia: Wilkes County: Biography & Records of the Franklin Family,” <http://files.usgwarchives.net/ga/wilkes/bios/franklin.txt>.

While Washington was trying to develop a plan to de-escalate the situation, he ordered Knox to prepare two plans, one to produce a peaceful resolution and one to invade the Creek Nation and force compliance. In answer to the first of these Knox recommended that the U.S. Army be placed to form a buffer between the Creeks and Georgia, upon whatever line could be agreed, and to support fair trade, education, and other civilizing practices that could be used to prepare the Creeks for assimilation. In order to accomplish such a task the protection of the boundary would, by necessity, be the highest priority.¹⁶

On the question of invasion Knox's response was much more detailed and was not delivered for some six months after the conversation was begun. He styled his response in a form that could be presented as a proposal to Congress should the need arise, and in the end he calculated that to accomplish the task by force would require an army of some 4000 soldiers at an annual expense of \$1,152,836. In his estimate it would also require a force of nearly 1500 soldiers at a cost of \$196,507 per year for an unspecified number of years to maintain the peace once won. On the other hand, he estimated that a meeting with the Creek Nation to negotiate a treaty would cost \$20,000.¹⁷

While this conversation between Washington and Knox was occurring, federal and state commissioners in Georgia were trying to set up a treaty meeting to be held in September at Rock Landing on the Oconee River. Knox made it incumbent upon himself to determine the Creek position on a number of issues prior to the planned September negotiations. By early July he was

¹⁶ Gen. Knox, Secretary of War, to the President of the United States, in continuation, July 7, 1789, ASP 52-54

¹⁷ George Washington, Report communicated to Congress January 12, 1790, ASP 59, and Henry Knox, Secretary of War, to the President of the United States, ASP 59-64.

able to confirm several key issues that would have to be resolved, and some conditions that would affect the resolutions reached.¹⁸

First, as a general consideration, most Creeks, especially among the Upper Towns rejected the three treaties upon which Georgia based their claims to the Oconee lands. Despite Georgia claims to the contrary, the Creek Nation held the position that the last valid treaty negotiated between the nation and Georgia was the Treaty of Augusta (1773), and that all subsequent treaties were usurpations of power on the part of Georgia. The boundary, as accepted by the Creeks, was maintained as the Ogeechee River from its head to the beginning of tidal waters, thence south along the tide plain to the St. Mary's River. All territory west of this line belonged to the Creek Nation.¹⁹

The second general principal Knox was concerned with was the Creek demand that all American settlers west of the line described were trespassers who had to be removed. No treaty could be confirmed until this had occurred. Despite statements by every Georgia and United States commissioner dispatched to secure the peace that this demand was both unfair and impossible, it was held out as a primary condition for negotiations. Knox told the commissioners that "it would be highly embarrassing to the State (Georgia) to relinquish the said lands," so they, the commissioners, should exert every effort to entice the Creeks to confirm the previous treaties with Georgia.²⁰

¹⁸ H. Knox, By Command of the President of the United States, Instructions to the Commissioners for treating with the Southern Indians, 29 August, 1789, ASP 65-68.

¹⁹ Alexander McGillivray, to George Galphin, a response to a letter from the commissioners and superintendent, 18 May, 1789, ASP 35.

²⁰ H. Knox, By Command of the President of the United States, Instructions to the Commissioners for treating with the Southern Indians, 29 August, 1789, ASP 65.

The Creek Nation also insisted that it was protected in its claims by treaty with the Spanish Crown. Knox did not accept this argument, but he did acknowledge that the claims of the United States' and Spain overlapped, at least as far as the Yazoo lands were concerned, and also in regard to the hunting ground along the St. Mary's River and west of the Okefenokee Swamp. The question to be considered was how far would Spain go to press its claims? In that Spain had armed and supplied the Creeks during the entirety of the Oconee War, would it also send troops? In communicating this concern to Washington, Knox wrote, "Although it may be prudent to doubt (McGillivray's) assertion for the present, yet it is certain that Spain actually claims a considerable part of the territory that Great Britain ceded to the United States."²¹

Knox held a separate concern regarding the treaties the states had negotiated with the southern Indians during the period of the confederation government. While the Articles of Confederation and Perpetual Union gave the authority over Indian affairs to the central government, that only applied to those Indian Nations who were not under the authority of state governments. In the case of Georgia, the Creeks had accepted the sovereignty of the king and his governors in Georgia in the Treaty at Savannah (1734). Georgia included this in the treaties it negotiated with the Creeks that they, the Creek Nation, were, and always had been members of the State of Georgia. Thus, interference by the United States with the treaties was a violation of sovereignty as well as interference in internal affairs of state. In a similar vein, the President was trying to establish general peace with all the southern Indians, including North Carolina, which at

²¹ Gen. Knox, Secretary of War, to the President of the United States, in continuation, July 7, 1789, ASP 52.

that time, was not a member of the federal union. These legal issues imposed serious difficulties for the federal government.²²

In late August, a few weeks prior to the scheduled conference, Washington appeared before Congress to address the situation of the southern Indians, but especially the Creek Nation. The Creek warriors were the most formidable fighting force facing the United States, comprising approximately fourteen thousand men, and the United States needed to avoid an outright war with them if possible. Washington presented the situation as has been described and asked Congress for advice on pursuing the options.²³

With the negotiations scheduled, Washington intended to instruct the commissioners to seek a cession of the contested lands in exchange for a permanent peace, and a guarantee of security in the remaining lands held by the Creeks, and fair payment for the lands in question. The latter was conditioned upon a determination of the fairness of previous treaties with Georgia. The commissioners were to determine if those treaties were fair, and either demand recognition if they were, or offer payment if they were not.²⁴

How far the President, and therefore the commissioners, could go was to be decided by Congress. If the treaties were fair, would Congress authorize the military to compel compliance? If the treaties were deemed unfair, would Congress compel a cession of the contested lands upon the terms laid out by the President? Would the commissioners be authorized to settle on some terms, but delay others? These and other minor questions, such as pensions and honorary military

²² Ibid. 53.

²³ George Washington, The Southern Tribes: Communicated to the Senate August 22, 1789, ASP 54-55.

²⁴ H. Knox, By Command of the President of the United States, Instructions to the Commissioners for treating with the Southern Indians, 29 August, 1789, ASP 65.

titles and other individual compensations for Creek leaders, needed to be settled before the negotiations began.²⁵

The answers to these questions are seen in the instructions that Washington forwarded to commissioners Benjamin Lincoln, Cyrus Griffin, and David Humphreys a week later. Their first task regarding the treaties was to ascertain Creek traditions regarding the land, primarily, who owned it, and who had the right to give it away. This question touches on Creek polity in a manner that the Americans had never investigated. Did the lands belong to the entire nation, or did Upper and Lower Towns own distinct hegemonic regions? The question touches the very heart of the nature of the Creek Confederacy, as the Upper Towns were composed of primarily Muskogean Creeks while the Lower Towns were primarily non-Muskogean Creeks.²⁶

The non-Muskogean Creeks considered themselves of sufficient independence as to be able to decide local issues on their own. The rise to power by McGillivray and his attempt to form a unified front against Georgia had never really been accepted by the Lower Creeks, and those who signed the Treaty of Augusta (1783) did not feel an obligation to support him. Tame King and Fat King were the principal leaders of those who signed the three Georgia treaties knowing that, as Wright says, “[a] price had to be paid, but this was one way for non-Muskogees to escape pure Muskogee domination.”²⁷

President Washington decided that for such a delicate negotiation he would need to send impartial commissioners with no connection to the region. He nominated and Congress confirmed Maj. Gen. Benjamin Lincoln, a Revolutionary war hero and former Secretary of War

²⁵ Washington, *The Southern Tribes*: Communicated to the Senate August 22, 1789, ASP 54-55.

²⁶ H. Knox, *By Command of the President of the United States, Instructions to the Commissioners for treating with the Southern Indians*, 29 August, 1789, ASP 65.

²⁷ Wright, *Creeks and Seminoles*, 137.

from Massachusetts, Cyrus Griffin of Virginia, who served as the last President under the Confederation and then as President of the Admiralty Court, and Gen. David Humphreys, an aide to Washington during the war, and a member of Congress from Connecticut who specialized in commercial treaties with European nations.

The Commissioners had a difficult time from the start. Their ship from New York encountered bad weather, and they did not arrive in Savannah until September 10, six days late according to their plans. It was impossible to ship the salted meats and other food stuffs and presents from Savannah to the Rock Landing in time for the meeting, so Gen. Lincoln and his co-commissioners wrote to the governor in Augusta asking that provisions be supplied by the state on the commissioners' account.²⁸ No one would lend them horses, so they were forced to purchase their own transportation, and did not arrive in Augusta until the evening of the 17th two days after the scheduled opening of talks.²⁹

The commissioners sent numerous letters to various participants and interested parties regarding the situation. In answer to their request for supplies, Mr. Meriwether, the Secretary of the Georgia Executive Council, informed them that everything necessary had been transported to the Rock Landing and stood ready. Andrew Pickens and Henry Osborne, the US Commissioners for Indian Affairs in the Southern District, informed Lincoln that the Creeks were ready to leave, but that they were doing everything possible to maintain the *micos*' presence and encourage their

²⁸Major General Benjamin Lincoln was the nominal "head" of the Commissioners Plenipotentiary which also included Cyrus Griffin and David Humphreys. All three had identical commissions and held equal authority. In that all correspondence from the commissioners has Lincoln's name first, I will hereafter use his name for the commissioners when acting *ex officio*. When citing him personally I will refer to him as "Col. Lincoln" based on his signatures on the documents.

²⁹ B. Lincoln, Report of the Commissioners for treating with the Southern Indians, 12 September, 1789, ASP 69.

hopes for success, and that McGillivray was cooperating, wanting to stay a few more days. It was estimated that between 3000 and 4000 Creeks were present, and that nearly every town was represented.

Two of the commissioners arrived at the Rock Landing on September 20 and entertained a small delegation of *micos*, including Cussetah King, Tellasee King (Tame King), and the Hallowing King. Initial introductions and pleasantries were exchanged, highly significant to the Creeks, but nothing recognized as important business by the commissioners. McGillivray did not attend, but sent an invitation for the commissioners to visit the Indian camp the following day.

The following morning Lincoln and Humphreys visited McGillivray in his camp. They talked about various issues for several hours, but evidently not the critical issue, the Oconee lands. Afterward, the two assured McGillivray that they could reach a mutually agreeable accord and returned to their camp to draw up a draft of the treaty. Griffin arrived shortly thereafter, and Lincoln sent a note informing the Creek *micos* and headmen that they would present the draft treaty the next day in the Indian camp.³⁰

Despite the bad start, everything seemed to be proceeding according to the general plans. Upon arriving at the Indian camp on the morning of the 24th the commissioners were taken to the camp square and seated in the place of honor. The Black Drink ceremony was conducted, followed by customary greetings. After the formalities were completed, Lincoln presented the draft treaty to the Creeks.³¹

³⁰ B. Lincoln, "Report of the Commissioners for treating with the Southern Indians," New York, November 17, 1789, ASP 68-72.

³¹ The Black Drink is a concoction of Yaupon leaves boiled in water, then strained and cooled. In the ceremony, members of a council drink the concoction, which is heavy in caffeine and has

He started with an exhortation that peace and friendship were in everyone's best interest, and that the injuries of the past should be laid aside. He instructed the Creeks that it was in their best interest and convenience to ally with the United States for both defensive and commercial reasons. He informed them that this was a draft treaty, not an ultimatum, and that everything in it was open to negotiation. Then he presented the terms of the treaty.

Article 1 contained the requisite statement of friendship. Articles 2 through 6 established the basis for the peace. Article 2 described the boundary between the two nations, and was virtually identical to the boundary described in the Treaties of Augusta (1783), Galphinton (1785), and Shoulder Bone (1786). The Creeks were guaranteed all of their remaining land to be protected by a line of forts from white intrusion. Article 4 required the Creek Nation to disavow all loyalties to other nations and accept United States sovereignty. Article 6 provided for trading posts to be erected two years following the treaty, but also provided that, in case war obstructed their current suppliers from delivering the goods on which they depended, the Creeks could obtain needed supplies from the United States, to include weapons and ammunition in amounts necessary to support their hunting activities.

Articles 7 through 10 provided for criminal prosecution. All capital crimes committed by members of either nation would be tried in U.S. courts with penalties carried out on American soil. In cases of American citizens murdering Creeks, Creek representatives would be invited to witness the punishment as it was carried out. Killing of innocent parties in revenge for the crimes of others was to be forbidden. However, in cases where settlers violated Creek sovereignty, those

strong purgative effects. The ceremony was part of the Creek purification rituals. See Etheridge, 104-05.

settlers would be outside of the protection of the law and the Creek Nation could deal with them as it saw fit.³²

Following the presentation of the draft, the commissioners retired to their quarters at the Rock Landing. The *micos* and headmen began discussing the proposed treaty and worked until late into the night. The following morning McGillivray sent a note saying that the council disapproved of the boundary set forth in the treaty. It was their decision to discontinue the talks and to go hunting.³³

The commissioners were unprepared for this response. Lincoln asked McGillivray to provide in writing the points to which the chiefs objected and stay to discuss them. What terms would the chiefs accept? To this McGillivray responded that he would withdraw about five miles to find better forage and would respond in writing the next day.³⁴

Lincoln informed McGillivray that another commission would not be sent by the United States. They had determined that a refusal to treat on the part of the Creek Nation would indicate that the Creeks were enemies of the United States. McGillivray asked that presents be distributed to the participants as a show of good faith, to which Lincoln explained that the presents would not be distributed until a treaty was concluded.³⁵

McGillivray eventually responded and told Lincoln that the objection of the chiefs concerned the boundary. Following a brief exchange in which McGillivray pointed out that

³² B. Lincoln, Report of the Commissioners for treating with the Southern Indians, ASP 73-74.

³³ McGillivray, to the Hon. The Commissioners of the United States of America, undated (25 September, 1789), ASP 74.

³⁴ B. Lincoln, Report of the Commissioners for treating with the Southern Indians, ASP 74.

³⁵ Ibid., ASP 75.

Congress had long been aware of the cause of the dispute, Lincoln turned to investigate the treaties between the Creeks and Georgia as previously instructed by Washington. After making inquiries of the governor, examining official documents regarding the treaty negotiations, and interviewing participants and eyewitnesses to the negotiations, the commissioners determined that the treaties between the Creek Nation and Georgia were as fair as any negotiated between any Indian Nation and Americans, and “that the Creek Nation ought to be deemed the enemies of the United States and punished accordingly.”³⁶

They stayed in Georgia for most of October and gathered as much intelligence on the Creeks as they could. Much of this regarded information vital to military action, including the fighting strength of the Upper and Lower Towns, distances between various points in Georgia and the key Creek Towns, and conditions of roads, the availability of portages, and the identity of key leaders. Some commercial information was also included, such as the nature and value of exports and imports. One detail found that the value of Creek imports exceeded their exports by £2000 sterling annually. While no details were discovered, the relationship between the Creeks and the Spanish was investigated, as well. The commissioners did mention that McGillivray was in the Spanish pay and that he was a partner in Panton’s company. With this report, and the closing of their financial accounts, the commissioners returned to New York.³⁷

Before departing from Rock Landing, a final meeting was held between the representatives of the Creek Towns and the commissioners, during which White Bird King spoke on behalf of the nation. He told the commissioners that they, the Creeks, had come to secure peace, and that they would leave with the intent of maintaining peace. After assuring the

³⁶ Ibid., ASP 77-78.

³⁷ Ibid., ASP 78-79.

commissioners that he had ordered all the people to “behave themselves,” he lit a pipe and expressed his desire to smoke the pipe with his “fathers and elder brothers,” that is, the commissioners. So, the Creeks left, giving their vow to uphold the peace. To this promise, McGillivray added, in a letter received by the commissioners the next day, that he, too, would “refer9ring) the matter, in full peace, until next spring.”³⁸

Despite promises of maintaining the ceasefire, it did not take long for Creek warriors to violate the peace. Shortly after the Creek *micos* left the Rock Landing warriors descended on Effingham County residents and captured four Negroes and at least four horses while committing other unnamed depredations. This attack did not occur in the contested area, but rather, in a county that had been part of Georgia since 1763. The state militia responded by giving chase.³⁹

Shortly thereafter Col. Irwin reported that unnamed Indians attacked settlements in Washington County near the Oconee in contested areas. The attacks were unexpected because of the *micos*’ promises of peace until they could again treat with the United States. In this attack, which occurred on October 9, the unidentified Indians burned the home of Mr. Saffold and stole an undisclosed quantity of food, mostly corn. The settlers, who had gathered at Kemp’s Fort for protection, evacuated across the Ogeechee. The next day, a party of about fifteen warriors attacked Kemp’s Fort and burned it to the ground. Washington County did not have an

³⁸ White Bird King, to the commissioners, undated (26 September, 1789), and McGillivray, The Hon. the Commissioners of the United States of America, 27 September, 1789, ASP 75.

³⁹ Caleb Howell to Gov. George Walton, 4 October 1789 Document CMT004, Hargrett Library, Digital Library of Georgia..

ammunition magazine, so Gov. Walton ordered the state magazine to ship ammunition to Col. Irwin.⁴⁰

For his part McGillivray also began writing reports in support of his actions. He confided to Panton that his expectations had been dashed when the draft treaty was presented because of the designated boundary and the requirement that all treaties with other states be renounced. Since the restoration of the Oconee lands was the sole cause of the conflict with Georgia, there was no purpose in continuing the talks, so he left. He claimed that neither he nor his men accepted any presents that were proffered, a detail in contradiction to the narrative provided by Lincoln.⁴¹

In another interpretation of events Gen. James Wilkinson, who conspired with Spain to join western states to Spain, claimed the failure of the negotiations was due to McGillivray demanding a free port in Georgia. According to Historian John Caughey, Wilkinson recommended that Spain encourage a temporary treaty be concluded between the United States and the Creek Nation with the ensuing time used to eliminate McGillivray's base of support. However, there is no such record of McGillivray making such a demand to be found in the commissioners' reports. However, Knox had authorized the commissioners to offer the Creeks a free port as an inducement to accept the treaty.⁴²

⁴⁰ Col. Jared Irwin to Gov. Walton, 12 October 1789, Document CMT005, Hargrett Library, Digital Library of Georgia. The governor's response is found in CMT006.

⁴¹ McGillivray to Panton, Little Tallasie, October 8, 1789, in Caughey, 251-54.

⁴² Caughey, footnotes, 230, 255. See also H. Knox, By Command of the President of the United States, Instructions to the Commissioners for treating with the Southern Indians, 29 August, 1789, ASP 65.

Miró applauded McGillivray's actions at the Rock Landing especially as they regarded the renunciation of treaties and the boundary claims. The fact that the Creek representatives had removed without a summary rejection of the treaty and without violence, along with the promise to maintain the ceasefire, also met with his approbation. This left the path open to renew talks in the spring, a possibility not considered in the commissioners' reports.⁴³

Despite the attacks on Effingham County and other places, the Creek *micos* attempted to be true to their word in keeping the peace for the next few months. Most men went hunting, and few confrontations were reported by either side throughout the fall or winter of 1789-90. The ceasefire allowed Creeks and Georgians the opportunity to harvest their crops and make repairs that had been sorely lacking for the previous couple of years. Many of the Lower Towns were weary of the war, and no good advantage could be had at that time in continued attacks on Georgia.⁴⁴

However, in New York Knox and Washington were planning their next steps, whether for peace or war. In preparing for war, Knox calculated that suppressing the Creek Nation would require not less than five thousand troops at an expense of \$1,152,836 per year. This would pay for officers and men to the number of two companies of artillery, one regiment of cavalry, and six regiments of infantry. Following the forced submission of the nation, maintaining that status would require \$186,597 per year, an amount exceeding by \$59,551 per year the then current expenses being spent on defensive measures.⁴⁵

⁴³ Miró to McGillivray, New Orleans, January 12, 1790, in Caughey, 255.

⁴⁴ McGillivray to Miró, June 2, 1790, Little Tallassee, in Caughey, 265.

⁴⁵ Henry Knox, An estimate of the annual expense of a corps..., December 31, 1789, ASP 63-64.

In addition to forming an estimated budget for military operations against the Creek Nation, Knox presented a plan to raise troops from the states bordering the Creek Nation. The best plan called for the relocation of regular Army troops from around the south so as not to weaken the troops facing conflict in the Ohio Valley, troops who had already seen high casualties. However, that may not have been possible, so a backup plan of raising militia was also proffered.⁴⁶

While Knox was working on the proposal for military action, he and the President were also reviewing the final report from the commissioners regarding the September events at Rock Landing and their subsequent investigations. Those reports contained insufficient information regarding the relationship between the Creek Nation and the Spanish crown for the administration to form opinions or plans of action regarding the Spanish. They were also inadequate regarding how the United States should deal with the Chickasaw and Choctaw other than to recommend that every effort be made to establish a secure friendship and commerce with them.⁴⁷

Washington knew that Congress must be kept informed regarding all points of the southern situation, so he sent copies to both houses of Congress on January 12, 1790. In this disclosure he included his instructions to the commissioners, the reports on the Creek Nation from both the Secretary of War and the commissioners, including their journals and responses to Washington's queries, and various other communications from interested parties to the

⁴⁶ Henry Knox, The Secretary of War to the President of the United States War Office, January 4, 1790, ASP 59-54.

⁴⁷ The Commissioners to the Secretary of War, New York, November 20, 1789, ASP 78-79.

negotiations. With this transmission of information the War Department record falls comparatively silent until summer.⁴⁸

So it was in early 1790. For two years, since the ratification of the Constitution, the United States government investigated and attempted to solve the southern conflict through talks and treaties. And, as had been the case for the previous five years, it was the Creek leaders who controlled what talks were heard, when, where, to whom they would speak, and with whom they would treat, or rather, with whom they would not treat. Despite all the efforts put forth since 1788, all the US commissioners and Superintendent of Indian Affairs could manage was the promise of an uneasy ceasefire given in a parting letter from McGillivray. The situation remained firmly in the hands of the Creek Nation.

⁴⁸ George Washington, Southern Tribes, Communicated to Congress January 12, 1790, ASP 59.

CHAPTER 8. THE TREACHERY AT NEW YORK

The failure at Rock Landing to conclude a treaty with the Creeks, or even to conduct satisfactory negotiations with them, was an embarrassment for the newly formed United States government. Its reaction was to proceed along the very path that Georgia had pursued for years. If the Creeks refused to negotiate a treaty, then they would be severely punished. McGillivray was well aware of the difficulties the United States Army was having north of the Ohio River, and so he maintained his stance. In a report to William Panton, McGillivray wrote that the Creek Nation would negotiate on its own terms--none other.¹

Negotiations between the Creek Nation and the United States did not, however, cease. As winter gave way to spring, Senator Benjamin Hawkins took up correspondence with McGillivray regarding the failure of the Creeks to treat with the United States at Rock Landing and the critical necessity of doing so before hostilities broke out between the two parties. It had been the desire of the United States to settle all disputes equitably, he asserted, and thereby secure friendship and cooperation between the two parties. McGillivray's sudden withdrawal had caused many Americans to consider the Creeks hostile enemies.²

Hawkins further informed McGillivray that the United States would send no other commissioners to the Creek Nation. Instead, the *micos* would need to travel to New York to secure peace with the United States. If they did not agree to a meeting, the United States would be forced to punish any and all depredations of the Creeks, no matter how small. Neither the

¹ McGillivray to Panton, October 8, 1789, in Caughey, 253.

² Hawkins to McGillivray, March 6, 1790, New York, in Caughey, 257.

President nor Congress would sit by while Creeks attacked US citizens with impunity. Any attack on the United States would result in the destruction of the Creek Nation.³

Col. Marinus Willett delivered this information to McGillivray, and was to send back McGillivray's response. If McGillivray accepted the terms of the invitation, Willett was to remain in the nation until the appointed time and then escort the Creek representatives to New York. McGillivray did accept the invitation, but refused to go through Charleston. He wished to avoid any possible disagreements with the Carolina Company, which was one of the companies trying to usurp Creek land claims in the Yazoo territory.⁴

After accepting Hawkins's invitation to treat at New York, McGillivray explained his decision to accept it to his business partners, Panton and Leslie, and to Governor Miró. Nothing in this invitation to treat conflicted with Creek treaties with Spain, nor was anything being demanded by the United States in terms of loyalty or land cessions on the part of the Creek nation. Indeed, the only reason given by McGillivray for the invitation was to obtain Creek support in thwarting the designs of Georgia and a number of land speculation companies in developing the Yazoo territory, a project later known in history as the "Yazoo Land Fraud."⁵ Given that McGillivray and the Creeks had "proven" their loyalty to their Spanish allies the previous September, no one questioned his assertions. Why McGillivray deceived his supporters with these claims is a question for which the answer can only be speculative, as the documents regarding the preparations for the upcoming treaty meeting give no clue.

³ Ibid.

⁴ Ibid., 258. See also McGillivray to Panton, May 8, 1790, Little Tallassee, in Caughey, 262.

⁵ McGillivray to Panton, May 8, 1790, Little Tallassee, McGillivray to Leslie, May 20, and McGillivray to Miró, June 2, in Caughey, 259-65.

McGillivray arrived in New York with an entourage of twenty-three *micos* and headmen on July 21 and, after a few days of rest, began secret negotiations with Washington, Knox, Jefferson, and Hamilton. The principal issues of the negotiation were widely known, being based on the articles presented at Rock Landing. Secret articles unknown to the public were also presented for Congress's approval, including secret articles commissioning McGillivray as a general in the US Army, stipends to various key *micos*, and trade contingencies that were to be kept from Spanish knowledge.

On August 7 the treaty was signed by Knox on the part of the United States, and by McGillivray and twenty-three representatives from ten towns representing the Creek Nation. This is in comparison to the fifty-eight Creek leaders who signed the Treaty of Shoulder Bone (1786).⁶

⁶ Watkins, *Digest of Laws*, 785, 781.

Table 4. Creek Signers of the Treaty of New York (1790). The table should be read from top to bottom, left column, then top to bottom, right column.

	Alexander McGillivray		
Cusetahs	Fuskatche Mico (Birdtail King)	Cowetahs	Tuskenaah (Big Lieutenant)
	Neathlock (Second-Man)		Homatah (Leader)
	Halletemal Thle (Blue Giver)		Chinnabie (Matthews)
Little Tallissee	Opay Mico (the Singer)		Juleetaulematha (Dry Pine)
	Totkeshajou (Samoniac)	Broken Arrow	Chawockly Mico
Big Tallissee	Hopotho Mico (Tallissee King, Tame King)	Coosades	Coosades Hopoy (the Measurer)
	Opototache (Long Side)		Muthtee (the Miser)
Tuckabatchy	Soholessee Young Second-Man)		Stimafutchkee (Good Humor)
	Ocheehajou (Aleck Cornel)	Alabama	Stilnaleeje (Disputer)
Natches	Chinabie	Oaksoy	Mumagechee (David Francis)
	Natsowachehee		
	Thakoteehee (the Mole)		
	Oquabee		

The first detail evident in Table 4 is that only ten towns were represented at the negotiations. From those ten towns, only four (perhaps five) were represented by *micos*. Chinabie of Natches was the only great warrior, and none are identified as great councilors. At least two signers at New York also signed the Shoulder-Bone treaty: Tame King and Chawockly Mico.

Under the terms of the treaty the Creek Nation would cede the contested Oconee lands in exchange for \$10,000 in trade goods and a perpetual annuity of \$1500. The federal government guaranteed the sovereignty of all other Creek lands and would prosecute settlers who crossed the

Oconee. The nation accepted United States sovereignty over all territory within United States boundaries, a clause which, McGillivray said, would not change anything because much of the Creek territory was still claimed by Spain, as well. The Creeks did receive some concessions in the new treaty. Under the authority of Article I Section 8 Clause 3 and Article II Section I of the US Constitution, the new treaty with the Creeks negated all the treaties negotiated by Georgia with the Creeks and restored the “old” boundaries between Georgia and the Creeks, viz., the Oconee River to the Altamaha then to the “old line” to the St. Mary’s, thus returning the Tallassee cession to the Creeks. The physical line was to be marked by felling trees along the line to produce a gap of not less than twenty feet.⁷

On the issue of trade, McGillivray accepted an arrangement whereby trade would be directed through the United States, but he inserted a two-year delay. He recognized that a treaty of peace would not be confirmed by the United States without a trade agreement, but the delay allowed the completion of the treaty without actually changing the status quo. The United States guaranteed that the Creeks would receive adequate supplies in the meantime, authorizing up to sixty thousand dollars in trade goods in the event that trade through Spanish channels faced “obstructions” caused by “war, or prohibitions, or the Spanish government.” American channels would remain open, according to this provision, for as long as Spanish trade was impaired.

McGillivray was of the opinion that he was manipulating Washington and Knox, but he was the one who was manipulated. Secretary of State Thomas Jefferson tackled the enigma that the United States faced regarding the Panton monopoly, of which McGillivray was a “secret” partner. The United States had no lawful or moral right to force a trading concession on the Creeks, but without a trade concession, or at least the appearance of an agreement, the treaty

⁷ See Fig 2 – “Map of Creek Land Cessions,” p. 81. The Tallassee cession is the area marked “1785.”

would not last long. Jefferson's solution was to insert a trade agreement whereby the President had sole authority over trade licenses with the Creek Nation, and whereby only a specified number of licenses could be issued. When someone not approved by the Creeks applied for a license he would be told that the quota was full. Thus, by using extra-legal methods and circumventing the imposts, the United States could grant concessions regarding duty-free trade.⁸

In the secret articles, McGillivray signed an oath of allegiance to the United States and accepted appointments as a brigadier general and as the United States' agent to the Creek Nation. But in his report to Spanish authorities he failed to mention his salary of \$1200 per year or his oath of allegiance to the United States. Instead, he claimed that he was offered the return of his estates in Georgia and South Carolina. This offer he refused, but he accepted an offer of restitution at the rate of \$1200 per year.⁹

The Senate also ratified another "secret" article within the treaty, annual annuities to select *micos*. While presented as an act of friendship to McGillivray and his party, the real reasons for this move were disclosed in a query sent by Washington to the Senate, requesting prior assent for the article. The real motivation was to gain control of trade with the Creek Nation, because without that control the United States could never have secure knowledge that the Creeks would honor the treaty. Washington further emphasized that trade was the key to the

⁸ Thomas Jefferson, Opinion on McGillivray's Monopoly of Commerce with Creek Indians, July 29, 1790, *The Papers of Thomas Jefferson Digital Edition*, Barbara B. Oberg, and J. Jefferson Looney, eds, (Charlottesville: University of Virginia Press, Rotunda, 2008), <http://rotunda.upress.virginia.edu/founders/TSJN-01-17-02-0059>.

⁹ McGillivray to Howard, August 11, 1790, New York, in Caughey, 273. McGillivray's "Oath of Allegiance," confirming his position as Brigadier General, can be seen on-line at https://www.gilderlehrman.org/collections/1d09c8a7-4093-40b5-893a-493576937623?back=/mweb/search%3Fneedle%3DBlair%252C%2520John%252C%25201732-1800.%2526fields%3D_t301001080.

political control of the southern Indians, without which control, the United States could not develop its territorial holdings.¹⁰

Article 2 of the Treaty of New York prohibited the Creek Nation, identified in Article 1 as the “Upper, Middle, and Lower Creeks and Seminoles,” from negotiating treaties with any “other sovereign,” to include the individual states. This jurisdiction was claimed under the authority of Article I Section 8 and Article II Section I of the US Constitution, as previously stated, but ignored precedent. Knox, acting on the assumption that the Constitution gave the federal government sole power over relations with Indian nations, did not anticipate the adverse reactions to this paragraph of the treaty.

While some of the reactions to the treaty were to be expected, it is hard to understand why the federal government was caught off-guard by Georgia’s reaction. The Georgia legislature denounced the treaty on the grounds that it ignored the treaties already made and that it usurped Georgia’s sovereign authority over its own land. Georgia Congressman James Jackson condemned it in the House of Representatives.¹¹ Georgia’s internal sovereignty was guaranteed by its Charter, the (Georgia) Land Acts of 1783, and the Treaty of Beaufort, all of which Congress had recognized. Further, under the provisions of the “Treaty at Galphinton with the Creek Indians,” in 1785, the Creeks were residents of the State of Georgia, a confirmation of the relationship between the Creeks and Georgia since the Treaty at Savannah, 1735. The Constitution provided for federal control of treaty negotiations with foreign powers, to include the various Indian nations, but according to Georgia law, that did not apply to the Creeks since they had been incorporated into Georgia years before the Constitutional Convention first met.

¹⁰Washington, Communicated to the Senate, August 4, 1790, ASP 80.

¹¹Randolph C. Downes, 354.

According to the documents pertinent to this issue, there is no evidence that either the legislative or executive department ever considered Georgia's repeated protests on this point.¹²

Thus, the federal government was engaged in taking land away from the Indians in the Ohio Valley for the benefit of settlers in the northern and mid-Atlantic states, while at the same time returning lands previously ceded by the Creek Nation to Georgia, thus forfeiting the lands already settled by Whites in Georgia. Though little recognized, this issue was one of the first confrontations between the federal government and the states in which the privilege of state's rights was invoked.¹³

The senators from Georgia, William Few and James Dunn, argued aggressively against the treaties, especially those parts that placed the Creek Nation under the protection of the United States, returned ceded land to the Creeks, and gave the President sole authority to issue licenses to American traders to the Creek Nation. Previous treaties had placed the Creeks solely under the authority of Georgia, and the three most recent treaties had been validated by the US commissioners to the Rock Landing negotiations. Gen. James Jackson, Congressman from the Southern District, traveled with Senator Gunn to Augusta for the purpose of advising the state assembly on the situation, to include suggesting a possible constitutional challenge to the treaty.¹⁴

¹²Watkins, 768.

¹³ Hays, 216. Hays supports this observation when she writes, "The violation of States Rights by the New York Treaty had a pernicious effect in Georgia. It was the cause of the Western territory and its attendant Yazoo fraud and the establishment of the trans-Oconee Republic by General Clark."

¹⁴ William Few to Gov. Edward Telfair, 17 August 1790, CMT316, Hargrett Library, Digital Library of Georgia.

In his examination of the constitutional issues regarding the treaty, Senator Few first recognized that the treaty was opposed by the vast majority of Georgians. This created a situation in which Congress subverted state sovereignty by calling up the “necessary and proper” clause of Article I Section 8 of the Constitution. Few admitted such a justification was clearly within the scope of Congressional authority, but opened the door to what he described as “monarchy and despotism.” Few declared that that clause created an enigma such that, without the clause, the general government would be deficient in its power to enforce laws, and yet the clause “cannot be admitted without annihilating the state powers and state governments.”¹⁵

Instead of providing what Georgia would call an “equitable” treaty, the state was now in open conflict with the United States government. Instead of supporting the state’s treaties and positions regarding the Oconee region, treaties that Congress had declared binding,¹⁶ and positions to which Georgia had held steadfast, the Executive branch had dismissed those treaties and returned to the Creeks land previously ceded to Georgia, to wit, the Tallassee cession of 1785. Instead of support, Georgia now found itself in a situation where, if it attacked the Creeks, they would be attacking the forces of a U.S. Army Brigadier General.

Georgia’s rejection of the Treaty of New York would greatly add to the chaos that ensued in the six years immediately following.

While this reaction should easily have been foreseen, the negative reaction of large numbers of Creeks was equally unexpected by Knox and Washington. This showed either a misplaced myopia or a naïve disregard for the conditions previously experienced in dealing with the southern Indians in general and McGillivray in particular.

¹⁵ William Few to Gov. Edward Telfair, 15 January 1791, TCC926, Hargrett Library, Digital Library of Georgia.

¹⁶ Watkins, 12.

A large body of Creeks, many of whom were led by William Bowles, rejected the treaty and proclaimed McGillivray a traitor. Rumors were circulating that McGillivray was to receive \$100,000 restitution for his and his father's confiscated property, while other rumors claimed that he was a partner in one or more of the Yazoo land companies. The Creek opponents to the treaty, whether acting alone or in concert, refused to follow treaty stipulations, manifested in their refusal to cooperate in running the boundary line.¹⁷

Further, in signing the Treaty of New York, McGillivray revealed an arrogant streak that is definite, yet difficult to explain. Each time Georgia negotiated treaties with the Creek Nation, he had been quick to denounce each one on the grounds that it had not been properly approved by the towns. According to McGillivray, Creek traditional governance allowed no one to bind another in any agreement. McGillivray had defined this tradition and used it to his purposes each time a cession had been made by his Creek opponents, to undermine the treaties they had negotiated, but at New York he totally ignored it. To what purpose?

It may be impossible to fully understand his intentions, but there are a number of possibilities that must be considered. First, this may have been intended as a culminating action to secure his position as *Fanni Mico* of the entire confederacy. McGillivray understood that the Creeks must become more organized if they were to maintain control of their territory in the face of expansionist Americans. By his bold insistence that he had the authority to speak for the nation, he may have intended to convince the Americans, who were looking for someone with this type of authority, that he was, indeed, the "emperor" of the Creek Confederacy.

He also understood that while the Creeks depended on the Spanish for many commodities, including weapons and ammunition, Spanish governors from Miró to Carondelet

¹⁷ Wright, *Bowles*, 57-58.

had intimated that they would not likely support the Creeks in an all-out war with the United States, and probably not with Georgia. In fact, McGillivray knew that the trade relationship with Spain was tenuous. It was for that very reason that he had been so intent on securing the trade concessions for British-based Panton and Lesley. It was evident to McGillivray that Spain was interested in using the Creeks as a barrier to American expansion, but that they would not commit the necessary troops to protect Creek interests.

On the other hand, he recognized that the British were not going to invade either the United States or the Spanish Floridas, despite the fact that Britain was supplying arms to the nations in the region between the Great Lakes and the Ohio River. While it may have been in Britain's immediate interests to keep the weak Americans in a state of turmoil, Britain could not financially afford another war. Events in Europe, especially the French Revolution, demanded that England limit its attentions to geographically closer threats.

Then there was with Bowles, who styled himself as the Director General of the Creek Nation. Both Bowles and McGillivray realized they needed to use the model of Emperor Brims to bring the nation together to present a wholly united front before the United States and Georgia, who were totally opposed to each other over the treaty. While the British were not a direct threat to McGillivray, the level of support they would throw behind Bowles was an unknown factor that McGillivray could not dismiss.

Inevitably McGillivray knew he did not have the authority to negotiate this treaty. With only ten towns represented, he must have been intending to use the fact that the powerful leaders of the United States chose to negotiate with him as a tool to convince the remaining towns that he had the necessary power to lead them against their immediate enemies, the Georgians. Did he

not go to New York and take back the sacred lands that Georgia had taken through deceit and threats? This would present a powerful argument in the council houses of the Creek Nation.

The question arises as to whether McGillivray was acting in his own interest, or the interests of the Creek nation. While documentary evidence to answer this question is lacking, a couple of points can be shown by his actions previous to the New York treaty. Throughout the previous six years, McGillivray had, with great skill and diplomacy, prevented Georgia from making any gains in their quest to obtain Creek land. While he did not attempt to force all of the Georgia settlers off of the Oconee lands, he did manage to create an atmosphere among them of fear, to such an extent that many did abandon their farms and move back east of the Ogeechee. McGillivray was also wise enough to know that a general war with Georgia or the United States would be catastrophic to the Creeks in terms of manpower. Instead, the Creeks maintained a level of attacks that forced Georgia into an expensive defensive position, but not intense enough to force Georgia into a massive invasion.

When faced with the threat of the newly re-formed United States, McGillivray adopted a modified strategy. He knew of the war between the United States and the Ohio River tribes, and that the United States was not faring well in that contest. He also knew that the United States was pouring vast numbers of men and large amounts of money into that venture. By signing a treaty that he knew would not be acceptable to the Creeks, he may have been buying time during which they could maintain the status quo. The treaty called for the Creek nation to supply warriors to fight in the next year's campaign on the Ohio; perhaps McGillivray thought that such cooperation may give them a strong bargaining chip to maintain possession of their own land.

McGillivray's motives, then, appear irrational and inconsistent at best, and led to greater division among the Creeks. His refusal or inability to explain what he was trying to accomplish

to those closest to him created confusion and lack of direction throughout the Creek nation. This may have been part of his plan, as this would prevent implementation of the treaty, which had, prior to the Treaty of New York, been his primary goal. With chaos rampant in Georgia and in the Creek nation, little could change.

The peace achieved by the Treaty of New York was ephemeral, but it ensured President George Washington's goal of preventing an uprising of the southern Indians, at least for the time being. The lack of experience of the fledgling administration in Indian affairs became all too obvious in late summer and fall of 1790. Ignoring the complicated strategies of the Creek negotiators and the relationships they had with Spain and England, Washington, Knox, and Jefferson thought they could negotiate a quiet treaty to re-align the Creek Nation to U.S. interests and remove years of distrust fueled by war.

One of the general government's failures in Indian Affairs was in mistakenly thinking that Indians thought or accepted foreign relations in the same terms as European-based cultures. Since many Indian nations had allied with the British in the Revolutionary War, and the British had lost, the Indians had lost, as well. Therefore, all Indian nations were now under U.S. suzerainty and had to comply with the demands of the new landlords. To the various tribes, nothing could have been more foolish.

In 1790 the northern Nations were, at the time, more contentious toward the United States than were the Creeks and their allies in the south. In the south, both Spain and the United States were trying to prevent a full-scale war, but in the Northwest Territory, the British were maintaining forts on U.S. soil and providing muskets, powder, and shot to any Indians willing to fight the United States. In October Gen. Josiah Harmer made the mistake of sending only about

400 of his 1400 men to attack 1100 Miami warriors along the Wabash River, resulting in the loss of 129 men.

Violence continued to flare across the frontier as numerous nations joined in opposition to United States' expansion. In January 1791 a party of Delaware and Wyandot attacked settlers in Big Bottom on the Muskingum River in Ohio and killed sixteen men, two children, and a woman. Three men were captured and four escaped. Observers also reported at that time that "Chippewas and Ottawas" were "joining the 'banditti.'" Ironically, the Delaware had been promised a seat in the House of Representatives for their support in the Revolutionary War. This attack may also have been settlement for an old blood-debt, as it occurred near the site of the 1782 Gnadenhütten Massacre of ninety-two "friendly" Delaware at the hands of the Pennsylvania militia. But, like the Creeks, the Miami, Delaware, and Wyandot were not giving up their homes.¹⁸

In the south, the Spanish were furious with the terms of the treaty, especially those that gave the Creeks access to American goods in the event Spain became embroiled in a war. Trade was the key to maintaining a beneficial relationship with the Creeks, even if it included a tolerable loss to the Spanish government. The relationship whereby Panton and Leslie maintained a monopoly on trade with the southern Indians allowed the company to make a profit, allowed the Creeks and others to be fairly satisfied with the products and exchange rates, and allowed the Spanish to influence the Indians to maintain an effective, substantial buffer between Spain's American territory and that of the United States. It must be remembered that in 1790 Spain still claimed all territory west of the Chattahoochee River northward to 32°.

¹⁸ Captain David Zeigler to General St. Clair, Fort Harmer, January 8, 1791, ASP 122.

Yet, other than minor agitation by Spanish officials, little about the treaty was done on their part until the appointment of Francisco Luis Héctor, Barón de Carondelet as governor of Louisiana in 1791. Carondelet actively intervened in Indian affairs, sending an emissary, Captain Pedro Olivier, to remind the Creeks, Chickasaws, and Choctaws of their agreements and treaties with the Spanish. In September Miró summoned McGillivray to New Orleans to meet with Carondelet. Several articles of the treaty found disapproval with the Crown's governor including the admission to Creek territory of American agents and traders in case of war between Spain and England, or the United States. Miró also objected to any recognition of American sovereignty over any Creek territory. In that Miró was unaware of the secret articles of the treaty, the letter was cordial and intimates a meeting only to plan means of weakening the treaty stipulations. McGillivray tactfully reminded Miró that the treaties between the Creeks and the Crown had never been officially ratified by Spain.¹⁹

While McGillivray was finalizing his plans to journey to New Orleans, Bowles managed to slip a small schooner up the Apalachicola River and to the Lower towns on the Flint River. There he spoke with several minor *micos* who accepted him as a representative of England and listened to his talks. Bowles promised he would bring 6000 men under his command to restore the lands taken by Georgia and to institute fair trade by replacing Panton and Company.

The extent to which he was able to do so was not considered serious by the Spanish authorities, but was a source of considerable nuisance. The primary concern was that Bowles's interference caused confusion among the Creeks; especially in Lower Creek towns where Bowles was protected. McGillivray sent a party to kill Bowles, but they were unable to get a glimpse of

¹⁹ Miró to McGillivray, September 17, 1791, in Caughey, 295.

him. He managed to escape in his ship and promised to return with larger ships and greater quantities of gifts and supplies.²⁰

Throughout 1791 episodes of violence continued along the Georgia frontier, spreading into what would become Tennessee. In March, three Cussetas scalped and murdered a Georgia settler near the Oconee. Three months later a party of vigilantes killed Mad Beaver, a young man who had been hunting near Galphinton.

Evidence of more substantial violence was provided by John Wreath, Georgia's chief auditor, who was serving in Philadelphia settling Georgia's claims against the United States, primarily accounts from the Revolutionary War. Wreath was called to answer for arming Georgia militias against the Creek Nation over the previous months and explained that while Congress had not approved money for the distribution of arms and ammunition, neither had it prohibited the state from defending itself, and that Creek attacks had been so frequent and violent that residents less than eighteen miles from Savannah were required to fortify against attacks. He turned the inquiry back on the general government and asked why "the Union would not be the protectors but the oppressors of the State by subjecting it to Savage cruelty."²¹

That Bowles was, at the least, confusing the situation is a point on which the Spanish and American authorities agreed. Both sides put into effect plans to rid the region of him. Carondelet sent Olivier additional instructions to expand his mission among the Creek Nation. He was

²⁰Panton to Miró, October 8, 1791, in Caughey, 160. See also [Miró] to McGillivray, October 15, 1791, 165, McGillivray to Panton, October 28, 1791, 162, Statement by Middleton, December 21, 1791, 163, McGillivray to Miró, December 30, 1791, 164, and Seagrove to McGillivray, January 14, 1792, 165. For the further details regarding this issue see Caughey, 295-304.

²¹ John Wreath [to unspecified recipient, 16 June 1791, Document TCC334, Hargrett Library, Digital Library of Georgia. It is presumed by the post script, "I shall be glad to hear from your Excellency on this subject," that the recipient was Gov. Edward Telfair.

traveling throughout the nation encouraging the towns to refuse to cooperate with, and to prevent, if possible, the running of the boundary line. Carondelet ordered Olivier to encourage the Creeks to arrest Bowles and turn him in to the military commandant of Mobile. In addition to this measure, the governor charged McGillivray with the same task, and ordered a schooner equipped with six-pound cannon to patrol the mouth of the Apalachicola and nearby navigable streams.²²

Sec. Knox offered two companies of troop stationed at Rock Landing in support of any action McGillivray deemed appropriate to take Bowles by force. He assured McGillivray that he had written confirmation from Britain's Minister to the United States, Mr. George Hammond, that Bowles had no countenance or support from the King's court, who fashioned him "an adventurer." No legitimate government supported Bowles's actions in southern Georgia or East Florida, but that lapse fails to consider the large number of Creeks who wanted to believe that he represented their best interests. Capturing Bowles, then, was the only topic on which all other parties were agreed.²³

Other indications that the treaty was not effective were also forthcoming in that summer of 1791. All prisoners, slaves, and property were to be returned by each party, but the Creeks were still taking prisoners, as is shown in the previous discussion. In addition to those mentioned, two children who had been taken in 1789 had been discovered, and ransoms paid for their return, yet they were still being held. Then, there was the issue of the running the line.

²²Carondelet to McGillivray, January 10, 1793, in Caughey, 304. See also Leslie to Panton, January 30, 1792, and Carondelet to McGillivray, February 6, 1792, 305-307

²³ Knox to McGillivray, 17 February 1792, ASP 246. See also The Secretary of War to James Seagrove, Esq. -11 April 1792, ASP 251. The latter contains a certified copy of a letter from Hammond to Jefferson.

In accordance with the treaty, Major Call sent letters requesting that witnesses, those from the Creek Nation and those from the state of Georgia, be appointed and instructed to report to Rock Landing by October 1 as specified. Governor Telfair appointed generals John Twiggs and Elijah Clark to represent the state, but there is no record of any Creek representatives attending. As a result, only a temporary line could be run, and work ceased on October 31. For their effort, Twiggs and Clark were each paid £9.6s. While the record is not specific, it is most likely that none of the line was run between the Creek Nation and the United States, but rather, that time represented work on the Cherokee line in accordance with the Treaty of Holston (1791).²⁴

A number of Creeks intended to honor the promises made at New York. White Bird King, who had accompanied McGillivray to New York, told the surveyor, Joseph Ellicott that all of the discussions between Washington and Knox on the one part, and McGillivray on the other, had been honest and that everyone appeared satisfied with the results. He gave assurance that all Creeks accepted those talks and would live by them, and that they rejected those of Bowles and others who created dissension.²⁵

Ellicott responded that he knew the Cusseta King personally along with McGillivray, White Bird King, and others of the Creek Nation, and that he would not listen to strangers who were not of Creek blood. He understood the importance of kinship relations among Indian societies and pointed out that McGillivray, the Great Chief of the Creeks, was of the blood of

²⁴ J. Meriwether, “[Receipt of payment by] Georgia [for the] services and expenses [of] John Twiggs [and] Elijah Clark[e], October 31 / [authorized by J [?] Meriwether, Auditor,” TCC056, Hargrett Library, Digital Library of Georgia.

²⁵ White Bird King in answer [to] [Joseph] Ellicot[t]’s talk delivered 8 November 1791 at Rock Landing, TCC 215, Hargrett Library, Digital Library of Georgia.

Creeks and Georgians alike. While there were very few, if any, Georgians with whom McGillivray would acknowledge kinship, the point would be accepted and valued between friends. Ellicott made an enduring connection.²⁶

Knox's primary concerns in Georgia did not include Bowles, but rather consisted of the two points of running of the boundary line and recruiting Creek warriors for the campaign against the northern tribes in the coming spring. The treaty had been in effect for eighteen months, and Mr. Ellicott had been waiting nearly the entire time at the Rock Landing to run the line. According to Knox there should be nothing impeding the action, as honorable men had agreed to do so.

Washington and Knox decided that it was in the best interest of the United States to recruit Creek, Chickasaw, Choctaw and Cherokee warriors to join the United States in its war against the Miami and other northern tribes after the massacre of General St. Clair's troops in the fall of 1791. Approximately 832 Americans had been killed in an ambush, including about 200 civilians. It is not the intention, here, to downplay the nature of the Indian wars in the north: all of the settlements in the Ohio Valley were on the verge of being destroyed, and the open warfare threatened to spread to the south. Washington was determined to prevent the southern nations from joining with the northern nations at all costs. Based on the knowledge that Creek *micòs*, could not prevent young warriors seeking to attain war honors from joining a battle, Knox offered them the opportunity to do what they did best while proving their friendship to the United States.²⁷

²⁶ Joseph Ellicott, A talk to the head king of the Cussetahs [and to] the chiefs and warriors of all the towns in the Creek Nation, circa November, 1791, TCC222, Hargrett Library, Digital Library of Georgia.

²⁷ Knox to McGillivray, 17 February 17, ASP 246.

Knox also sent a letter of introduction of James Seagrove, U.S. Commissioner of Indian Affairs to the Southern District. Seagrove sent word to McGillivray that the United States considered Bowles an imposter based on intelligence gathered by Jack Kinnard, a close friend of his (Seagrove). According to Kinnard, Bowles was a consummate liar for whom the Creeks had lost all respect.²⁸

Sometime between December 1791 and March 1792 Carondelet was made aware of the secret provisions of the Treaty of New York by which McGillivray was commissioned as a brigadier general of the United States Army, as well as an Indian agent, at an annual pension of \$1200. The governor notified William Panton of the situation and told Panton that he would require McGillivray to renounce his position and his compensation, even if he had to give support to Bowles.²⁹

The possibility that Carondelet might negotiate with Bowles was disconcerting to McGillivray, but the possibility can be dismissed. Shortly after Bowles January attack on the trading post at St. Mark's, Bowles was invited to discuss such support with Carondelet, who then sent him to Cuba to negotiate with the authorities there. Upon arrival in Havana, Bowles realized that he had been deceived when he was placed in jail at Moro Castle.³⁰

In discussing the matter with McGillivray, Carondelet told McGillivray that, because of his faithfulness to His Catholic Majesty his pension was being increased to 3500 pesos. Without saying so Carondelet appears to have told McGillivray that he knew of his agreements with the Americans and that they were unacceptable. Whether McGillivray recognized the message or

²⁸ Seagrove to McGillivray, January 6, 1792, in Caughey, 303.

²⁹ Carondelet to Panton, March 24, 1792, in Caughey, 316-17.

³⁰ Wright, *Bowles*, 75-77.

not, he again claimed the payments were in recompense for his lost estates in Georgia, but that he would no longer accept them under the circumstances.³¹

A short time earlier several groups of land speculators in Georgia purchased from that state large parcels of land to the extent of over fifteen million acres along the Yazoo River in current Mississippi with the intent of selling it to settlers who were led to believe that McGillivray was the head of their company. Whether it was true or not has never been verified, because after the fraud was fully exposed' the company's records were all burned publicly on the state capitol's steps in Augusta. These rumors put McGillivray in a compromising position, and he took great pains to convince Carondelet that he was not involved, and it would seem highly unlikely that he was. But it would appear that, despite his remonstrations, his esteem fell in some quarters.³²

The Americans were also beginning to realize that McGillivray was not going to comply with the promises made at New York. Seagrove remarked that Spanish, French, and British citizens could traverse the Creek Nation easily, but that Americans did so at their own peril. He, Seagrove, had thought McGillivray was a friend when they first met, but had to admit that no sign of friendship had been given by McGillivray, who continued to prevent the line from being run.³³

He shared his misgivings with Knox, who then began pushing for the line to be run beginning in October. Knox provided a notarized copy of a letter from British Minister George Hammond denouncing Bowles, and then dressed down Seagrove for making promises that

³¹ McGillivray to Carondelet, April 10, 1792, in Caughey, 318.

³² Ibid.

³³ Seagrove to Knox, 24 May 1792, ASP 296.

should not have been made. For example, Seagrove had promised the Creeks Lancaster rifles for use of warriors joining the fight against the Wabash and Miami, but the government could not procure enough rifles to supply the regular army, much less the Creek warriors. Additionally, gifts would be restricted to value of three dollars per month; anything more would be determined excessive. For Seagrove to promise what the government could not deliver would be the source of great embarrassment, and call into question the ability of the administration to keep its word. Seagrove had been basing his dealings with the Creeks on the policies of the British government, but United States policy would not be based on previous conditions, especially since the Creeks did not appear to be cooperating in the fulfillment of the terms mutually agreed upon at New York.³⁴

That same day, Knox wrote to McGillivray issuing not-so-veiled threats regarding the running of the boundary line and supporting the United States against the hostile tribes north of the Ohio River. Speaking as a superior officer, Knox questioned why he, McGillivray, was delaying in following orders. Bowles had been arrested by the Spanish authorities, so the internal conflict he had caused should be ended, and there was no reason that the boundary should not be run, as agreed.³⁵

McGillivray had given Washington and Knox the treaty they wanted, but not one that could be enforced. There are two views one can take here. One is that McGillivray knew that the treaty would not be accepted by either of the parties on the frontier, so he really gave up nothing. Instead, he gained time to continue the fight. The other is that he was so arrogant he believed that he could convince the towns to follow his lead. What followed nearly destroyed McGillivray's

³⁴ Knox to Seagrove, 29 April 1792, ASP 253-55.

³⁵ Knox to McGillivray, 29 April 1792. ASP 255.

place of leadership among much of the nation, but did not change the fact that it was the Creeks who would determine to what extent the Treaty of New York would be implemented.

CHAPTER 9. STATUS QUO ANTEBELLUM: THE COLLAPSE OF THE TREATY OF NEW YORK

The previous chapter explained how the Treaty of New York led to chaos among the Creeks and, and among the governments of Georgia and the United States as concerned the status of the relations between those three parties. Creeks were divided about whether to accept the Treaty of New York, while Georgia was nearly unanimous in its opposition to the treaty. Far from the killing zone of central Georgia, the United states government operated as though the treaty was in full acceptance, and only began addressing concerns about running the boundary line when McGillivray's excuses began to wear thin.

In July 1792 McGillivray had just returned from New Orleans, where he had been forced to renounce the Treaty of New York and all connections with the United States, a point on which Knox was unaware. While there, in addition to denouncing any relationship with the United States, McGillivray was forced to sign a treaty whereby he would demand the removal of all Georgia settlers from the contested lands to the eastern bank of the Ogeechee River. On his part, Carondelet promised to defend all lands held by the Creeks as of the Treaty of Pensacola (1784) and to provide arms and ammunition to force compliance with this "Carondelet-McGillivray Treaty" (1792).¹ Thus, McGillivray found himself facing choices for which answers would soon become manifest, but which he decided to keep secret as long as possible. An open break with the United States would serve no purpose for either himself or his people, so apparently, he did nothing.

Upper and Lower Creeks who opposed the Treaty of New York made it abundantly clear that they would not accept the transfer of the Oconee lands to Georgia. They had been firm in

¹ Carondelet-McGillivray Treaty, July 6, 1792 in Caughey, 329-30.

this resolution since the Treaty of Augusta in 1783, and they were just as adamant in 1792.

Neither Georgia nor the United States could take their land from them. It was the declared intent of the Creek towns to keep control of their land even if they had to go to war to defend it. While some Creek leaders continued to encourage their people to accept the peace treaty, others escalated the violence against Georgia settlers.

During this period, from the signing of the Treaty of New York in 1790 until late summer, 1792, and beyond, Creek leaders opposed to Georgia expansion maintained resistance to the implementation of the treaty, from running the boundary line, to building American forts from which to conduct trade, to returning captives and stolen property. While Carondelet encouraged McGillivray to hold the peace until November, 1792, McGillivray clearly told Carondelet that the Creeks under his leadership would not attack Georgia at all, but would find some action of Georgia to use as an excuse for not complying with the treaty stipulations. Here, McGillivray explained his tactics to Carondelet after nearly a decade of resistance to Georgia, writing, "...as in all my political measures with them (Georgia) hitherto I chose rather for them to appear as the aggressors to the World [sic]..." A clearer statement of Creek intent could hardly be given.²

Calculated restraint on the part of McGillivray did not mean he was uninformed of events. He made full reports to Carondelet and such other officials as necessary. He sent war parties to intercept American commissioners to the Choctaw and Chickasaw, and to intercept letters containing talks to those nations, urging them to have nothing to do with the Americans. He developed a plan to besiege a fort being built by American settlers on the Tombigbee River near where it crosses the modern Alabama-Tennessee border. He discouraged a meeting of chiefs

² McGillivray to Carondelet, September 3, 1792, in Caughey, 337.

and headmen of various towns and tribes, because it would weaken the frontier against American encroachments, and he made sure that Carondelet was aware of what he was doing.

Yet, earlier, in July 1792, neither the Spanish nor the Americans placed much trust in McGillivray. Seagrove told Washington, "I fear General McGillivray is not faithful to the United States; and I have my suspicions that, if any mischief is brewing, he is deeply engaged in it." On the same day, Gayosa de Lemos, a Spanish functionary, told Andres Aranda, Carondelet's personal secretary that "McGillivray went over to the American side (at New York) for lack of Spanish support."³

Among the concerns the Washington administration had held, but had not actively pursued, were rumors of a Spanish agent living among the Creek Nation. Captain Olivier was introduced earlier in this discussion, but Washington and Knox had thought him most likely a figment of McGillivray's imagination, possibly created in an attempt to coerce concessions from the Georgians. When McGillivray went to New Orleans in June, 1792, however, Olivier's actions became overt, and numerous reports began circulating of him giving talks in the Upper and Lower Towns encouraging the Creeks to attack and drive off any Americans they found west of the Ogeechee, to rob and kill American traders, to disrupt the peace of the frontier, and to frighten settlers into flight.

Secretary of State Jefferson placed full attention on this agent and came just short of filing an official complaint against Spain with the Spanish mission in New York. Reports that a Spanish captain had been urging mischief against Americans by Creeks, Choctaws, and Chackasaws, had been received from Lower Creek chiefs, military officers, commissioners, and

³ Seagrove to Washington, 5 July 1792, ASP 304-305, and de Lemos to Aranda, in a footnote in Caughey, 329.

traders across the frontier. Jefferson chose to use diplomatic tact, and absolved the Spanish government of any blame, stating that since the agents could not have been sent into United States without permission, they must have acted without proper authority.⁴

As July passed into August, Knox continued to pressure the Creeks to abide by the agreements they had made at New York. First, he recalled surveyor Ellicott to New York, recognizing that the line would not be run for some time. He then asked McGillivray to examine the consequences of further refusal to abide by the treaty. In doing so he specifically asked, “[I]s there any power that can permanently interpose and prevent the United States from exercising conduct towards the Creeks as they shall think proper?” In this question, Knox is emphasizing to McGillivray that no foreign government would be able to stop the United States from forcing compliance with the Treaty of New York, if the United States chose to do so. Whatever his reasons, it appears that Knox refused to accept that McGillivray would not break with Spain to the advantage of the United States.⁵

Not only was the general government concerned with the failure of McGillivray and a sufficient number of Creeks to support the running of the boundary line, frontier residents also opposed it. The central objection of the settlers appears to have been that the federal government lacked jurisdiction to negotiate treaties in Georgia with Indian Nations who were members of the state. While it is doubtful that many people making that claim had any idea of what they were talking about, they did know how to provoke the Creeks to attack.⁶

⁴ Thomas Jefferson, to Joseph de Viar and Josef de Jaudenes, 7 July 1792, tj070026, Thomas Jefferson Papers, Library of Congress.

⁵ Knox to McGillivray, 11 August 1792, ASP 256-57.

⁶ William Few [US Senator from Georgia], Philadelphia, to Governor Edward Telfair, Augusta, January 15, 1791, TCC 926, Hargrett Library, Digital Library of Georgia. Few discusses the

One individual involved with inciting the Creeks was Col. Samuel Alexander of the Georgia Militia. According to reports he had killed a number of Lower Creeks without cause, and traveled to Rock landing where Seagrove was meeting with about three hundred Creeks regarding the boundary. In general, Col. Alexander created a disturbance purportedly aimed at breaking up the meeting. Seagrove accepted reports from several people regarding Col. Alexander's action and filed a report with Telfair intimating that all such actions on the part of Georgians were as dangerous as any on the part of the Creeks. One of the deponents was Charles Weatherford, McGillivray's brother-in-law.⁷

Various *micos* and headmen began to raise their voices concerning the threat of rising violence, as well. White Lieutenant, writing from "New York in the Upper Creeks" (probably the town of Oakfuskees on the Talapoosa River, near the modern Martin Dam, in east-central Alabama), told Seagrove the town promised to assist in running the line and claimed to speak for "the greatest part of the headmen." He had met with many leaders of the Lower Towns who spoke highly of Seagrove and they, too, had taken the American side regarding the treaty. On the part of the Lower Towns, Cussetah King, Cussetah Warrior's King, Opay Mico, and the Hollowing King all declared for complying with the treaty stipulations and reported that they were searching for the killer of a young Georgia man who they would turn over to Georgia when he was caught. John Kinnard of the Cheehaw Town turned over twelve stolen horses he had

dilemma of having a national government that can negotiate treaties affecting state governments against the interests of the states so affected. Few wrote, "Already I can begin to perceive the collision of the Government of the United States with that of the individual States." This is an early example of the so called "states' rights" debate that still drives certain areas of U.S. politics.

⁷ Seagrove to the President of the United States, 27 July 1792, ASP 305-06. See also Seagrove to the Governor of Georgia, Rock Landing, 18 July 1792, ASP 306-307, and Charles Weatherford, to James Seagrove, Agent of Indian Affairs, 10 July 1792, ASP 307.

recovered. These do not sound like the actions of confused individuals or of divided towns. Where McGillivray blamed the failure to run the boundary on confusion, lingering from the Bowles affair, or acts of violence by Georgians against Creeks, or delays due to the hunting season, these head-men put the blame directly on McGillivray.⁸

In fact, the evidence damning McGillivray was beginning to accumulate. James Leonard, a traveler from Massachusetts, passed through the Creek Nation and stayed with McGillivray for a short time. He did not explain how he managed to get into the nation, or what his business was, but he did testify that he heard a great deal of unsettling information from McGillivray. Accordingly, Leonard reported that McGillivray was in close communications with the Cherokee Nation and had visited there earlier in the year. When he returned, he had packed his property and moved to Tensa, then gone with the Cherokee to New Orleans. They were joined in New Orleans by a party of Shawanese who agreed to fight alongside the Creek and Cherokee. Upon returning to the Upper Towns, McGillivray and Olivier began instructing Creeks to kill Americans whenever possible and then claim they had been provoked.⁹

By the nature of Leonard's deposition it is obvious that Olivier, and to a lesser extent McGillivray, were acting openly and with impunity in agitating the Creek Nation against the United States and Georgia. Not only were the talks and instigation openly delivered to the various towns visited, but no attempt to conceal the content from ordinary citizens of the United States was taken. Nor were there any attempts made to prevent Leonard from reporting what he witnessed or heard to state or national authorities, as his deposition was duly sworn and

⁸ The White Lieutenant, [a talk], 1 August 1792, and Cussetah King, et al, A talk from the kings, chiefs, warriors, and head-men of the Cussetahs and Cowetas, to James Seagrove, Esq. Agent of Indian Affairs, for the Southern department, 23 August 1792, and John Kinnard, 28 August 1792, ASP 312-13.

⁹ James Leonard to James Seagrove, 24 July 1792, ASP 307.

witnessed several days later. Simply stated, the enemies of the United States and Georgia were operating with impunity.

John Leslie, William Pantón's principle partner, drew the attention of Juan Nepomuceno Quesada (who had succeeded Vizente Zéspedes as Governor of East Florida while McGillivray was in New York) to the depositions of Leonard and Weatherford in early October. After receiving the sworn statements, Leonard and Weatherford booked passage on an express to Philadelphia, where they related their testimony to State Department officials. The officials drew up queries which were sent immediately to Geneva. Leslie had accurate knowledge of Pantón's and Olivier's actions and instigations against the United States and Georgia, to include the promise of Royal troops in support and protection of all territory claimed by the Creek Nation.

Leslie's main concern was his trading house on the St. Mary's River. Georgia officials and settlers alike would have credited Pantón's threats and exhortation as the source of Creek attacks south of the Altamaha River, and Georgia frontiersmen were known for being violent, with little regard for laws and rules that they felt prevented them from protecting themselves. Georgia settlers could use the threat of continued Creek attacks as cover for pillaging the business, and committing some murders in revenge for previous depredations. Leslie knew this and asked for permission to move his post to a more defensible position, one closer to the Spanish fort on the St. John's River. It would seem that the campaign to drive fear into the minds of Georgia settlers was having the same effect on the Creeks and settlers in the Spanish territory, that is, a group of former Loyalists who were living in East Florida, as well.¹⁰

The Creek Nation was not unified enough to act in this manner, and so its actions it could be interpreted several ways. It is possible that the Creeks acted with bravado, knowing that they

¹⁰ John Leslie to Quesada, 2 October 1792, in Caughey, 338-41.

did not have as strong a position as they represented to the Americans. They did have somewhere in the vicinity of 6000 to 8000 warriors, but under no circumstances could McGillivray or other *micos* or war leaders count on those men to come forward to fight when so ordered. Another unlikely scenario is that McGillivray actually thought he could call up 8000 warriors.

In reality, the vast majority of Creeks no longer trusted McGillivray after the Treaty of New York. He had ceded the land they had fought for and gained nothing the previous treaties had not provided. After August of 1790, those who supported McGillivray at New York became divided, with some, such as White Lieutenant, expressing support for the treaty, while others who had signed the treaty, such as Mad Dog, rejecting it. Many of those towns that had supported Georgia prior to New York continued to do so, but, as has been previously shown, some of those towns had turned against Georgia due to indiscriminate attacks on their towns by the Georgia militia. The loyalty of each town vacillated as rumors flew and the truth became obscure.

One general pattern that held fairly constant was that the Lower Towns continued, for the most part, to remain loyal to the Georgians, while the majority of Creeks who were opposing either the United States or Georgia were from the Upper Towns. On September 7, 1792, James Carey, a translator for the United States, reported that five Lower Cherokee Towns declared war on the United States and a war party of Cherokee warriors were joined by approximately 100 Upper Creek warriors who had gone out to attack an unspecified settlement.¹¹

The low numbers of Creeks willing to fight bears witness to how few were willing to face the Americans. The Cherokee said that “Creeks have long been boasting that they were men and

¹¹ James Carey, Linguist of the United States, to an unnamed recipient, 7 September, 1792, ASP 277.

warriors, but that they proved great cowards, and that most of them kept such a distance from the [Buchanan's] station that they could hardly shoot a ball to it." The same report that makes this observation includes ninety-seven separate acts of aggression allegedly committed by Creeks in Miro district and twenty-two more in Washington District in Tennessee. Nearly one hundred civilians were killed in these attacks, and many more were wounded or taken prisoner.¹²

During this time period, late summer and fall, 1792, Carondelet was trying to form a coalition of Indian nations against the United States, first, by keeping the Creeks and Georgia in a state of turmoil, and then by bringing Chickasaw and Choctaw towns into alliance with Spain, as well. Both of these nations had been nominally in alliance with New Orleans, but were enemies of the Creeks, so they did not trust Spain, with its close relationship to the Creeks. On the other hand, a substantial number of expatriate Americans had settled among the Chickasaw and Choctaw, but they were under sporadic attack by warriors from various towns of either of the two nations.¹³

In addition to the attacks on American subjects of the Spanish crown, Chickasaw and Choctaw leaders were complaining that Spain was supplying weapons to the Creeks, who used those weapons to attack them (the Chickasaws and Choctaws), as well. Carondelet urged McGillivray to stop all attacks by Creeks on everyone: drive off all of the Georgians' cattle, he counselled, destroy crops and buildings in the disputed territory, but do not kill any one. Simply

¹² William Blount, "A return of persons killed, wounded or taken prisoners, From Miro District, since the 1st of January 1791," ASP 329-31. The report includes Washington District and covers 1 January 1791 to 3 October 1792.

¹³ Carondelet to McGillivray, 11 November 1792, in Caughey, 343.

by acting against property the Creeks could keep Georgians in fear, thereby delaying the running of the line.¹⁴

So it was in the final days of 1792. Chaos prevailed, and it would be difficult to say that anyone was truly in command of any of the principal parties. Creek towns in favor of the treaty could not prevail on those opposed, and the leaders of the towns opposing the treaty could not muster enough warriors to actually conduct a war. Georgia leaders were dispatching the militia to use offensive and defensive means to protect the state, and at the same time restrain settlers from attacking peaceful Creeks. The defeat of General St. Clair at the Wabash River the previous November gave cause for the U.S. government to be reluctant to commit to war to enforce the Treaty because the Creek Nation had more warriors than the Miami's had at the Wabash.

Conditions of war persisted in north Georgia, Tennessee, and the Carolinas throughout the fall and winter between the United States and the Lower Cherokees and their allies. In addition to the Creek warriors already mentioned, there is evidence that the five towns were joined by parties from the Over-Hill Cherokee and the Shawnee. Other tribes were also mentioned in various reports. Secretary Knox was constantly engaged with communications regarding Cherokee-Creek attacks on settlers from the four-corners area and from Virginia as well.¹⁵

Governor Lee and his Virginia militia were fighting on two fronts in May 1792, facing Cherokee war parties in the southwestern region of the state while a slave rebellion arose in the

¹⁴ Ibid.

¹⁵ Governor Blount to the Secretary of War, Information received relative to the dispositions of the Southern Indians, and the causes of the hostilities of part of the Cherokees and Creeks, March 20, 1792, ASP 263-64. This report is typical of reports to Knox from the field, and includes enclosures from Colonel Elijah Robertson, Richard Justice, Thomas Glass, and David Craig.

tidewater. The slave rebellion received the most attention and was put down quickly, but a substantial number of troops continued to ride the roads to prevent a recurrence. It was, no doubt, a relief when Lee received word from Knox that Virginia troops would not be requested for action against the Cherokee. Knox did instruct Lee to erect a line of forts across the region north and east of the Cumberland Gap. A quick remembrance of geography will bring to mind that this was Secretary of State Jefferson's neighborhood.¹⁶

Tennessee continued to be attacked on nearly every quarter. Creek and Cherokee warriors maintained sporadic attacks from the south and east with the resulting casualties mentioned in Tennessee Governor Blount's "return of persons killed," preciously cited. The records show even more deaths as attacks continued late into 1792. Yet, Knox informed Gov. Blount that he should focus on defensive measures and not institute offensive measures for the protection of the territory. Instead, all measures should be undertaken to obtain the assistance of the peaceful towns of the Cherokee.¹⁷

The situation in Tennessee was extremely dangerous. On August 31 it was reported that a party of Cherokee and Creek warriors attacked Zeigler's Station on the Cumberland River and killed four while taking thirteen prisoners. Shortly after this report word came from a friendly Cherokee chief that three hundred Cherokee and Creek warriors were on their way to attack the settlements between Lookout Mountain in Georgia and the Nashville area. These warriors were carrying "guns, ammunition, hatchets and knives" provided by the Spanish.¹⁸

¹⁶ Knox to the Governor of Virginia, 14 October 1792, ASP 261.

¹⁷ Knox, The Secretary of War to Governor Blount, 9 October, 1792, ASP 261.

¹⁸ The Turkey (Cherokee Chief) to [Tennessee Gov. William Blount], 2 September 1792, ASP 276-77.

In an extraordinary measure of formality, the five Cherokee towns involved in the attacks on the north Georgia and Tennessee settlements convened a council and held a debate, after which they issued a declaration of war against the United States. They included in the minutes of the council that many of the people opposed the decision and remained loyal to the United States. Those people asked for permission to stay in their towns and remain neutral. The towns involved were those of the Chicamaga band of Cherokees, Crow Town, Lookout Mountain, Nickajack, Running Water, and Wellstown. According to John Thomson, a trader who had just returned from visiting the Cherokee at Turkey Town, the purpose of the attacks was to bring the Army of the United States down upon the peaceful Cherokee towns.¹⁹

South Carolina's situation appeared even more tenuous, if that is possible. The threat on the frontier was equally dangerous in the minds of South Carolina officials. They could not know that the Cherokee were making no plans to attack them. The Cherokee had a long history of working with South Carolina, and remained on good terms as the troubles in the west escalated. Those who were for war considered that the western targets, those in central Tennessee and north-western Georgia, would be undermanned, less well supplied, and easier of access and escape following lightning-quick raids on soft targets. According to Red Bird, a Cherokee considered a great enemy of the settlers, the leaders of the five Cherokee towns that had declared war on the United States believed that they could incite a general war by attacking remote settlements.²⁰

¹⁹ This information is condensed from a series of untitled letters from Chutcoe, 2 September, John Thompson, 2 September, James Carey, Linguister [sic] of the United States, 7 September, and Brig. Gen. John Sevier, 18 September 1792, ASP 277.

²⁰ Major Craig, Information given by Red Bird, a Cherokee, respecting his nations, September 15, 1792, ASP 282.

South Carolina found itself in a position of having no guns, powder, or shot in its state arsenal. Other than personal guns in the hands of private citizens, it was virtually defenseless. Gov. Charles Pinckney sent a state purchasing agent to New York City to buy 600 rifles, but he was unable to do so. Upon hearing about the situation, President Washington ordered the United States arsenal to provide the agent with the required rifles and to bill South Carolina according to the published price schedule. This is another indication of the true weakness of the American forces during this critical time.²¹

At the same time the President was sending guns to South Carolina, Knox was advising Gov. Telfair to call up and arm the militia. There were several hundred hostile Creeks in the vicinity of the frontier, according to reliable friendly sources among the Creek and Cherokee nations, which were corroborated by people such as Seagrove and Maj. Gaither. At this point, October 27, 1792, Knox broached the question of who had the authority to authorize war. Knox reminded Telfair that only Congress could authorize war, but that it was not in session. Telfair was told to take whatever offensive actions he saw fit to defend the Georgia frontier. Knox also asked that the governor notify him of the details of any invasion launched by Georgia militia. This was another first: the authority to launch unilateral offensive measures, whereas previously the state had been ordered to carry out defensive actions only. Perhaps this was in direct response to the declaration of war by the Indians hostile to the United States.²²

On the same date Knox sent orders to Gaither and Seagrove concerning the face to be presented by the United States to the Creek Nation. Gaither sent out routine patrols into Creek territory, providing the appearance that nothing had changed between the two parties. Soldiers

²¹ Knox to the Governor of South Carolina, 27 October 1792, ASP 262.

²² Knox to the Governor of Georgia, 27 October 1792, ASP 262.

were to be on heightened alert and ever vigilant for any signs of hostile intent on the part of the Creeks, but nothing was to be done to instigate even the slightest animosities.²³

Earlier, Knox and Seagrove had discussed having agents live among the Creeks for part of the year to counteract the missions of Olivier, Panton, and any other Spanish agents moving within the nation. Seagrove continued moving his necessary personal property into the nation to take up residence, and he increased his visits to the various towns to confirm the friendly relationship between the United States and the Creeks, to encourage setting a date for running the boundary line, and to gather intelligence regarding any hostile intentions.²⁴

Seagrove had come to understand McGillivray in quite a different light since he moved into the Lower Towns. Large numbers of *micos* told him they were in favor of running the line, despite McGillivray's declarations to the contrary. Few of the Lower Creek *micos* had any respect for McGillivray, and Seagrove acceded to that opinion. He had reported to Knox on several occasions that McGillivray's excuse for not attending the running of the line was because he could not obtain a horse. It finally occurred to him that a *mico* who could not "command a horse" in the entire Creek Nation had no power whatsoever. Seagrove came to the conclusion that McGillivray had become a character to be pitied.²⁵

There were a large number of people on both sides of the frontier who sought to incite violence against innocent parties in order to prevent peace from being established. This appeared to be such a case when, in the final days of his term of office as governor, Telfair received depositions given by unnamed sources that early in November, 1792, a party of fifty-nine

²³ Knox to Major Henry Gaither, 27 October 1792, ASP 262.

²⁴ Knox to James Seagrove, 27 October 1792, ASP 262.

²⁵ Seagrove to Knox, 28 October 1792, ASP 320.

backwoodsmen attacked a peaceful Cherokee town in the northeastern corner of Georgia and killed five Cherokees. Three were murdered in the attack and two others were killed just across the state line in Franklin County, Tennessee. As a result of that news, Telfair requested that the United States troops under Major Gaither begin immediate mounted patrols to restrain any reprisals by the Cherokees.²⁶

The attack by Georgia civilians, it was later learned, was in response to the murders of Georgia settlers by Cherokee warriors. On October 25 a group of Georgians attacked about nine Cherokee families who were trading skins at Whitney's post located at Ward's Mill. A Cherokee party then took satisfaction against a group of settlers who were uninvolved in the October 25 incident. This led to a man named David McChesky leading fifty-eight backwoodsmen against the town of Chinstotee, which they burned and plundered. Three Cherokees were murdered in that raid, and whether connected or not, two other Cherokees were murdered that night in Franklin County, a short distance away. This second attack against the Cherokee by Georgians was the one initially reported to Telfair.²⁷

Without waiting for confirmation that the attackers were from Georgia, Telfair immediately issued a proclamation in response to the murders of the friendly Cherokees. Telfair cited precedent going back to a colonial act passed in 1774 declaring the murder of any friendly Indian the equivalent of murdering a colonist. He ordered all military and civil officers in

²⁶ Edward Telfair, Governor Telfair to Major Henry Gaither, 14 November 1792, ASP 334.

²⁷ Major Henry Gaither, to the Secretary of War, Report on incident between whites and Cherokees at Mr. Whitney's store at Ward's Mill, killings near Ft Matthews, calling out the militia and letter from Creeks to President Augusta, 28 August 1793, RG233, Papers of the War Department, 1784 to 1800, National Archives and Records Administration: 3d Con., Sec. War Confidential Report.

Georgia to do everything in their power to identify, arrest, and punish the murderers to the full extent of the law, and to include anyone who aided or abetted them in their escape.²⁸

This atrocity or rather, exchange of atrocities would be investigated for another year. The vast majority of Cherokees were in favor of peace and recognized that at least part of McChesky's story was most likely true. If so, they knew it, and acted accordingly. At any rate, what seems to be a major incident was considered settled under the cloak of "satisfaction."

By 1793 Georgians felt as though they were in a state of siege. Not only were the Creeks becoming more of a danger, but the Spanish were also encouraging the Seminoles in Florida and the Cherokees to Georgia's north to harass the state. Georgia's protests to Spain were not only ignored, but Spain also secretly organized three companies of Cherokee cavalry and sent supplies for approximately ten companies of infantry.²⁹

Likewise, Georgia's requests for assistance from the federal government produced no results. The preceding farm season had been a major disaster across the south as the entire region experienced significant crop failure. Corn and wheat had both been destroyed by drought and blight, and providing food was difficult, at best. Georgia requested assistance from the northern states to provide flour to maintain the troops in the field, but none was forthcoming. On the other hand, Knox and Seagrove arranged for the delivery of several tons of corn to the Creek Lower Towns. One newspaper account reporting on events in southeastern Tennessee described an attack in which at least two hundred Creek warriors attacked a station at Greenville, while claiming that no less than six hundred and sixty Creeks had crossed from Georgia into

²⁸ Edward Telfair, By his Excellency Edward Telfair, Governor and Commander-in-Chief in and over the State aforesaid, A Proclamation, 20 November 1792, ASP 334.

²⁹ Hays, 241.

Tennessee. All of this, and many more attacks, were made possible because of the food stuffs supplied by the federal government.³⁰

McGillivray, who had once told O'Neill that the Americans believed there would be no peace as long as he was alive, died on February 17, 1793, at Panton's home in Pensacola. He had long suffered from various ailments, and finally succumbed to "gout of the stomach" and a respiratory infection. A number of his Creek friends believed he had been poisoned.³¹

Immediately, a power struggle erupted as various factions sought to take advantage of this death. While Seagrove sought to exploit the situation, the real fight occurred among the factions of the Creek Nation. Many considered the White Lieutenant of the Oakfuskees the force by which McGillivray had maintained control of the nation. White Lieutenant told Carondelet that Olivier had been a strong and trusted advisor, but that Milfort, McGillivray's brother-in-law and *tustėnúggi 'lako* of Little Tallassee, "was nothing" and should be ignored. Milfort claimed to be the general of the Creek army, which would only follow him. As "proof" of his authority Milfort described how he had recently sent 1200 warriors against the Chickasaw, but had recalled them when Olivier told him Carondelet wanted him to make peace with that nation.³²

³⁰ Bowen's Centinel and Gazette – Winchester Political Repository, Winchester Virginia. <http://files.usgarchives.net/va/frederick/newspapers/news0001.txt>. The dates are not clearly supplied for the articles presented; a number of articles are given from June 1792 to August 1793. This article was written from a report received "the 1st of April." The third article after this is a wedding announcement from June 1793. In addition to this, dozens of other Creek attacks are reported. At any rate, the perceived situation is clearly presented for the entire period.

³¹ McGillivray to O'Neil, 10 February 1786, in Caughey, 34, 103, Panton to Carondelet, 20 February 1793, in Caughey, 354.

³² Milfort to Carondelet, May 26, 1793, Tucuetbacht [sic], in Caughey, 210, 357, White Lieutenant, A Talk of the White Lieut. of the Ofuskees to his Friend & Brother, and also his Father the Governor of New Orleans, 9 November [1793], in Caughey, 360.

The death of the Creek principle chief removed his personal animosities toward Georgians, but the conflict continued. In March, 1792, Shawnee delegates again arrived in the Creek Nation (probably at Little Tallassie) to encourage them to join the great Indian confederacy that was fighting against the United States. Shawnee delegates had been part of a 25-nation confederacy that met with McGillivray and many Creek *micos* at Little Tallassie in May or June of 1787, and who tried to convince the Creeks to joint their fight against the Americans.³³ Maintaining the position that their fight was against unscrupulous Georgians, not the United States, the Creeks rejected the Shawnee mission, and offered to turn the delegates over to U.S. authorities for a reward. As Georgians and settlers from further north continued to move onto Creek lands, attacks against them continued. Thus, Anthony Wayne's defeat of the northern confederacy in August did little to alleviate the confrontation in Georgia, and Georgians on the frontier maintained their siege mentality. The Creek Nation and Georgia had been at war for ten years, and little had apparently changed.³⁴

While there was no palpable change, a change in perception did occur. For a decade Georgia had been operating under the assumption that McGillivray was the only hurdle in their path. This error became abundantly clear as the positions of the Creeks remained constant, or, at least, constantly inconsistent. There had never been a consensus as to the Creek position regarding land grants or treaties with Georgia. As has been discussed herein, each person in the "Creek Nation" had the right to hold his opinion; no one could speak for him. Likewise, each town decided how it would respond to a given situation. After ten years of trying to convince a

³³ McGillivray to O'Neil, June 20, 1787, in Caughey, 153.

³⁴ Downes, 361.

few leaders to run a boundary line, Georgia, and the United States, for that matter, failed to understand Creek culture. They had never tried.

As the months following McGillivray's death passed, changes did become more apparent. Spain continued to exhort the Creeks to press attacks against Georgia, but lacking a prominent voice to replace McGillivray, there was no one in whom to consolidate the message. No replacement was chosen as Spain's agent among the nation, and individual *micos* began sending conflicting messages. As the year advanced, more *micos* and headmen kept their warriors home and looked for peace. In May, 1793, James Seagrove reported that "there is seven-eighths of the Creek nation that is really friendly to us."³⁵

The change in attitude among most of the Upper Creek Nation was profound. White Lieutenant of the Oakfuskees and Big Warrior of the Cussettahs confirmed that the Upper Creeks would comply fully with the Treaty of New York and that they would begin whipping their young men who stole from the settlers. They promised to break ties with Spain and live in peace, asking that "no rash steps [be] taken by your mad people." Many Creeks recognized that the war then current was carried on only for hatred and cruelty, and that it was fueled by a small number on each side, but warned that "we are not madmen" who will quietly "give up our lives with our land." In an ominous warning White Lieutenant informed Seagrove that if Georgia officials did not control their frontiersmen, "friends [would] die with enemies." While the Creeks were looking for peace, they would still dictate the terms of that peace.³⁶

Changes among some towns of the Lower Creek were equally as astonishing. The Lower Creeks had, by and large, opposed McGillivray and supported the treaty and running the line

³⁵ James Seagrove to the Secretary of War, May 24, 1793, APS 387.

³⁶ The White Lieutenant of the Oakfuskees to James Seagrove, 23 June 1793, ASP 401.

with Georgia. They had been the leaders who signed the three treaties with Georgia in the 1780s. But Timothy Barnard, an interpreter and trader among the Lower Creeks, received evidence that the Lower towns had gone to Pensacola and received a large cache of arms and ammunition which Governor O'Neil told them to use to "kill the Americans," and that he would "give them more if needed." It was also reported that Panton was paying the Creeks to steal horses from Georgia.³⁷

On the other side of the boundary Georgia frontier settlers became emboldened by the lack of aggression by the Creeks. More settlers returned to the Oconee lands, while renegade riders crossed the Oconee and began attacking Creeks all the way to the Okmulgee River. Reports of unauthorized bands of as many as ninety "militia" made their way back to Savannah, Augusta, and St. Mary's, Seagrove's headquarters. Seagrove also reported to Knox that a Georgia militia force comprised of 450 cavalry and 300 infantry had advanced to the Okmulgee River, but had turned back before encountering the Creeks.³⁸

Governor Telfair seems to have been a leading proponent of these attacks. He rejected all efforts to treat with the Creeks, or to run the boundary, until certain demands were met. These demands including the return of all captured persons and property, the delivery of thirteen Creeks accused of felonies, and the surrender of a number of *micos* and headmen as hostages to guarantee the faithful performance of the treaty stipulations. Nor would the Georgia Assembly accept any treaty at which Georgia commissioners were not present. Until such time as these demands were met, there would be no peace, nor would there be a cease-fire.³⁹

³⁷ Timothy Barnard, Deposition of William Stringer, 2 May 1793, ASP 402.

³⁸ James Seagrove to the Secretary of War, July 6th, 1793, ASP 393-94.

³⁹ W. Urquhart to Seagrove, 26 September 1793, ASP 412.

Seagrove remonstrated directly to Telfair when a large party of Georgians crossed the Oconee without apparent cause and attacked the Little Okfuskee Town on the Chattahoochee River, home of the White Lieutenant, where they killed and scalped six men and captured eight women. They then plundered and burned the town. About the same time parties of militia were sent to kill any Creek who crossed the Oconee for any reason, and to prevent Seagrove from meeting with the Creeks. Rumors abounded that the frontiersmen had orders to kill Seagrove if it became convenient to do so. The orders regarding the Creeks were confirmed by Maj. Harris of the US 3rd Division, who had been informed by his Georgia counterparts of the governor's orders.⁴⁰

As all sides considered their options, a new power insinuated itself into the fray. Representing the French Republic, Citizen Edmond Charles Genet arrived in Charleston, South Carolina, as Minister Plenipotentiary to the United States. He immediately began putting into effect plans to create an American force to dislodge the Spanish from key positions in the Americas, particularly New Orleans and the Floridas. Many historians are aware that Genet commissioned Revolutionary War hero George Rogers Clark as a Major General in the French Army, with the task of raising an army to capture New Orleans. Less well known is Elijah Clark's role in the affair. On December 12, 1793, Clark attended a dinner given in honor of Genet with leading state officials including Governor George Matthews, Adjutant General A. C. Elhorn, several state senators and representatives, chief justices, magistrates, and others.⁴¹

⁴⁰ Seagrove to Telfair, 3 October 1793, ASP 412, and Buckner Harris to Major James Seagrove, 2 October 1793, ASP 413.

⁴¹ E.M. Coulter, Elijah Clarke's Foreign Intrigues and Trans-Oconee Republic, "Clarke's Sans Culotte Expedition," 4-2-45, 27 File II Names (Clark A_H: 1759-1814) Manuscript, p. 12, Georgia Archives, Morrow, GA.

Clark quietly accepted a commission as major general in the French army with the task of raising an invasion force to attack Florida. According to E. M. Coulter, Georgians had at least three reasons to join this expedition: hatred of the Spaniards dating back to Oglethorpe's time, gratitude for French assistance during the Revolutionary War, and the chance for plunder. Clark had no trouble successfully raising his army of three to four hundred men, and then marched south toward Florida.⁴²

Early in January 1794, in St. Augustine, Spanish soldiers arrested Richard Lang and imprisoned him at the Castillo de San Marcos in St. Augustine, where he was questioned by Governor Quesada. Lang, a Florida resident, had been in contact with an American, John Baylean, who informed him that the French were enlisting Americans into two expeditionary forces, one to attack East Florida, the other to attack West Florida (Pensacola) and Louisiana. The eastern force had three ships with 1100 soldiers at the ready in Port Royal, South Carolina, and seven hundred cavalry under the command of Brigadier General Samuel Hammond. According to Lang, Abner Hammond, Samuel Hammond's brother had been charged with procuring weapons and supplies which he wanted to transfer to the St. John's River area where the invading forces were finalizing preparations. According to Lang, the land forces were to feint an attack toward the Lower Towns, then reverse and come at St. Augustine through the wilderness.⁴³

⁴² Ibid.

⁴³ Joseph de Zubizaretta, Extract of a translation of the judicial ratification, by affidavit, of Mr. Richard Lang, of the verbal declaration he made to his Lordship, 21 January 1794, KRC167, Hargrett Library, Digital Library of Georgia.

Whether Lang was intentionally exaggerating or testifying to what he thought true, Quesada was shocked. He wrote Gov. Matthews to reassure him that Spain was Georgia's good neighbor and that they were only interested in keeping the peace between Spain and the United States and between Georgia and the Creeks. Quesada received no reassurances from Mathews, and his fears of invasion must have seemed proved when the French sloop, *Las Casas*, with 200 men aboard, took Amelia Island just north of modern Jacksonville.⁴⁴

As Clarke made his way toward the St. Mary's River to rendezvous with the French forces organized by Hammond, he paused long enough to submit his resignation as major general of the 3rd Division, Georgia Militia, to Gov. Mathews. He gave "the rapid advances of old age and the gradual decline of [his] health" as his reasons. As he made his way across southern Georgia on his way to fight for France, he assured the governor that his "inviolable attachment which [he had] ever felt for his country [should] still remain the same."⁴⁵

Before the invasion actually began, Citizen Genet was recalled, along with his plans and financing. A new ambassador arrived from France who disavowed any complicity on the part of the French government and refused to pay the adventurers even basic expenses. Clark and his men became an army without a country and were unsure what to do.⁴⁶

⁴⁴ Henry Gaither to Henry Knox, Extract of a letter, 13 April, 1795, Papers of the War Department: 1784-1800, <http://wardepartmentpapers.org/docimage.php?id=10177>.

⁴⁵ Elijah Clarke, Letter of Resignation to Gov. G. Mathews, February 18, 1794, 4-2-46, 27 File II Names (Clark A-H; 1759-1814), Georgia Archives, Morrow GA. Clark was illiterate, and used an "e" on the end of his signature during certain periods of his life. Other family members did not. This manuscript was penned by W. Williamson.

⁴⁶ Caroline C. Hunt, *Oconee: Temporary Boundary*, University of Georgia Laboratory of Archaeology Series, Report No. 10 (Athens: University of Georgia Press, 1973), 39.

In an unrelated event, in late December, a party of eight Creek men crossed into the area between of the Okmulgee and Oconee Rivers and was confronted by a party of Georgians. A gunfight broke out, and two Creeks were killed. An investigation revealed that Capt. John Adams, commander of a company of Georgia Militia in Greene County, had led his men in pursuit of a war party that had attacked a settler's home and escaped across the Oconee. During the pursuit, they encountered a hunting party and fired upon it, assuming it included the Creek raiders whom they were pursuing. Adams was exonerated by Georgia authorities after an intensive investigation, but the tension continued.⁴⁷

Not everyone agreed with the tactics of the Georgia Militia. Sometimes the disagreement could create life-threatening confrontations. Such was the case when, on March 15, 1794, in Greene County, Joel Meador, Jonas Meador, John Huitt, William W. Huitt, John Cartwright, and Ruben Edwards were forcefully taken by Col. (William) McKenzie and a party of about thirty militiamen and held for about an hour. They were threatened with death, whipping, and other punishments if they refused to join the expedition, which intended an attack against an unnamed Creek Town. Despite the violent coercion, they refused.⁴⁸

As the violence continued throughout Georgia during the spring months of 1794, Clark launched another plan to stop Creek depredations. With a foreign army of three hundred troops, he could not return to Georgia, so he proposed to his men that they settle west of the Oconee River and form a buffer republic between the Creeks and Georgia. Clark and many of his men

⁴⁷ Constant Freeman, Agent for the War Department, to the governor of Georgia, 1 January 1793, WPA Project O.P. 665-34-3-224, pp. 352 – 54, Georgia Archives, Morrow, GA .

⁴⁸ Joel Meador et al, Deposition given before the Greene County Justices of the Peace, 16 March 1794, Creek Indian Letters Talks and Treaties, Georgia Department of Archives and History, WPA Project O.P. 665-34-3-224, p. 367.

had received land grants west of the Oconee for their Revolutionary War compensation, but had not been allowed to claim their lands because of the Treaty of New York. With that treaty repudiated by Georgia and the Creeks, Clark thought that they could settle in the area between the Oconee and the Ocmulgee and preserve the peace. With the consent of his men, the plan was put into action.⁴⁹

As Clark and his men put their plans into action, another incident occurred that would provide support for them from the Georgia Third Militia in later months. In late April Timothy Barnard, a licensed trader and Indian Agent of the state, gave a passport to a party of Creeks, later described as thirty in number, to cross the Oconee in order to hunt deer. Apparently, once across the river, they proceeded to steal some horses and escaped back into Indian territory. Lt. Hay and a detachment of three militiamen gave chase and were ambushed. Hay and another man were killed and a third wounded. The warriors pursued the fourth, but broke off the chase when he shot one of them. The Creek warriors then retreated, but only after attaching their passport, identifying them as Cussettas, to a tree near where Hay fell. On May 5 Archer Norris and a group of people went to bury Lieut. Hay and Mr. Johnson and found them scalped and mangled with knives and tomahawks and their privates cut off.⁵⁰

In the ensuing days a number of related incidents occurred. Major David Adams, of the Georgia Third Militia, dispersed several groups of Creeks, including one at Montpelier, where several soldiers fired on them in violation of orders. Major General John Clark (Brigadier

⁴⁹ Katherine Bowman Walters, *Oconee River: Tales to Tell* (Spartanburg, SC: The Reprint Company, 1995), 83.

⁵⁰ John Barnett, Franklin County Justice of the Peace, Deposition of Archer Norris, 1 August 1794, WPA 665, p. 399?, Georgia Archives, Morrow, GA . (Page number hand written in pencil, very faint)

General Elijah Clark's son) killed one man who stole a horse from a Mr. Thompson, and Capt. Harrison, also of the Georgia Third Militia, pursued a war party that was raiding settlements, but could not overtake it.⁵¹

Seagrove complained to Gov. Mathews as soon as he first received information about the confrontations. The Lower Towns were preparing for war and demanded satisfaction, blaming the whole situation on Major Adams. Numerous incidents instigated by parties on both sides of the border were rolled into one, as rumors preceded facts and blame was fixed without evidence. In other words, it was business as usual. Part of Seagrove's misinformation concerned Gen. Clark, and may have led to support previous rumors. According to the superintendent, Clark had led a large number of men on an expedition against the Lower Towns of the Creek Nation. This was, in fact, Clark's expedition through the Creek Nation against the Spanish in East Florida, and not against the Creeks. The timing was wrong for this to be the outbound trip, but was, most probably, the return.⁵²

In response to Seagrove's accusations against Maj. Adams, Charles Abercrombie, a Revolutionary War officer and prominent land-owner in Greene County, along with six other leaders on the frontier, demanded of Georgia Attorney General A. C. G. Elholm that a fair and impartial hearing be convened to investigate the "misrepresentation of the conduct of Georgia citizens on the frontier." Perhaps this showed the bias of Georgia frontiersmen against Seagrove, or perhaps they simply had superior knowledge of the incident. At any rate, since the accusations

⁵¹ James Adams, Justice of the Peace, Affidavit Respecting Indians, 1794, undated, *Georgia Military Affairs, Vol 2, Part I, 1793-1799*, J. E. Hays, ed., W.P.A. Project No. 5993 (Atlanta: Georgia State Archives, 1940), p. 374B.

⁵² Seagrove to Governor Mathews, 26 May 1794, J. E. Hayes, ed., *Georgia Military Affairs, Vol 2, Part I; 1793-1799* (Atlanta: Gen John Floyd Chapter, US Daughters of 1812, 1940), pp. 384-85.

made by Seagrove were primarily against militia officers, the case was submitted to the military courts for adjudication, not to the civil courts.⁵³

Subsequently, Major Adams was brought before a court martial on charges that he had attacked an innocent party of Creeks and plundered them. Numerous officers and enlisted men testified that a number of volunteers had left formation and fired upon the Creeks in violation of orders, and that they were the ones who plundered the property. Testimony was also given that the warrior who had been shot in the Hays ambush was also in the camp with the party that Major Adams dispersed, indicating circumstantially that they may have been culpable in that attack.⁵⁴

As all of that was occurring, Clark and his men established at least six forts west of the Oconee, roughly opposing forts established by the state on the east bank. They planned to build at least twelve forts, ten miles apart along the western banks of the river, roughly from the modern city of Athens southward to Dublin. From the time of their arrival all Creek hostilities in the region ceased. Clark and his followers formed a republic (later named the Trans-Oconee Republic by historians), wrote a constitution, and elected officials. Not a politician, Clark accepted the post of Commander-in-Chief of the Army. Edward Bradley was elected President, and a Council of Safety was elected to handle the legislative duties. At its greatest extent the republic extended down the west bank of the Oconee River for about one hundred miles, and

⁵³ Charles Abercrombie, et al, to Augustus C. George Elholm, Adjutant General of the State of Georgia, 4 July 1794, Hayes, ed., *Georgia Military Affairs*, p.386.

⁵⁴ Lt. Col. John Watts, Presdt. Proceedings of a Court Martial, 22 July 1794, for the trial of Maj. David Adams, Hayes, ed., *Georgia Military Affairs*, 392-94.

westward for about ten miles. This was a substantial accomplishment for three hundred men operating in hostile territory.⁵⁵

Two months after Clark began building forts west of the Oconee River, Gov. Mathews received official notification from Lt. Col. Gaither (US Army) that Clark was indeed doing so. At the same time, Maj. Gen. John Clark, Elijah Clark's son, was recommending to the governor that the Georgia Militia construct a fort at Silver Shoals of the Grove River at a fork near the Oconee headwaters. This observation is mentioned here because it has bearing on actions that would occur two months later.

The US government sent Gov. Mathews instructions to have the Georgia Militia remove Clark and his men on the grounds that they were in violation of the Treaty of New York. In that the treaty was not very popular, Mathews sent a cursory note ordering Clark to return to the east side of the Oconee. Clark knew that the Georgia Militia would not likely move against him, and he did not consider the authority of the United States constitutional in this, an internal affair of the State of Georgia, so he "refused to obey the order to remove from the Indian lands."⁵⁶

Knox and Washington continued putting pressure on Mathews to remove Clark and his men from the west side of the Oconee. Mathews did not want to order the militia in, because many militiamen believed Clark was right, and open rebellion by the troops would create a disaster. To try to sway the citizenry over to his position, Mathews issued a proclamation

⁵⁵ Walters, 84.

⁵⁶ T.B. Rice, "The Fall of Elijah Clarke's Republic," undated manuscript, 4-2-46, 27, File II Names (Clark AH: 1759-1814), hand-numbered p. 3, Georgia Archives, Morrow, GA.

declaring that Clark and his men were violating state law and ordering all law enforcement and judicial officers to arrest Clark.⁵⁷

He also ordered state Attorney General George Walton to study the situation and issue an opinion. According to Walton, Clark was in violation of the federal Treaty of New York and state law with the three treaties of Augusta, Galphinton, and Shoulder Bone. In late August Walton issued his nine-page opinion that Clark was in violation of state and federal laws regarding both the described actions and the intent of the legislature regarding maintaining the peace on the frontier. He convened a grand jury in Richmond County (Augusta) and secured an indictment against Clark.⁵⁸

Clark appeared in court in Wilkes County to face the charges. A summary of his defense that appeared a few days later in the *Augusta Chronicle* is indicative of the difficulty the state had in its prosecution. The writer, identified only as “Oconee” [sic], posited that if the accused were guilty, then it was a felony, and Georgia law required that all felonies be tried in the county in which they occurred. Since the presumed felony did not occur in any Georgia county, then the state did not have jurisdiction. If it occurred outside of the State of Georgia, then it was also not within the United States of America, so the U.S. government did not have jurisdiction either, unless Georgia acknowledged ceding the territory to the U.S. government. Not everyone in

⁵⁷ By His Excellency George Mathews, Governor and Commander in Chief in and over the said State: A Proclamation, 28 July, 1794, Early American Imprints, Series I, Evans, <http://infoweb.newsbank.com/iw-search/we/Evan>.

⁵⁸ E. M. Coulter, “Elijah Clarke’s Foreign Intrigues and Trans-Oconee Republic, The Fall of Elijah Clarke’s Republic,” 4-2-45, 27 File II Names (Clark A_H: 1759-1814) Manuscript, p. 4, Georgia Archives, Morrow, GA . See also Gov. George Matthews, Report of the Attorney General, 30 August 1794, TCC364, Hargrett Library, Digital Library of Georgia.

Georgia agreed with “Oconee.” A response from “A Younger Georgian Yet” suggested “Oconee” be given “a coat of tar and feathers for” for his insolence.⁵⁹

A panel of three Wilkes County justices of the peace heard Clark’s case and acquitted him of all charges. Whether based on the circumstances explained by “Oconee” or other considerations of law, it should be pointed out that Elijah Clark was the father-in-law of Justice Micajah Williamson’s son and of Justice Henry Mounger’s daughter.⁶⁰

While letters and orders were sent to the federal troops and state militia regarding the forts built by Clark and his men, one change became apparent. From the first weeks of May until the third week of September there were no attacks by Creek warriors in the region east of the Oconee opposite the territory occupied by Clark. Several missions were sent by Mathews and Washington, and militia were called up in South Carolina in case Georgia militia refused to fire on Clark and his men, but no militia was dispatched ostensibly because of the perceived threat of Creek attacks, but more so because of Clark’s popularity among Georgia’s citizenry.⁶¹

This was not the situation in other areas of Georgia. In the middle of September the Mad Dog and Alex Cornel notified an unnamed recipient that the Tame King and the Little Prince of the Lower Creeks were on their way to attack Georgia’s southern counties. Other

⁵⁹ T. B. Rice, undated speech, “Oconee” and “A Younger Georgian Yet,” “General Elijah Clark and his Trans-Oconee-Republic,” 4-2-45, 27 File II Names (Clark A_H: 1759-1814) Manuscript, 3, Georgia Archives, Morrow, GA .

⁶⁰ Ibid, p. 2.

⁶¹ Hayes, *Heroes*, 270.

communications indicated that Creek parties were conducting raids, killing and capturing Georgians and their slaves, and stealing livestock and other property.⁶²

In the end Major Adams and General Irwin brought up Georgia militia and encamped across the river from Clark's compounds. To provide a full picture of the situation, it should be noted that the Oconee River is, on average, twenty to fifty yards wide in the one hundred miles or so of its range under discussion, less in some places. The men could carry on conversations from bank to bank. When Clark was convinced that he would have to fire on his friends and neighbors, he called a meeting of his officers, who decided to abandon the plan. In exchange for their capitulation, they and their enlisted men would be given safe passage home and would be allowed to keep all of their property, including horses, guns, and ammunition.⁶³

However, the repatriation did not go smoothly. Clark notified Irwin of the conditions, to which Irwin readily agreed. But while Clark's men began rounding up horses and packing for home, they were fired upon by militia. This occurred several times over the next few days, and each day Clark asked Irwin to honor the agreement. Two of Clark's men were arrested as they attempted to return to the east bank of the river, causing a number of other men to refuse to abandon their fort for fear of being shot. Clark's final letter of the 26th told Irwin that the forts would be evacuated "as soon as your troops stand down." By September 29, all of Clark's men were home.⁶⁴

⁶² Alick Cornell (Mad Dog), to an unnamed recipient, 14 September 1794, Hayes, ed., *Georgia Military Affairs*, p.406.

⁶³ Constant Freeman, to the Secretary of War, 29 September 1794, ASP II, 500.

⁶⁴ Clark to Irwin, 24 September 1794, 4-2-45, 27 File II Names (Clark A_H: 1759-1814), Georgia Archives, Morrow, GA .

On September 30, a party of five Creek warriors murdered and scalped Catharina Cissena and wounded and scalped a young Negro woman across the river from Ft. Fidius, near the location of the smoldering ruins of Clark's Ft. Defiance. With the removal of the deterrence afforded by Clark's soldiers, the Creeks resumed the war against settlers along the Oconee.⁶⁵

In the meantime, the Creek Nation maintained control of its lands. Throughout the period under study, 1783 to 1795, the leaders of the Creek nation remained divided as to how to deal with the state of Georgia, and subsequently, the United States. There was no strong hierarchical tradition uniting the towns, and while certain towns maintained a social status above others, custom only dictated that the lesser towns defer, politely, to the leaders of the respected towns, obedience was not required.

While various towns disagreed on what strategy to pursue, the goal remained virtually unchanged; Georgia settlers must not be allowed to take Creek land. In general, a peace faction developed that favored granting Georgia land to satisfy what were understandable claims for damages done by Creek warriors during the Revolutionary War. This peace faction reasoned giving up such a small portion of land in exchange for peaceful relations, including trade, would be in the best interest of the Creek nation.

Opposing the peace faction was a war faction that favored the use of force to remove Georgia settlers from the Oconee lands. They reasoned that they had not been defeated in the war and had not been included in the peace treaty which gave their land to Georgia. Further, the land in question included prime hunting grounds on which the Creeks depended for their livelihood, and could not be surrendered.

⁶⁵ John Mikal Wagonman and Davis Starrisson, Deposition, 30 September 1794, TCC174, Hargrett Library, Digital Library of Georgia.

And so it was, that for various reasons, the Creeks refused to cede their lands to Georgia. Perhaps it was because they lacked a strong central authority that no consensus could be achieved. Whatever the cause, they succeeded in thwarting Georgia's settlement plans from 1783-1795.

CHAPTER 10. SOME FINAL COMMENTS

While many Creeks, leaders and ordinary individuals, remained steadfast in their positions throughout the confrontation; others changed their positions as events unfolded. What did not change was the goal of maintaining sovereignty over their lands, and therefore, their lives. While the term “agency” has been applied to the Creek role in this historical narrative, the term is rather limited in scope, and does not fully convey the nature or impact of these events on the future of the United States.

When I began this study I was well aware of the fact that there could be no conclusion. The conflict between the Creek Nation and the State of Georgia began, in the estimation of parties on both sides, as a war for existence. When the Constitution was ratified, all of the original states, except Georgia, had reached their current size, with only a few modifications. Georgia, on the other hand, while holding a nominal claim from the Savannah River and Atlantic Ocean to the Mississippi River, extended westward only about fifty to seventy-five miles from its eastern boundary.

The Creek Nation was massively larger, extending from Florida to upper Tennessee, and from the Ogeechee River in Georgia on its eastern frontier westward nearly to the boundary between modern Alabama and Mississippi. Population estimates for the Creek at the beginning of the confrontation were about 22,000 compared to approximately 50,000 Georgia residents. The latter figure includes a population of slaves estimated between one-third and two fifths of the total.

I must also point out that this discussion imposes starting and ending points that only coincide with major changes in the story. The confrontation did not begin in 1783, or even 1781,

but was apparent as early as 1763 when King George III forced the Creek and Cherokee Nations to cede land as payment for accrued trading debts.

Georgia became the leading Euro-American contestant for Creek territory following the Treaty of Paris (1783) that ended the Revolutionary War as their position changed from Crown colony to sovereign state. After the creation of the federal government in 1788, Georgia remained the primary American authority in the old southwest, but the United States government usurped its authority on a number of occasions. The principle of these was the Treaty of New York (1790), in which the national government stripped Georgia of territory and gave it to the Creek Nation, nearly provoking a civil war. Georgia remained the primary American force in the situation until the legal issues of the Yazoo Land Fraud forced the state to cede land comprising the current states of Alabama and Mississippi to the federal government in a manner reminiscent of the Creek Cession of 1763. Even so, the confrontation would continue until the Jacksonian Indian Removal Act was put into effect in the late 1830s.

The Creek Nation maintained a single-minded position throughout the conflict with Georgia, and carried that forward into the early federal period. The land was theirs: they had not lost it in war, nor had they ceded it, despite Georgia's claims to the contrary. The land was sacred as the burial ground of their ancestors, and it was their source of life through hunting and limited farming.

One of the basic components of the definition of "sovereignty" is a clearly defined frontier and the ability to defend it against trespassers or usurpers. In the twenty years between 1763 and 1783 the Creeks defined and defended a constant boundary line, not wavering in the slightest degree. Following the American Revolutionary War the boundary was debated between

the European powers and within the Creek Nation as alliances and boundaries were destabilized by the Treaty of Paris (1783).

Part of the problem resulted from interpretations of previous treaties and decisions of the British court. Spain claimed land north to the 32nd parallel based on British divisions of jurisdiction within Georgia and the Floridas. The Treaty of Paris reversed those jurisdictional limits, but Spain maintained its claim, and in its treaties with the Creek Nation determined to protect Indian claims to that point. The Upper Towns relied heavily on this promise in its defense against encroachment by Georgia settlers.

On the other hand, many Creeks, especially in the Lower Towns, were more interested in treating with Georgia because of several reasons. First, Georgia could provide a better distribution system for trade goods. Second, Georgia was obviously expanding its population and territory. Maintaining friendly relations with Georgia would reduce the incidence of violence that the Lower Towns would necessarily feel the hardest. This was, in fact, what occurred in the Oconee War between 1787 and 1793.

Another point to consider is that even the Creeks who most opposed Georgia expansion recognized that peace with Georgia was to their advantage. They wanted Georgia to be there, they just wanted Georgia to remain east of the Ogeechee River. The trade advantages previously mentioned that could be had from the United States through Georgia far exceeded the abilities of Pantan and Leslie or Spain through such limited points of entry as existed in Florida. And as long as hostilities existed between the Creek Nation and Georgia, trade would not be allowed through the states to the north. Therefore, peace with Georgia was critical to the Creeks.

This answers the question of why the Creeks did not just destroy Georgia when it held the advantages. The southern counties could have been eradicated by the Creeks at will, to include

Savannah and its port. Georgia had numerical superiority throughout the war, but the Creeks maintained constant tactical advantages, the first being that they could concentrate large numbers of warriors on a single target, while the Georgia militia had to maintain sparsely manned posts the entire length of the frontier. The conclusion most obviously made is that the Creeks made a deliberate decision not to destroy Georgia.

Yet, Creeks killed Georgia settlers who they believed were unlawfully encroaching on Creek lands. In their view, they had clearly notified the Georgians that their eastern boundary was the Ogeechee River, just as it had been under British suzerainty. Any Georgia settlers between the Ogeechee and Oconee Rivers had been warned to withdraw under severe penalties, including death. Anti-settler Creek leaders believed their position was moral, legal, and honorable.

Opposing them were Georgians who believed they had the right to expand based on the ancient laws ceding land to the victors, further supported by three treaties with pro-Georgia Creeks. The lands were awarded to the United States by Britain in the Treaty of Paris. Thus, to Georgia, under the existing laws of the United States and previous grants and treaties, the settlers had every right to occupy the contested lands. Georgia was not sending troops into the Creek Nation to kill Creeks, only to exact “satisfaction” against those who actually committed crimes against Georgians. Georgia repeatedly invited the *micos* and headmen to negotiate treaties of friendship and peace. While there can be no doubt that some Georgians wanted to eliminate all Indian presence in the state, Georgia officials moved quickly and decisively against those who acted on such beliefs.

The total disregard for the rights of the Creeks, Cherokees, and other nations, both as a people and as individuals, seems a contradiction to the modern mind, but in the eighteenth

century, losers of wars had no claims to their lands outside of what the treaties stipulated. In 1783, from the Canadian border to the Spanish Floridas, Indian Nations had legitimate complaints, including the point that they were not included in the treaty negotiations, and that they had not lost or surrendered. While McGillivray, Bowles, and some other “civilized” leaders understood the “civilized” customs and laws, the majority of Creeks did not. The vast majority of Indians (nation-wide) did not accept the concept of private ownership of land. Thus, whether in the Revolutionary War or any other war, such as the Oconee War, they were fighting, not so much for land as defined by Euro-American negotiators, but for their way of life. To the Creek mind, the land was the source of their physical and spiritual support, and the Georgians were trying to take it. McGillivray was correct when he told Miró that “under the mark of friendship they [Georgians] were contriving our ruin.”¹

On the other hand it is difficult in this particular case to say that the rights of the Creeks were “totally disregard[ed].” Between 1783 and 1787 three meetings were held to establish treaties regarding the rights of both parties. Under those treaties, the boundary between the Creek Nation and Georgia was set at the Oconee River. The distance between the Ogeechee and the Oconee averages between twenty and forty miles over its course. The Oconee and Okmulgee merge to form the Altamaha, which confluence is the point from which Georgia’s boundary dropped south to the St Mary’s River at the Spanish Florida line, forming Georgia’s southern boundary. Since the western boundary was calculated from the headwaters of the Altamaha southward, it was a small step to say the boundary should follow that river’s course to the north, as well. To Georgia’s reckoning, in comparison to the Creek lands extending to the current

¹ McGillivray, to Miró, New Orleans, 1 May 1786, in Caughey, 108.

Mississippi/Alabama line, this was a small demand for recompense following the war; five thousand square miles out of two hundred thousand square miles (2.5 percent). Georgia maintained that the Oconee was a fair line that provided Georgia land with which to pay war veterans their bounties, while protecting the Creek Nation from intrusion by settlers under penalty of law. While future actions would prove that these intentions were not those of following generations, the motives of those who negotiated the treaties should not be tainted by actions not their own.

Author Colin Calloway discusses the Creek situation only briefly in his masterful work on treaties, *Pen & Ink Witchcraft; treaties and treaty making in American Indian History*. Calloway limits his discussion to what he refers to as “bribes” provided to certain micós in the Treaty of New York with a passing remark about the addition of secret articles in treaties.²

The general thesis Calloway presents in *Pen & Ink Witchcraft* is that government negotiators routinely coerced Indians, through intimidation, bribery, and liquor, to cede their lands. This did not happen in negotiations with the Creeks. While various Creek delegations signed treaty after treaty with Georgia or the United States between 1783 and 1794, none of those treaties was ever carried into effect. The Creeks maintained control of their lands, ceding small parcels to Georgia until 1814, when General Andrew Jackson defeated the Creeks at the Battle of Horse-Shoe Bend. Jackson’s forces, which included a large contingent of Cherokee and about 100 Lower Creeks, killed approximately 800 warriors, ending the so called “Red Stick

² Calloway, *Pen & Ink Witchcraft*, 107.

War.” Following that defeat, Jackson forced the remaining Upper Creek leaders to surrender twenty-three million acres of territory.³ This area included all remaining Creek lands in Georgia.

The confrontation between Georgia and the Creek Nation would continue for over four decades. The fight over sovereignty and territorial boundaries was caused by differences in culture and law, with both sides advancing valid legal claims, claims the other sides refused to acknowledge. General Elijah Clark and his men were only a fraction of the Revolutionary War soldiers who were granted lands that they could not claim until the Indian title had been extinguished. The Creeks rigorously maintained that Georgians had no grounds on which to do so.

Previous discussion has shown that the Creek Nation was invited to join a pan-Indian movement to destroy the United States. They consciously chose not to do so. Instead, they chose to hold to their moral position defending their right to choose their own way of life. It would be easy to speculate on possibilities, but in the end, we can only look back at the choices that were made and try to correlate them to actions that followed. Sometimes, that correlation is tenuous.

There were, of course, broader events that would subsume everything that was happening in the old southwest. French trappers and Spanish functionaries were working up the Missouri River and building settlements along their tributaries. American settlement was expanding westward.

This discussion has only briefly alluded to efforts to settle the Yazoo Territory by the Spanish, French, and Americans. Spanish intrigues sought to bring disenfranchised Americans to the Spanish Empire to form a protective barrier between Louisiana and the United States. They had no faith in the long-term ability of the Creek, Chickasaw, and Choctaw Nations to withstand

³ Ibid., 117.

the brunt of the American aggression. And so, they conspired with Wilkinson and others to detach the southwest from the United States. Some say that Aaron Burr and Andrew Jackson were involved. The existence of the rumors indicates that the plot may have, at the very least, touched high levels of government.⁴

Conditioned by the frontier in terms described a hundred years later by Frederic Jackson Turner, many Georgians, under the leadership of Clark, established their own law. While some may term this frontier justice, Clark's party incorporated their concepts of democracy and established a new republic, replete with constitution, elected officials, and a representative assembly. They remained loyal to the system established by the Revolution, they just refused to accept specific laws they deemed unconstitutional. No charges were ever filed against Clark or any of his followers after they vacated the Creek lands.

Within two months of the dismantling of the republic, the Georgia legislature enacted laws that allowed the perpetration of one of the largest land-fraud cases in U. S. history, the Yazoo Land Fraud. This case would eventually cost the U.S. government millions of dollars to settle, and also forced it to restrict Georgia's western border to its present location. War with the Creeks resumed immediately upon the collapse of the Trans-Oconee Republic, and continued despite numerous treaties until Andrew Jackson's infamous Indian Removal Acts forced the Creeks out of the southern states. Not surprisingly, Jackson was implicated in some of the

⁴ William R. Teebo, "General Wilkinson's Strategy to Thwart the Burr Conspiracy in New Orleans," (Master's thesis, California State University Dominguez Hills, 2003), 23, <http://media.proquest.com.ezproxy.lib.ndsu.nodak.edu/media/pq/classic/doc/766568631>. See also A. P. Whitaker, *Spanish Intrigue*, 168-69. Whitaker discusses a meeting between Andrew Fagot, a Spanish military officer who met with Andrew Jackson and several other leaders of the Cumberland settlements in 1789. Fagot secured letters from the Cumberland representatives of which, Whitaker states, "If taken at their face value, these letters indicate a genuine desire on the part of the Cumberland leaders to put themselves under Spanish domination."

Spanish intrigues to separate the old southwest from the United States during the period in question, and definitely was involved in the Creek and Seminole wars on Georgia's borders.

Looking at the Creek point of view, though, does the frontier also play a role in their development? In the case of the Creek Nation, there were no "uninhabited lands" that Turner would define as a frontier. Simply stated, the Creeks were surrounded. To the north they faced their long-standing enemy, the Cherokees, while to the west they were hemmed in by Choctaw and Chickasaw, who were facing encroachments of their own. To the south, Spain held sway, and were allies, at least as far as Spain would commit, but that did not appear to include the willingness to provide troops. To the east lay the Creeks' most formidable problem, Georgia settlers determined to gain lands the Creeks insisted they could not surrender.

In just over a century, the Creeks assimilated much of Euro-American culture and mores. They adopted much of Euro-American clothing styles, and learned to use weapons and tools developed in Europe. Some learned to herd livestock. Some learned to negotiate in true European fashion, and to play one European power against the others. All of these and many other changes came to the Creek Nation across their frontiers.

For its part, the Creek Nation also operated on a sort of democratic basis. As has been shown, by the mid to late 1780s, under the leadership of McGillivray, a policy under which no village could implicate the nation in a war without approval of the entire Nation was being developed, even though slowly, and in the face of strong resistance. That policy was also being applied to treaties, so that no treaty involving the entire nation could be considered binding without approval in Grand Council. This contradicted a long tradition of autonomy for each town in deciding its own local situations. Using a modern description, all lands were held in trust for the benefit of the whole. McGillivray and his fellow chiefs sought to maintain peace, but refused

to cede their prized hunting grounds. The question which was never answered by either party in the period under study was, what lands were held in trust for the entire nation, and which were locally controlled? Without a definitive answer to this question, no resolution could be reached.

So both sides of the dispute were operating similarly, and for similar reasons. To what degree can it be said that the frontier influenced the actions and attitudes of the participants? This conflict clearly shows that, as Historian Frederick Jackson Turner wrote in his 1893 watershed essay, “The Significance of the Frontier in American History,” the frontier “strips off the garments of civilization and arrays [the Euro-American] in the hunting shirt and moccasin. . . He shouts the war cry and takes the scalp in orthodox Indian fashion.”⁵ Turner left out of his poetic description that part where Euro-Americans taught the Indians how to scalp. Turner claimed that the exigencies of the frontier stripped “civilized” social inequalities and laid the grounds for cooperation on an equal basis. But he did not consider that the Indian Nations had created a society of political equality that rivaled, in many ways, that of the Americans.

The Turnerian framework may fall short of comprehensive explanation, but the situation along the Oconee River from 1783 to 1794 and beyond presents issues that cannot be ignored. Neither Georgians nor Creeks could secure their goals by use of force, despite General Clark’s efforts to the contrary. Both sides were forced to make concessions. Georgia returned the lands taken by Clark. But the Creeks consistently refused to concede their land.

The frontier, then, was not a static line of demarcation that existed in a specific place where it forged new Americans, only to recede to a new line from which the process would be repeated. Rather, it was a zone of proximal contact between dissimilar cultures, each with its

⁵ Frederick Jackson Turner, “The Significance of the Frontier in American History,” *The Frontier in American History* (New York: Henry Holt and Company, 1921), 4.

own manner of dealing with enemies and allies, of settling disputes, of granting concessions. It was what Richard White has termed “the middle ground,” a place where neither could prevail and both must bend to the culture of the other. It was a place where understandings were often based on misunderstanding, where agreements did not have to be based on truth, fairness, or logic, only on acceptance.⁶

This study has shown that the frontier did affect the manner in which the actors in the events described confronted the situations. The physical nature of the frontier gave the Creeks the upper hand over its enemies in that they could determine where and when armed confrontations would occur, as well as where peace talks would occur. The frontier forests and swamps prevented Georgians from using superior numbers and firepower to force the compliance of the Creeks. This advantage would cease to exist in later decades, as Georgia became stronger and the Creek will to resist slowly caused dissention throughout their nation. However, the degree to which the Creeks controlled their destiny during the years presented here cannot be simply overlooked.

This study looks only at a defined period with an arbitrary end date. That end date was chosen because it is a convenient place to stop. Radicals on both sides were removed from the equation, McGillivray by death, Clark by a poor political choice. New leaders and new issues would develop, and the conflict would continue for another four and a half decades.

That conflict was highlighted by changes of loyalties on both sides: by traitorous actions, and unlawful military expeditions. The Creeks would lose any military advantages as Spain and the United States reduced, then ended, long-standing animosities. Eventually, the Creek Nation

⁶ Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), 50-60.

would be overwhelmed by the onslaught of European immigrants flooding Georgia and other parts of the United States in search of land, especially as the cotton boom advanced westward.

It would be a disservice to say that the Creek Nation was a pawn in the development of the South. They, along with the Choctaw and Chickasaw Nations, held out against White expansion for at least six decades, longer than any of the nations of the Plains. Those three nations still held nearly two-thirds of Alabama and Mississippi as late as 1836, less than twenty-five years before the Civil War. Starting in 1836 to about 1840, speculators bought in excess of one and a half million acres from the Choctaw and Chickasaw. Allotments were still being sold as late as 1860.⁷

For their part, the Creek warriors assassinated *Mico* William McIntosh for signing the Treaty of Indian Springs (1825) ceding land to the United States. They joined Asi Yahola (Osceola) in launching the Creek War of 1837. While the Creek Nation was eventually moved to Oklahoma, they did so only as a last resort. And, it must be remembered the Seminoles, a branch of the Creek Nation, still control their lands in Florida, having never surrendered to the United States.

The struggle between the Creeks and Georgia gives us much to considering terms of shaping the early republic, as well as the on-going Indian policy the United States government was forced to develop. It can also give is important insight to some of the problems facing us today. A prominent issue is the struggle over how to accommodate immigrants. Creeks and Georgians argued for decades that “this is our land, you can’t have it.” We see that in the news

⁷ Mary Elizabeth Young, *Redskins, Ruffleshirts, and Rednecks; Indian Allotments in Alabama and Mississippi, 1830-1860* (Norman; University of Oklahoma Press, 1961; Plains Reprint edition, 2002), 132

every day. They fought a war to settle the dispute. What if they had come to terms and compromised? There was enough land for both. This war was fought over 2.5% of the Creek territory. After the United States secured the Oconee territory in 1796, there followed seventeen years of peace. Had the two compromised in 1783, there could have been twenty-seven years of peace. Time to grow accustomed to one another. There could have been time to learn the value of each other's culture, to accept each other, and to develop patterns of dealing with disagreements. Would we be having the same problem today if we had found a way to deal with it in the late eighteenth century?

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APPENDIX A. ALPHABETICAL LIST OF CREEK TOWNS, VILLAGES, AND
SETTLEMENTS ACCORDING TO ALBERT GATSCHET. (PP. 124-151)

Abi'hka	Kan'tchati	Sauga Hatchi
Abiku'dshi	Kasi'hta	Sawanogi
Ahiki Creek	Kawaiki	Sawokli
Amakalli	Kawita	Sawokli-u-dshi
Anati'tchapko	Kawita Talahassi	Talatigi
Apalatchukla	Kitcho-pataki	Talisi
Apata'i	Koassati	Talisi, Little
Assi-lanapi	Kulumi	Talua 'lako
Atasi (Atassi)	Kusa	Talua mutchasi
Atchina Hatchi	'La'lo-kalka	Tama 'li
Atchina-algi	'Lanudshi apala	Taskigi
Chatahuchi	'Lap'lako	Tchuka 'lako
Che'lako Nini	'Le-katchka	Tokogalgi
Chiaha	Lutchapoga	Tukabatchi
Chiahu'dshi	Muklasa	Tukabatchi
Chiska Talofa	Natche	Talahassi
Fin-halui	Niuyaxa	Tukpafka
Fusi-hatchie	Nofapi Creek	Tutalosi
Hatchi tchapa	Odshi-apofa	Tuxtu-kagi
Hillabi	Okfuski	U-i-ukufki
Hitchiti	Okfuskudshi	Uktaha-sasi
Hitichitu'dshi	Oki-tiyakni	Wako-kayi
Hotali-huyuna	Okmulgi	Watula Hoka hatchi
Hu'li-taiga	Okoni	Wi-kai 'lako
Huli-Wa'hli	Oktchayi	Witumka
Ikanatchaka	Oktchayu'dshi	Wiwuxka
Ikan-hatki	Opil'-'lako	Woksoyu'dshi
Imukfa	Osothi	Yuchi
Intachkalgi	Padshilaika	Yufabi Creek
Ipisoga	Pakan-Talahassi	Yufala
Istapoga	Pin-hoti	
Istudshi-laika	Potchus'-hatchie	
Ka-ilaidshi	Sakapatayi	

APPENDIX B. CREEK GENTES OBTAINED FROM G.W. STIDHAM BY ALBERT

GATSCHET (PP. 155-156)

Nokosalgi – bear

Itchualgi – deer

Katsalgi – panther

Koakotsalgi – wild cat

Kunipalgi – skunk

Wotkalgi – raccoon

Yahalgi – wolf

Tsulalgi – fox

Itch'hasualgi – beaver

Osanalgi – otter

Halpadalgi – alligator

Fusualgi – bird

Itamalgi – (from tamkita, to fly)

Sopaktalgi – toad

Takusalgi – mole

Atchialgi – maize

Ahalaxalgi – sweet potato

Hutalgalgi – wind

Aktayatsalgi – unknown

Pahosalgi – unknown

La 'lo-algi – fish

Tchukotalgi – unknown

Odshialgi – hickory nut

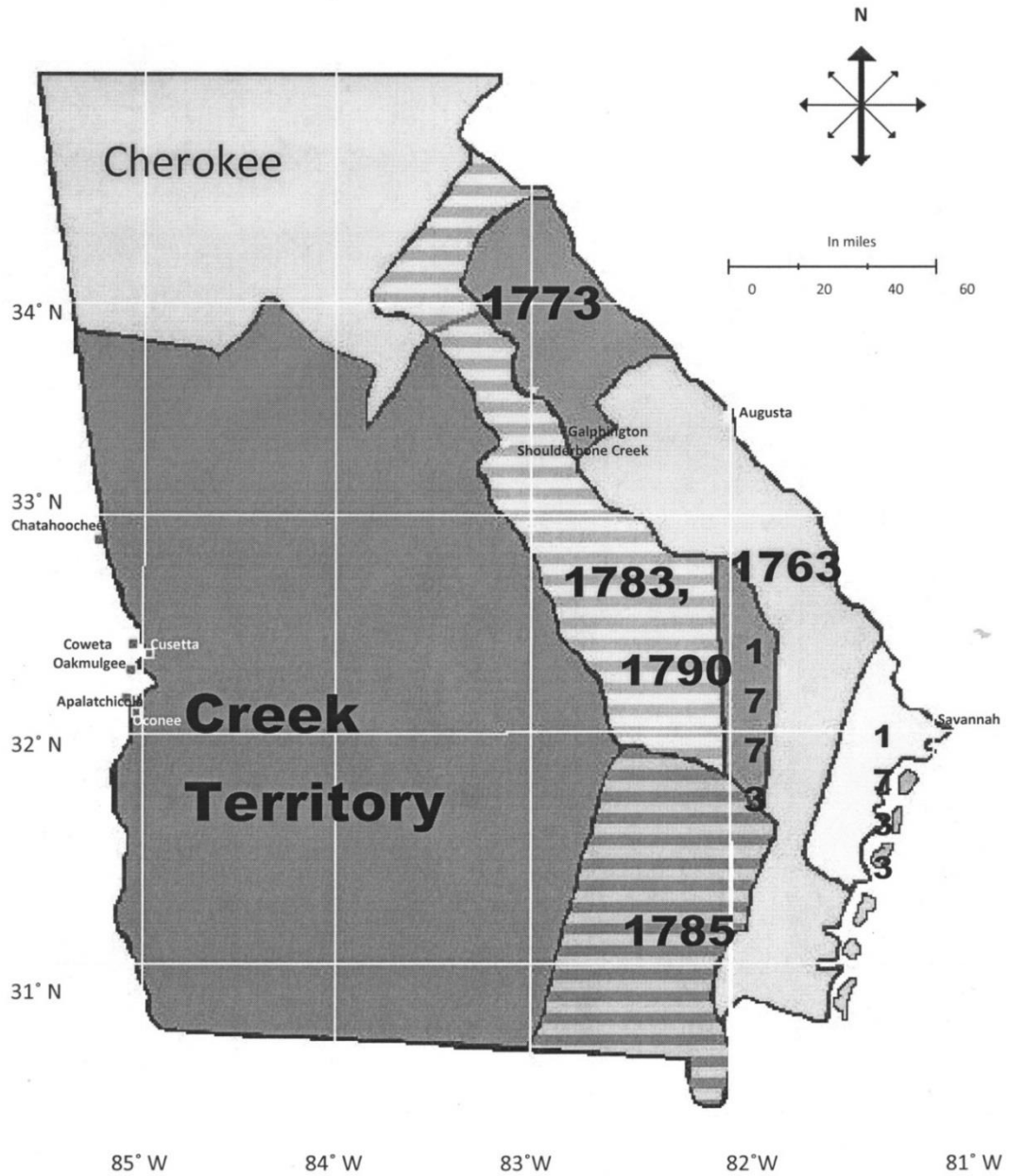
Oktchunualgi – salt

Wa'hlakalgi – people of Hu 'li-wa'hli

Muxlasalgi – people of Muklasa

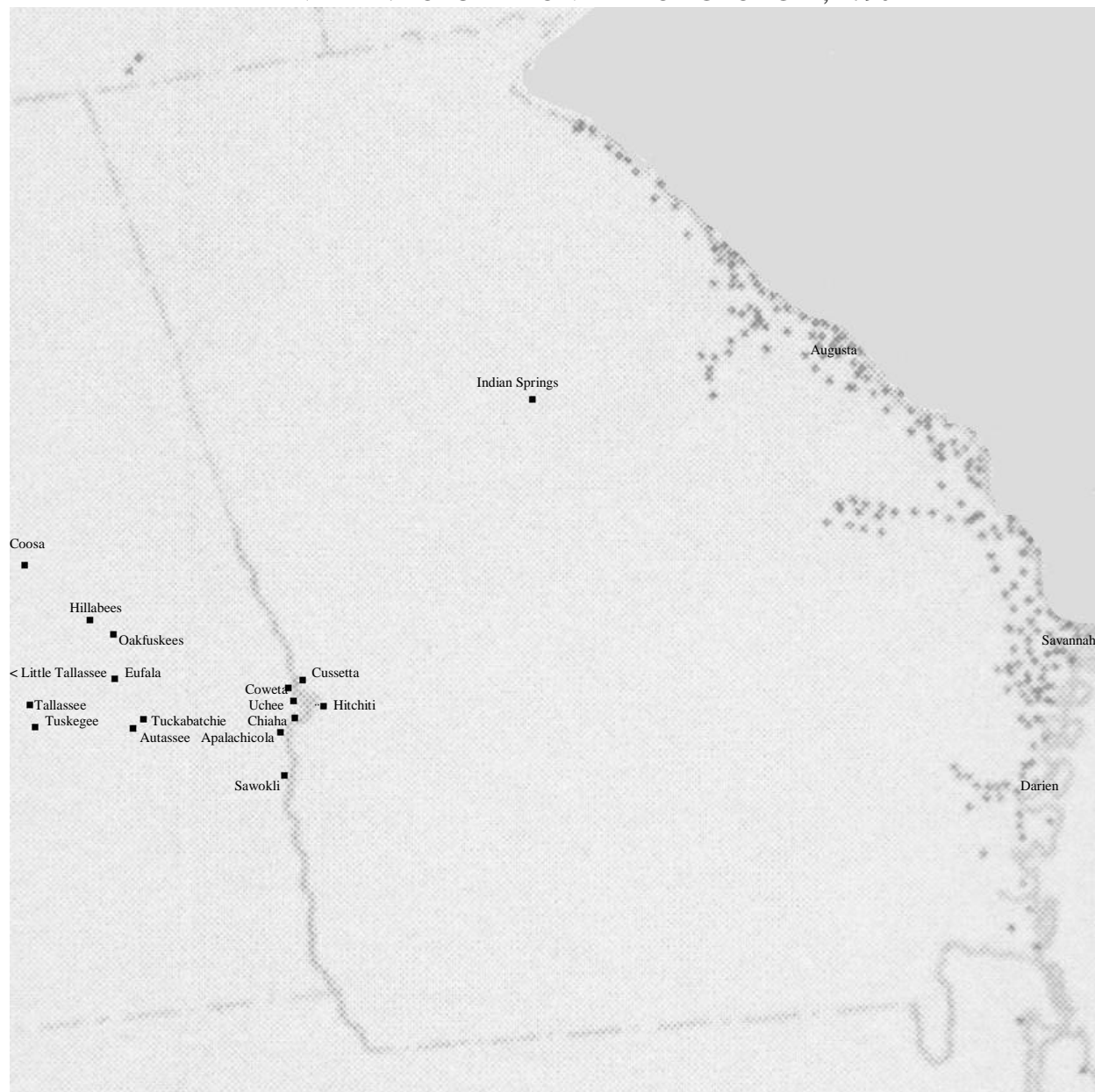
APPENDIX C. CREEK LAND CESSIONS, 1733-1800

Creek Land Cessions, 1733 - 1800



The striped areas on this map represent the contested lands during the period under consideration.

APPENDIX D. POPULATION MAP OF GEORGIA, 1790



Population Map of Georgia, 1790, after Friis. Each dot represents approximately 200 rural residents.¹

Black squares represent Creek Towns.

¹ Herman R. Friis, "A Series of Population Maps of the Colonies and the United State, 1625-1790," *Geographical Review*, July 1940. Used by permission of the American Geographical Society. The map published by Friis includes the settler population of Georgia. I have added the locations of some of the larger Creek towns that occur within the boundaries of this map.

APPENDIX E. "GEORGIA FROM THE LATEST AUTHORITIES"



B. Barker, Sculp. "Georgia from the latest Authorities," (Philadelphia: Carey's, 1795). Used with permission of the David Rumsey Map Collection, www.davidrumsey.com.

APPENDIX F. “EL REQUERIMIENTO”

“*El Requerimiento*,” as presented on <http://www.doctrineofdiscovery.org/requerimiento.htm>

Requerimiento, 1514

Of all these people God, Our Lord, chose one, who was called Saint Peter, to be the lord and the one who was to be superior to all the other people of the world, whom all should obey. He was to be the head of the entire human race, wherever men might exist. God gave him the world for his kingdom and jurisdiction. God also permitted him to be and establish himself in any other part of the world to judge and govern all peoples, whether Christian, Moors, Jew, Gentiles, or those of any other sects and beliefs that there might be. He was called the Pope. One of the past Popes who succeeded Saint Peter, as Lord of the Earth gave these islands and Mainland's of the Ocean Sea [the Atlantic Ocean] to the said King and Queen and to their successors, with everything that there is in them, as is set forth in certain documents which were drawn up regarding this donation in the manner described, which you may see if you so desire.

In consequence, Their Highnesses are Kings and Lords of these islands and mainland by virtue of said donation. Certain other isles and almost all [the native peoples] to whom this summons has been read have accepted Their Highnesses as such Kings and Lords, and have served, and serve, them as their subjects as they should, and must, do, with good will and without offering any resistance. You are constrained and obliged to do the same as they.

Consequently, as we best may, we beseech and demand that you understand fully this that we have said to you and ponder it, so that you may understand and deliberate upon it for a just and fair period, and that you accept the Church and Superior Organization of the whole world and recognize the Supreme Pontiff, called the Pope, and that in his name, you acknowledge the King and Queen, as the lords and superior authorities of these islands and Mainlands by virtue of the said donation.

If you do not do this, however, or resort maliciously to delay, we warn you that, with the aid of God, we will enter your land against you with force and will make war in every place and by every means we can and are able, and we will then subject you to the yoke and authority of the Church and Their Highnesses. We will take you and your wives and children and make them slaves, and as such we will sell them, and will dispose of you and them as Their Highnesses order. And we will take your property and will do to you all the harm and evil we can, as is done to vassals who will not obey their lord or who do not wish to accept him, or who resist and defy him. We avow that the deaths and harm which you will receive thereby will be your own blame, and not that of Their Highnesses, nor ours, nor of the gentlemen who come with us.