

PATROLLING THE BORDER:

THEFT AND VIOLENCE ON THE CREEK-GEORGIA FRONTIER, 1770-1796

by

JOSHUA SPANN HAYNES

Under the Direction of Claudio Saunt

ABSTRACT

At a critical moment in the late eighteenth century, Muskogee Creek Indians faced the prospect of dispensing with their indigenous form of government based on the political autonomy of each Creek town. Ultimately, however, they chose to retain their indigenous government in altered form. Georgia continually encroached on Creek borders forcing Muskogees into a conversation about the nature of political leadership that hinged on what kind of government could best protect Muskogee liberty, territory, and sovereignty. Some favored a powerful central government, but most preferred the autonomy of every Creek town, or *talwa*. Under assault from multiple quarters, Creeks experimented with state-like political solutions such as the diplomacy of elite headmen and skilled figurehead executives. Most importantly, Creek warriors launched over a thousand raids along their contested border, actions best understood as robust border patrol. Such innovations drew on indigenous political ideals, and, for a time, effectively stalled American expansion. Neither Creek nor Georgia leaders, however, exercised state control over their people and their territory. White Georgians exaggerated the ferocity of Creek raids and crafted a political narrative they used to justify their own violence and

land taking. When Creeks and Georgians raided each other's communities, they challenged higher political authorities, causing long-lasting internal political conflict in both societies and pushing both reluctant polities closer to statehood.

INDEX WORDS: Muskogee Creeks, Creek Nation, Creek Indians, Creek Indian Government, Southern States, American Expansion, Borders, Indian War, Georgia, Violence, Talwa Autonomy

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## INTRODUCTION

In March 1822, Creek Depredations Claims Commissioner James P. Preston wrote the following lines to Secretary of War John C. Calhoun from his office in Athens, Georgia:

The period under consideration [1786-1790], undoubtedly, was one of great suffering and privation to the border settler on the frontier adjoining the territory of the Creeks, whose frequent irruptions into the white settlements, appear to have been marked with an uncommon degree of ferocity.<sup>1</sup>

Americans broadly shared and often repeated Preston's assessment of Creek relations with Georgia from the 1770s through the 1790s. By contrast, Creek leader Alexander McGillivray described a particular violent incident in 1786 in milder terms: "...only six persons lost their lives on the part of the Georgians, and these fell victims to their own temerity." In phrasing that likely captured most Muskogee peoples' perspective on Creek-Georgia relations from the 1770s through the 1790s, he wrote, "This affair, which their iniquitous proceedings had drawn upon them, has been held forth by the Georgians as the most violent unprovoked outrage that was ever committed."<sup>2</sup> In 1789, Secretary of War Henry Knox reported to President George Washington that "The State of Georgia is engaged in a serious war with the Creeks."<sup>3</sup> Indeed, matters grew increasingly grave over

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<sup>1</sup> James P. Preston to John C. Calhoun, 15 March 1822, Louise F. [Mrs. J. E.] Hays, ed., *Indian Depredations, 1787-1825*, vol. 2, pt. 1:4, Georgia Archives (hereinafter cited as DEPS).

<sup>2</sup> *Georgia Gazette*, 26 April 1787.

<sup>3</sup> Walter Lowrie and Matthew St. Clair Clarke, eds., *American State Papers, Documents, Legislative and Executive, of the Congress of the United States, from the First Session of the First to the Third Session of*

the ensuing decades until Georgia settler Thomas Wilder despaired in 1812, “May it please your Honor if we don’t get some assistance we shall have to move off of this frontier or our familys will be kiled and skulpt by the Indians. We are too weak to Stand in our own defence.”<sup>4</sup> Almost a century later, Georgians’ held Creeks in their historical memory as “by far the most numerous, powerful and warlike of all the Indian tribes in North America, and their name had gotten during the Revolutionary war, to strike terror around every hearthstone in Georgia.”<sup>5</sup> In what early Georgia historians called the “Oconee War” from 1783 to 1796, Creeks “In the irregular, desultory manner of savage warfare...kept up for many years a struggle,” because they were inspired by “a supreme chief [Alexander McGillivray] of consummate abilities, ambition and influence, and especially animated by hatred of Georgia.”<sup>6</sup>

This late eighteenth century conflict between Creeks and Georgians should be viewed as a long running boundary dispute between two societies struggling to establish themselves as autonomous nation states. For both societies, establishing statehood hinged on monopoly control of violence and maintaining borders. Creeks innovated a variety of state-like defense strategies including diplomacy conducted by groups of talwa leaders, the machinations of figurehead executives, and, most importantly, forms of theft and violence best understood as border patrol. Throughout the period, however, Muskogee people preserved the political independence of individual *talwas*, social units comprising

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*the Thirteenth Congress, Inclusive: Commencing March 3, 1789, and Ending March 3, 1815, Indian Affairs*, vol. 1 (Washington: Gales and Seaton, 1832), 15. (hereafter cited as *ASPIA*).

<sup>4</sup> Deposition of Thomas Wilder, 12 June 1812, DEPS, vol. 2, pt. 1:102-e.

<sup>5</sup> Absalom H. Chappell, *Miscellanies of Georgia, Historical, Biographical, Descriptive, etc.* (Atlanta, GA: James F. Meegan, 1874), 7.

<sup>6</sup> Chappell, *Miscellanies of Georgia*, 7; Louise Frederick Hays, *Hero of the Hornet’s Nest: A Biography of Elijah Clark, 1733 to 1799* (New York: Stratford House, Inc., 1946), 147-216.

a town and its associated villages.<sup>7</sup> As intrusions from Georgia became more severe, Muskogees reluctantly accepted the idea that they must assert monopoly control of violence like a state to remain autonomous, but they did so in ways that emphasized talwa autonomy. White Georgians focused on the occasional violence of border patrols to craft a lasting political narrative that exaggerated Creek ferocity, justifying overwhelming violence of their own and punitive land taking. Georgia's militias frequently breached Creek boundaries, and each intrusion provoked a Muskogee response until Georgians' rhetoric about Creek ferocity became a self-fulfilling prophecy. Georgians' actions also challenged U.S. authority over Indian affairs and ultimately provoked federal intervention.<sup>8</sup> For these reasons, Muskogee border patrols determined the course of Creek-Georgia relations and caused internal political crises in both Creek country and the United States.

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<sup>7</sup> Michael D. Green, *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln: University of Nebraska Press, 1982), 4-15, 33-43, 149-152; Kathryn E. Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685-1815*, Second Edition (1993; repr., Lincoln: University of Nebraska Press, 2008), 3, 5-8, 15-22; Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge: Cambridge University Press, 1999), 19-26, 34-36, 179; Robbie Ethridge, *Creek Country: The Creek Indians and Their World* (Chapel Hill: University of North Carolina, 2003), 28-30, 92-103, 107-108; Joshua A. Piker, "White & Clean' & Contested: Creek Towns and Trading Paths in the Aftermath of the Seven Years' War," *Ethnohistory* 50, no. 2 (Spring 2003): 315-347; Joshua A. Piker, *Okfuskee: A Creek Indian Town in Colonial America* (Cambridge: Harvard University Press, 2004), 1-10, 115-118, 154-157, 178-182; Angela Pulley Hudson, *Creek Paths and Federal Roads: Indians Settlers and Slaves and the Making of the American South* (Chapel Hill: University of North Carolina Press, 2010), 2-3, 12-13.

<sup>8</sup> My interpretation of Georgians' political narrative emphasizing fear of Creek violence draws on the growing subfield of emotions history. See especially a depiction of fear as "an 'emotional disposition'" approximating the German term *angst* in Fabian Hilfrich, "The Corruption of Civic Virtue by Emotion: Anti-Imperialist Fears in the Debate on the Philippine-American War (1899-1902)," 51-65, in Jessica C.E. Gienow-Hect, ed., *Emotions in American History: An International Assessment* (New York: Berghahn Books, 2010). See also Lisa Ford's analysis of Georgia settlers' "tales of peril." Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Cambridge: Harvard University Press, 2010), 85-97, 101-103. Peter Silver describes a similar phenomenon in the mid-eighteenth century mid-Atlantic that he describes as a "discourse of fear," a "horror-filled rhetoric of victimization," and throughout the work, "the anti-Indian sublime." Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W. W. Norton, 2008), xix, xx, et passim.

Politically autonomous towns, or *talwas*, were the core units in late-eighteenth-century Muskogee politics, and they were also central to social and spiritual life.<sup>9</sup> John R. Swanton declared almost a century ago that each talwa should be considered “a little state.”<sup>10</sup> Swanton’s description veered wide of the mark on the question of statehood, but subsequent scholars have agreed that each talwa was “institutionally complete,” with all the human and material resources needed to sustain itself and allow its members fulfilling lives.<sup>11</sup> Every talwa possessed an all-male town council, one or more executive leaders known as *miccos*, and various subordinate political, military, and religious officers who together conducted civic affairs. This talwa government, however, lacked the power to enforce its decisions, nor was there any larger, national government with authority over towns and their residents.<sup>12</sup> Several refugee groups joined Muskogees during the late seventeenth and early eighteenth centuries, but Swanton argued that “each talwa remained virtually self governing” after joining the “federated body.”<sup>13</sup> He even suggested that, regarding internal political organization, the word *talwa* itself “rather covers the English concept ‘tribe.’”<sup>14</sup>

Several scholars since Swanton’s time have called for closer attention to independent native towns and villages rather than focusing on the larger, ill-defined associations such as tribes, nations, and confederacies that once dominated

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<sup>9</sup> Green, *The Politics of Indian Removal*, 4; Braund, *Deerskins and Duffels*, 15; Ethridge, *Creek Country*, 93-95; Piker, *Okfuskee*, 1-10.

<sup>10</sup> John R. Swanton, “Social Organization and Social Usages of the Indians of the Creek Confederacy,” in *Forty-Second Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1924-1925* (Washington, D.C.: U. S. Government Printing Office), 242, 305.

<sup>11</sup> Green, *The Politics of Indian Removal*, 4; Piker, *Okfuskee*, 9.

<sup>12</sup> Swanton, “Social Organization and Social Usages,” 276-306; Green, *The Politics of Indian Removal*, 4-16, 21-22, 25, 27, 34, et passim; Braund, *Deerskins and Duffels*, 15-23; Ethridge, *Creek Country*, 95-97, 102-108; Saunt, *A New Order of Things*, 17, 19, 22-27, 31-37, et passim; Piker, *Okfuskee*, 7-9, 17, 22-24, 30, 40-42, et passim.

<sup>13</sup> Swanton, “Social Organization and Social Usages,” 276.

<sup>14</sup> Swanton, “Social Organization and Social Usages,” 284, 276.

historiography. Indeed, one scholar recently insisted that talwas were “at the heart of eighteenth-century Creek life” and remained so into the twentieth century.<sup>15</sup> This dissertation examines an enduring political system built around the autonomy of individual talwas.

Like political decision-making, Creek social and spiritual life also revolved around the talwa, its public square ground, and the sacred fire at its center.<sup>16</sup> The most important event on the Creek religious calendar was the annual busk, or *poskita*, a world renewal and purification ritual that bound talwa members together. The busk could last several days and included renewing human relationships by forgiving all transgressions short of murder and physical renewal through the purging of old possessions. The core ritual of spiritual, social, and material renewal was the extinguishment and rekindling of a sacred fire at the center of the square ground from which each household then took embers to rekindle its hearth fire.<sup>17</sup>

In addition to the centrality of talwas, matrilineal clans formed another critical element of Creek political, social, and spiritual life.<sup>18</sup> Clan-based justice and its correlate, retaliation, functioned as the basic principles of Creek law and derived their gravitas from religious beliefs.<sup>19</sup> Usually referred to as the law of crying blood or blood revenge, clan-

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<sup>15</sup> Piker, *Okfuskee*, 1-4, 7-8, 209n13. Piker argues, in short, that historians are ready to “privilege town over confederacy, the local over the tribal.” For Piker’s prodigious list of recent works that have emphasized the centrality of the talwa in eighteenth century Creek life, see *Okfuskee*, 209n13. The following works have exercised the most influence on this work: Piker, *Okfuskee*; Green, *The Politics of Indian Removal*; Ethridge, *Creek Country*; Saunt, *A New Order of Things*.

<sup>16</sup> Green, *The Politics of Indian Removal*, 4-16; Piker, *Okfuskee*, 7-10.

<sup>17</sup> Green, *The Politics of Indian Removal*, 15-16; Braund, *Deerskins and Duffels*, 21, 24; Piker, *Okfuskee*, 9, 117-118, 162-164; Ethridge, *Creek Country*, 95, 147, 228-232; Saunt, *A New Order of Things*, 22, 43.

<sup>18</sup> Green, *The Politics of Indian Removal*, 4-7; Braund, *Deerskins and Duffels*, 11-12; Piker, *Okfuskee*, 9-10, 23, 56, 59-62; Ethridge, *Creek Country*, 109-111; Saunt, *A New Order of Things*, 19-21, 81-82, 91-97, 101-103, 106-108.

<sup>19</sup> Ethridge, *Creek Country*, 231.

based justice operated on the principle of balance.<sup>20</sup> If a person suffered death or injury, that person's clan kin was responsible for restoring cosmic balance by causing an equivalent death or injury, though material compensation could substitute for bodily harm in some cases. Clan-based justice emphasized restoring balance over punishing offenders, so the particular individual responsible for the initial offense need not be the target of a crying blood killing. In the late eighteenth century, conflicts between Muskogees and Georgians stemming from theft and violence along the border often went unresolved because clan-based justice clashed with Euroamerican notions of warfare, crime, and punishment.

Muskogee border patrols became the most important political institution in late eighteenth century Creek country because they were the primary vehicle through which Muskogees asserted state sovereignty within a bounded territory, yet they exacerbated deep tensions in Creek society. They are the key to understanding a pattern of theft and violence that otherwise appears random, and for these reasons, they are the subject of this dissertation. Muskogee raiding in the 1780s and 1790s exhibits a pattern I describe as border patrols because of their frequency, timing, location, characteristic non-violence, and the rhetoric of leaders. Paradoxically, border patrols harnessed a popular spirit of unity in defense of Muskogee sovereignty and territory, yet the stress of fighting for survival sharpened internal divisions over the nature of political leadership.<sup>21</sup> A rising group of elites who enjoyed unequal access to wealth and power attempted to control the

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<sup>20</sup> John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York: New York University Press, 1970); Denise Bossy, "Indian Slavery in Southeastern Indian and British Societies, 1670-1730," in *Indian Slavery in Colonial America* edited by Alan Galloway (Lincoln: University of Nebraska Press, 2009), 210-213; Christine Snyder, *Slavery in Indian Country*, chap. 3; Robbie Ethridge, *Creek Country*, 228-232.

<sup>21</sup> Braund, *Deerskins and Duffels*, 14. Braund identified a "unity of spirit" among Muskogees that transcended political divisions.

useful new institution. They envisioned a Creek Nation with a powerful, central government and an economy based on commercial ranching and agriculture, but this threatened talwa autonomy and an older economy founded on the deerskin trade and reciprocal exchange.<sup>22</sup> For some, border patrols represented a nation-building exercise and a way to reject illegitimate treaties with Georgia and the United States. For others, border patrols expressed talwa autonomy and organized young warriors' enforcement of existing treaty terms. Both factions sometimes encouraged raiding.<sup>23</sup> By 1796, despite pressure to adopt coercive authority structures with monopoly control of theft and violence, Creek people largely continued to insist on talwa autonomy.<sup>24</sup>

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<sup>22</sup> Stephen C. Hahn, *The Invention of the Creek Nation, 1670-1763* (Lincoln: University of Nebraska Press, 2004), 5, 124-139, 145-148, 151-176; Saunt, *A New Order of Things*, 67-185; Michael D. Green, "Alexander McGillivray," in R. David Edmunds, *American Indian Leaders: Studies in Diversity* (Lincoln: University of Nebraska Press, 1980), 41-63; Green, *The Politics of Indian Removal*, 4-14, 20-43; Braund, *Deerskins and Duffels*, 140-142. Other historians have described this factionalism as a character defining feature of eighteenth century Creek politics, but the conflict of the 1780s and 1790s was of a different order. Thus, in part, this dissertation contributes to the historiography debating the timing of Creek national emergence and argues for the persistence of talwa autonomy throughout the late eighteenth century, despite the spirit of unity that often surrounded border patrols. Stephen C. Hahn provides a concise statement of the contours of debate. He argues that British colonies had pressured Muskogees for decades to adopt a more centralized, coercive government, yet U.S. Georgia benefitted from the prevalence of talwa autonomy in the 1780s and 1790s because disparate interests failed to coordinate resistance to white encroachment effectively.

<sup>23</sup> Matthew Jennings, *New Worlds of Violence: Cultures and Conquests in the Early American Southeast* (Knoxville: University of Tennessee Press, 2011), 166-175; Hahn, *The Invention of the Creek Nation*, 2, 8, 15, 43, 102, 108-109, 119, 157-163, 179-181, see especially 186-210, 220-225, 230, 250-256, 258; Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005), 24, 72-81. Border patrol raids contributed to each of the three categories of nationhood identified by Steven C. Hahn: "territorial boundaries, creation of institutions of national leadership, and the invention of ideologies that legitimize the existence thereof." (9) Eighteenth century Muskogees are not the only society in which competing interests simultaneously contributed to the development of a border patrol as the cornerstone of a militarized foreign policy. Alexandra Minna Stern has argued that the U.S. Border Patrol in the 1920s "should be seen as the product of negotiation between capitalist growers and nativist restrictionists." (24) Early iterations of what ultimately became the U.S. Border Patrol, including the Texas Rangers of the late nineteenth century, were "part of a longer chronology of militarization in the contested postcolonial space of the U.S.-Mexican borderlands." (quoted from 73, see 72-81) Ironically, U.S. Border Patrol agents in the 1930s believed their mission and their methods drew on "the ancestral skills of Native Americans," like tracking and a supernatural connection to the southwestern environment. (76-77)

<sup>24</sup> This interpretation of Creeks' struggle as non-state actors to meet the threat of aggressive neighboring states draws on long-standing debates about state formation and emphasizes the importance of border societies and the monopoly control of violence in shaping nations and states. Anthropological and historical literature abounds with definitions of statehood and theories of state formation. One anthropologist argues

Muskogee border patrols paradoxically represent both deep continuity with Mississippian ideas and two and a half centuries of political innovation.<sup>25</sup> From 1770 to 1796, Muskogees appealed to Mississippian forms of diplomacy that they had adapted in the first half of the eighteenth century to meet the demands of colonial politics. They established reciprocal exchange relationships first with British, French, and Spanish colonies, and then with the state of Georgia, premised on mutual recognition of territorial

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convincingly that it remains difficult if not impossible to draw “the dividing line between the state and the non-state...[because] the transformation was not an abrupt and mechanical one, but, on the contrary, was an extremely lengthy process.” Jonathan Haas, *The Evolution of the Prehistoric State* (New York: Columbia University Press, 1982, 21. Definitions of statehood often hinge on population, delimited territory, and a centralized, coercive government that perpetuates inequality. Coercive government is key to statehood, yet statehood is neither inevitable nor permanent. A polity can achieve statehood to meet a threat, then return to a less coercive, more equal kind of society thereafter. This model seems to explain the arc of Creek border patrols, and various leaders’ attempts to control them, in the last quarter of the eighteenth century. Haas, however, argues that there is no lower limit to the population required for state formation, citing a population as low as five hundred. Territorial boundaries also need not be fixed concretely, as statehood can be defined by the relationship between a people and their space and not by the space itself. Studies of Native American culture strongly emphasize the sacredness of the relationship between land and people, but they also assert that relationship as one of exclusive rights to occupation and use. Keith H. Basso, *Wisdom Sits in Places: Landscape and Language among the Western Apache* (Albuquerque: University of New Mexico Press, 1996); James Taylor Carson, “Ethnogeography and the Native American Past,” *Ethnohistory* 49, no. 4 (Fall 2002): 769-788; James H. Merrell, *The Indians’ New World: Catawbas and Their Neighbors from European Contact through the Era of Removal* (Chapel Hill: University of North Carolina Press, 1989), 23-24, 26-27. See also Ronald Cohen and Elman R. Service, eds., *Origins of the State: The Anthropology of Political Evolution* (Philadelphia: Institute for the Study of Human Issues, 1978), 1-12; H.J.M. Claesson and Peter Skalnik, eds., *The Early State* (The Hague: Mouton, 1978), 5-16; Haas, *The Evolution of the Prehistoric State*, 1-33; Hastings Donnan and Thomas M. Wilson, eds., *Border Approaches: Anthropological Perspectives on Frontiers* (Lanham, MD: University Press of American, 1994), 1-11; Henri J.M. Claesson and Jarich G. Oosten, eds., *Ideology and the Formation of Early States* (Leiden and New York: E.J. Brill, 1996), 1-24, and especially Thomas T. Allsen, “Spiritual Geography and Political Legitimacy in the Eastern Steppe,” 116-135; R. Brian Ferguson and Neil L. Whitehead, eds., *War in the Tribal Zone: Expanding States and Indigenous Warfare* (Santa Fe: School of American Research, 2001), xi-xxxv, and especially Ferguson and Whitehead, “The Violence Edge of Empire,” 1-28, Ross Hassig, “Aztec and Spanish Conquest in Mesoamerica, 83-102, Whitehead, “Tribes Make States and States Make Tribes: Warfare and the Creation of Colonial Tribes and States in Northeastern North America,” 127-149, and Thomas S. Abler, “Beavers and Muskets: Iroquois Military Fortunes in the Face of European Colonization,” 151-174; Neil L. Whitehead, ed., *Violence* (Santa Fe: School of American Research Press, 2004), 3-24, and especially Stephen Ellis, “Interpreting Violence: Reflections on West African Wars,” 107-124, and Whitehead, “On the Poetics of Violence,” 55-77; Christian Krohn-Hansen and Knut G. Nustad, eds., *State Formation: Anthropological Perspectives* (London and Ann Arbor: Pluto Press, 2005), vii-26, and especially Ana M. Alonso, “Sovereignty, the Spatial Politics of Security, and Gender: Looking North and South from the US-Mexico Border,” 27-52; Ford, *Settler Sovereignty*.

<sup>25</sup> Jennings, *New Worlds of Violence*, xix, 16-18, 23, 26-27, 65, 69-71, 81, 88, 92, 94-95, 109-112, 130-131, 166, 175-177; Hahn, *The Invention of the Creek Nation*, 54-55, 62, 78, 81, 120, 183, 230, 251, 254-256, 258-260, 265-266; Braund, *Deerskins and Duffels*, 132-136.



boundaries.<sup>26</sup> Between 1717 and 1763, Muskogees had honed a policy of neutrality, so-called play-off diplomacy, that kept the three competing colonial powers in the Native South at bay.<sup>27</sup> In the years following the French and Indian War, Muskogees sought a new foreign policy because they found themselves encircled by British colonies without the counterweights of Spain and France. Muskogees consciously began to construct a new foreign policy based on negotiated boundaries and border patrols in the 1770s.

A systematic analysis of depredations claims submitted by white Georgians reveals that Creek Indians from the 1770s to the 1790s were far more interested in divesting Georgia settlers of their property than in depriving them of their scalps. Georgians attributed to Muskogees well over one thousand raids between 1770 and 1799, yet fewer than 150 of them resulted in bloodshed. During brief spikes of violence following controversial land cession treaties, Creeks allegedly killed at least 211 people out of a total non-Indian population of 83,000. During the same period, however, Georgians killed 101 Muskogees, and probably many more not documented, out of a total Creek population of just over 17,000.<sup>28</sup> By contrast, some 790 raids—over 70%—resulted in horse theft. From a data set of 1,119 raids reported as depredations, 850 of them—76%—took place in the Oconee strip, a long swath of land between the Oconee and Ogeechee Rivers stretching some one hundred fifty miles from north to south,

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<sup>26</sup> Jennings, *New Worlds of Violence*, 169-174.

<sup>27</sup> Green, *The Politics of Indian Removal*, 21-23; Hahn, *The Invention of the Creek Nation*, 83-123, 145-148, 230, 258-270.

<sup>28</sup> DEPS, 5 vols.; *Return of the Whole Number of Persons within the Several Districts of the United States, According to "An Act Providing for the Enumeration of the inhabitants of the United States," Passed March First, One Thousand Seven Hundred and Ninety One* (Philadelphia Printed: London Reprinted, and Sold by J. Phillips, George-Yard, Lombard-Street, 1793), 3; Wood, "The Changing Population of the Colonial South," 86.

roughly from present day Athens to Vidalia, Georgia.<sup>29</sup> For much of the period, the Oconee River was the contested border between Creek country and Georgia. The frequency of theft combined with the dearth of violence and the geographical focus on the Oconee strip show that the raids Georgians remembered as the Oconee War are better understood as property confiscation by border patrols asserting Creek sovereignty in a bounded territory. These aggressive actions sometimes pushed white leaders to renegotiate treaty terms and urge settlers to respect the agreements, but just as often, border patrols provided backcountry Georgians with a political narrative they used to justify overwhelming retaliatory violence.<sup>30</sup> Focusing on border patrols as a new and risky foreign policy complicates earlier depictions of the late eighteenth Creek-Georgia frontier.

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<sup>29</sup> Depredations claims frequently cite only the name of the county in which the claimant resided at the time of the raid without further information on the raid's location, and many provide no location data at all. This leaves open the significant question of which side of the Oconee River the raid occurred on. However, according too much meaning to this question may obscure larger issues. Many Muskogees rejected the Oconee boundary throughout the 1780s and demanded that Georgians withdraw east of the Ogeechee. Georgians had an incentive to report that any thefts occurred on the Oconee's east bank so they could claim indemnity, and this creates the possibility of skewed data. Finally, parish and county boundaries changed frequently in the late eighteenth century, so the following map should be viewed as a statement on the frequency of raiding in the Oconee valley rather than a more fine-grained statement on the location of individual raids.

<sup>30</sup> Jennings, *New Worlds of Violence*, 95; James Taylor Carson, "Horses and the Economy and Culture of the Choctaw Indians, 1690-1840," *Ethnohistory* 42, no. 3 (1995): 495-502. Carson analyzes a similar pattern in Choctaw country.



MAP 1.

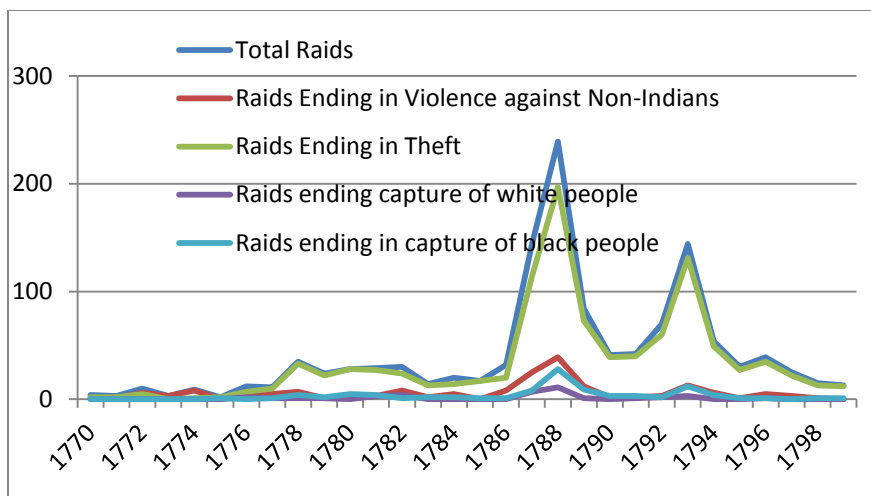


TABLE 1.

Muskogees recognized by 1770 that firm borders between themselves and the British colonies of Georgia and the Floridas were critical to their independence. After 1773 they understood that maintaining boundaries would require frequent diplomacy and possibly more forceful action. The Oconee River valley was the most important piece of real estate in the region during the late eighteenth century in part because Lower Towns considered it vital hunting grounds while Georgians considered it potentially fertile farm and ranch land. By 1783, some Creeks accepted the Oconee River as a sensible, natural boundary. Others agreed on the river as the limit of white settlement but insisted on retaining hunting rights to the east bank. Still others rejected the Oconee boundary entirely, insisting that Georgians must confine themselves to the strip of land between the Ogeechee and the Savannah Rivers and the tidewater region south of the Ogeechee. White Georgians, however, routinely hunted, grazed their cattle, and occasionally settled and farmed both sides of the Oconee River while denying Creek hunting rights on the east bank. From the 1770s to the 1790s, the Oconee boundary dispute became an increasingly bitter conflict between Muskogees and Georgians as well as among Creeks themselves.

Creek raiders' geographical focus on the Oconee River boundary is central to characterizing them as an experimental vehicle for asserting Muskogee statehood and territoriality. If raids from the 1770s through the 1790s represented only chaotic, ferocious, desultory warfare or so much random, opportunistic theft by reckless young men seeking profit and prestige, such raids could have focused on other white settlements including the Cumberland area, Pensacola, Mobile, and the Tensaw district. Pensacola, Mobile, and Tensaw especially were geographically closer and could be reached over

easier paths or by boat.<sup>31</sup> While some Muskogee warriors occasionally raided these other locales, they were rare events compared with the hundreds of raids that struck the Oconee valley. Raids focused on the Oconee because, despite discomfort with centralized authority, Muskogees generally agreed that Georgia settlers must be checked at the river.

Historians have illuminated much about early American history in the Deep South, including the political transformations of southeastern Indian groups broadly and Creek-Georgia relations specifically.<sup>32</sup> For much of the last two decades, ethnohistorians studying early America have focused on the themes of Native American agency, negotiation, and the potentially positive outcomes of diplomatic relations between groups of people who lacked the military might to dominate one another.<sup>33</sup> Such scholarship on

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<sup>31</sup> Braund, *Deerskins and Duffels*, 144, 166; Piker, "'White & Clean' and Contested," 317. By Piker's calculation, the distance from the Upper Towns to Augusta was approximately 280 miles while the distance to Pensacola was only 225 miles. Moreover, the trip to Augusta required four major river crossings, so the journey could take more than three weeks longer (thirty-six days versus eleven days).

<sup>32</sup> Chappell, *Miscellanies of Georgia*, 5-22; Hays, *Hero of the Hornet's Nest*, 160-238; Randolph C. Downes, "Creek-American Relations, 1782-1790," *Georgia Historical Quarterly* 21, no. 2 (June, 1937): 142-184; Randolph C. Downes, "Creek American Relations, 1790-1795," *Journal of Southern History* 8, no. 3 (August, 1942): 350-373; Angie Debo, *The Road to Disappearance: A History of the Creek Indians* (1941; fifth repr., Norman: University of Oklahoma Press, 1988), 35-83; Green, *The Politics of Indian Removal*, 21-40; Joel W. Martin, *Sacred Revolt: The Muskogees' Struggle for a New World* (Boston: Beacon Press, 1991), 80-101; Braund, *Deerskins and Duffels*, 148-189; Saunt, *A New Order of Things*, 78-89, 97-110, 126-129, 177-179, 192-198; Edward J. Cashin, *Lachlan McGillivray, Indian Trader: The Shaping of the Southern Colonial Frontier* (Athens: University of Georgia Press, 1992), 271-289, 302-303; Gregory A. Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-1814* (Tuscaloosa: University of Alabama Press, 2006), 11-12, 20-23, 43; Pulley Hudson, *Creek Paths and Federal Roads*, 17-56; Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998); Thomas M. Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Era of Revolution* (New York: Oxford University Press, 1993); James Taylor Carson, *Searching for the Bright Path: The Mississippi Choctaws from Prehistory to Removal* (Lincoln: University of Nebraska Press, 1999); Greg O'Brien, *Choctaws in a Revolutionary Age, 1750-1830* (Lincoln: University of Nebraska Press, 2002); Hall, *Zamumo's Gifts*; Robbie Ethridge, *From Chicaza to Chickasaw: The European Invasion and the Transformation of the Mississippian World, 1540-1715* (Chapel Hill: University of North Carolina Press, 2010); Alan Galloway, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670-1717* (New Haven: Yale University Press, 2002); Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2010).

<sup>33</sup> Claudio Saunt, "The Native South: An Account of Recent Historiography," *Native South*, 1 (2008), 45-60; Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge: Cambridge University Press, 1991); Merrell, *The Indians' New World*; Daniel H. Usner, *Indians, Settlers and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley before 1783* (Chapel Hill: University of North Carolina Press, 1992); James F. Brooks, *Captives and Cousins: Slavery,*

eighteenth-century relations between colonizers and Native Americans often portrays an initial period of productive negotiation that inevitably degenerates into violence. In particular, some of the best recent scholarship on the Creek-Georgia frontier suggests that prior to the 1750s, Creeks and colonists co-created a land of opportunity between the Savannah and Ocmulgee Rivers. For a time, a peaceful and mutually beneficial frontier exchange economy reigned.<sup>34</sup> The region “gradually became dangerous” until, in the 1770s, the frontier was “coming apart at the seams.”<sup>35</sup> By the 1780s and 1790s, violence rather than negotiation dominated Creek-Georgia relations, careening inexorably into the Redstick War in 1813.<sup>36</sup>

Creeks and Georgians clashed repeatedly in the late eighteenth century as each society strove to establish exclusive territoriality and sovereignty in the Oconee River valley using the political and paramilitary institutions of nascent states. The clashes, however, did not represent simply the collapse of a carefully negotiated frontier exchange economy into wanton, factional violence, nor were they merely prelude to the Redstick War. As others have argued, the dispute certainly did result in armed border conflict along the Oconee River, Spanish Florida did exercise some influence, the strife did expose corrosive differences in Creek politics, and it did draw federal government

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*Kinship, and Community in the Southwest Borderlands* (Chapel Hill: University of North Carolina Press, 2002); Piker, *Okfuskee*; Andrew Frank, *Creeks & Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005); Julie Anne Sweet, *Negotiating for Georgia: British-Creek Relations in the Trustee Era, 1733-1752* (Athens: University of Georgia Press, 2005); Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006); Stephen Aron, *American Confluence: The Missouri Frontier from Borderland to Border State* (Bloomington: Indiana University Press, 2006); Juliana Barr, *Peace Came in the Form of a Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: University of North Carolina Press, 2007); Hall, *Zamumo's Gifts*.

<sup>34</sup>Joshua Piker, “Colonists and Creeks: Rethinking the Pre-Revolutionary Southern Backcountry,” *Journal of Southern History* 70, no. 3 (August 2004): 503-540; Piker, *Okfuskee*; Sweet, *Negotiating for Georgia*.

<sup>35</sup> Piker, “Colonists and Creeks,” 505, 536.

<sup>36</sup> Piker, “Colonists and Creeks,” 538-540; Saunt, *A New Order of Things*, 79-83, 104-108, 249-272, Pulley Hudson, *Creek Paths and Federal Roads*, 26-120; Martin, *Sacred Revolt*.

intervention. A key element of the dispute, however, has been overlooked. Historians have acknowledged Creek raiding, yet they have resisted characterizing it as deliberate foreign policy. Instead of being recognized as the legitimate political institution of an emerging state, border raiders are frequently presented as the retainers of particular leaders, most often Alexander McGillivray, or merely as aimless youths. On the contrary, most Creek raids were conducted by independent agents acting in accord with political consensus in defense of territorial boundaries. More importantly, their actions illuminate the kinds of hybrid political institutions that native peoples innovated in their struggle to retain their own political and social values while confronting the threat of imperial states. Alexander McGillivray and his allies, the signers of controversial treaties in the 1780s and their followers, and men with no clear political affiliation beyond their talwas all resisted Georgian encroachment in word and deed. Each faction sought an effective foreign policy, and intermittently, they all encouraged border patrols. This creative, flexible new foreign policy had limited success in the 1770s, and Muskogees had reason to hope such success would continue. However, it would be easy to overemphasize this broad support of a risky foreign policy. Paradoxically, Muskogees need not have seen themselves as a unified nation in order to unanimously see white Georgians as unwelcome outsiders. Moreover, Creeks need not have agreed on the precise location of their contested northeastern boundary—the Ogeechee River, the Oconee River, or one of its western tributaries—to see the necessity of using border patrols to protect Creek country.

Historians generally agree on the transformative power of colonial states on Native American societies in the late 1700s, but they have long pointed to Muskogee

responses other than raiding as the defining force in Creek-Georgia relations: political factionalism, talwa autonomy, nativistic religious renewal, dependence on European manufactured goods amidst a flagging demand for deerskins, or the disruptive influence of Creeks devoted to property accumulation.<sup>37</sup> The popularity of border patrols was a manifestation of all these factors. They constituted the defense of Creek hunting lands—Creek people’s most valuable resource. They drew on long standing practices like talwa autonomy, admiration for young men’s reckless courage, and the religious duty to balance the deaths of slain clan kin through retributive killings. Recently, one scholar has suggested that the Oconee lands held particular religious significance for Muskogeans.<sup>38</sup> Border patrols also drew on a history of political innovation. In the 1760s, autonomous talwas had briefly asserted nationhood in defense of corporate boundaries.<sup>39</sup> Under renewed colonial pressure in the 1780s, border patrols attracted men who shared a broad political vision of territorial integrity and political sovereignty but who otherwise agreed on little.

While border patrols briefly harnessed a spirit of unity among Muskogean people to communicate sovereignty and territoriality to outsiders, the message Georgians received was quite different.<sup>40</sup> Georgians denied the Muskogean right to statehood by criminalizing Muskogean resistance to white encroachment. Georgians’ depicted raids as

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<sup>37</sup> Green, *The Politics of Indian Removal*; Piker, *Okfuskee*; Martin, *Sacred Revolt*; Braund, *Deerskins and Duffels*; Saunt, *A New Order of Things*; Hahn, *Inventing the Creek Nation*. Hahn argues that “The territorial acquisitiveness of the British colonies may in fact be uniquely important to the story of the development of Creek nationhood.” (258) The “Creek Nation,” however, appeared when needed for diplomacy, “yet disappeared, phantom-like, when those talks ended.” (270)

<sup>38</sup> Pulley Hudson, *Creek Paths and Federal Roads*, 32. Pulley Hudson bases the claim on a single tantalizing source: the Samuel Edward Butler diary, 1784-1786, Hargrett Rare Book and Manuscript Library, University of Georgia (hereafter cited as HAR).

<sup>39</sup> Hahn, *The Invention of the Creek Nation*, 145-147, 229-270.

<sup>40</sup> Whitehead, “On the Poetics of Violence,” in *Violence*, ed. Whitehead, especially 58-68. White argues that violence is a form of communication between collective groups of perpetrators, victims, and observers.



unprovoked ferocity to justify a relentless program of overwhelming violence and land theft. Indeed, one early historian described the Oconee River valley settlements of the 1780s as “semi-military colonies.”<sup>41</sup> He may have intended to portray them as defensive, but from the Creek perspective, they constituted an invasion. Georgians’ narrative about Indian savagery and their desire to appropriate Indian lands precluded any acknowledgement of Creek rights to defend their borders.

In a broad sense, this dissertation offers a new model for understanding relations between natives and newcomers in the eighteenth century that avoids both romanticizing peaceful negotiation and exaggerating Indian violence. The orthodox depiction of the Oconee boundary dispute emphasizes an initial period of productive frontier negotiation between Creeks and Georgians prior to the American Revolution followed by anarchic, ferocious violence. Scholarship foregrounding the roles of negotiation and violence has obscured the methods and motivations of Muskogee border patrols. They constituted a measured, usually non-violent political response to white expansion and failed diplomacy. Close analysis of depredations claims and supporting evidence suggests that between 1770 and 1796, Georgians routinely transgressed the boundaries between themselves and Creeks, and that Muskogees responded with border patrols that took restrained, correctional action to assert territorial and political sovereignty. Far from being chaotic, unprovoked warfare, border patrols mimicked state-like behavior by forcibly imposing order. Muskogee men ejected Georgians from Creek country and discouraged settlers’ return by confiscating or destroying their property. The preponderance of theft and the paucity of violence suggest that Georgians’ rhetoric inflated the Creek threat to justify the expropriation of Creek resources. Viewing border

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<sup>41</sup> Chappell, *Miscellanies of Georgia*, 8.

patrols as legitimate, state-like political action allows for a new, broadly applicable understanding of relations between colonizers and Native Americans that complicates earlier explanations of frontier conflict.

The following chapters will examine the nature of Muskogee border patrols from their use as a way of defining territorial boundaries and asserting sovereignty, to their role in shaping internal Creek political conflict, to the ways Georgians portrayed them to justify aggression that violated the central government's authority. Treaties of the 1770s, 1780s, and 1790s serve as a political and chronological framework. Chapter 1 traces the emergence of border patrols from 1770 to 1773 acting on the authority of autonomous talwas to assert native rights via theft and violence that perpetrators understood as legitimate. Chapter 2 analyzes a particularly vicious series of clashes in 1774 and 1775 that prompted a temporary assertion of state authority from Creek leaders to limit the raiding of young warriors. Chapter 3 traces the chaos wrought by the American Revolution. Georgians took wartime opportunities to provoke Creeks constantly, leading talwas to renew the kinds of raiding through which they had asserted their rights in the early 1770s. Chapters 4 and 5 analyze a series of treaties between a few talwa leaders and the state of Georgia that ceded Oconee River valley lands between 1783 and 1786. These land cessions deeply divided Muskogees and revealed the critical weakness of talwa autonomy as a governing principle when confronted by an aggressive state. Independent warriors responded by dramatically increasing theft raids in the Oconee Valley. Chapter 6 examines the period of peak violence between 1787 and 1790. Talwa leaders and Alexander McGillivray competed for monopoly control of border patrols as a key institution of the blossoming Creek state, yet, paradoxically, they experienced a

convergence of interests that led both factions to encourage raids. Chapters 7 and 8 track Georgians' overwhelming retaliation and federal military buildup. This response slowly delegitimized border patrols in the eyes of many Creeks, leading to talwa consensus against raiding. Instead, Muskogees innovated again, incorporating young warriors into state decision making like never before as a way of asserting state-like monopoly control of violence yet retaining talwa autonomy as the primary principle of governance.

## CHAPTER 1 – NATIVE RIGHTS AND BORDER DEFENSE, 1770-1773

### I. INTRODUCTION

In 1770, Creek country comprised seventeen thousand souls living in sixty to eighty towns and villages in the Coosa, Tallapoosa, Alabama, and Chattahoochee River Valleys, and the population was growing.<sup>1</sup> The Coosa-Tallapoosa-Alabama River confluence region around present-day Montgomery, Alabama, was home to four provinces—Abika, Tallapoosa, Okfuskee, and Alabama—that, over time, had become known as the Upper Creeks. Eighty miles east in the middle Chattahoochee valley around present-day Columbus, Georgia, the Apalachicola province had become known as the Lower Creeks, and the two geographic divisions together were known to English colonists as the Creek Confederacy or Creek Nation.<sup>2</sup> The people spoke primarily Muskogean languages, and each town, or *talwa*, constituted an autonomous polity whose people were united by observance the Busk, or *poskita*, an annual world renewal ritual focused on rekindling a sacred fire at the center of the town's square ground. A town council, a few headmen known as *miccos*, and various subordinates governed the community, though they were unelected and held no coercive power over townspeople. Each *talwa* participated in the confederacy, but they were bound more by clan

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<sup>1</sup> Braund, *Deerskins and Duffels*, 9, 15; Pulley Hudson, *Creek Paths and Federal Roads*, 4; Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685-1790," in Gregory A. Waselkov, Peter H. Wood, and Tom Hatley, eds., *Powhatan's Mantle: Indians in the Colonial Southeast* (1989; repr., Lincoln: University of Nebraska Press, 2006), 86.

<sup>2</sup> Ethridge, *Creek Country*, 26-30; Hahn, *The Invention of the Creek Nation*, 5-8; Joseph M. Hall, *Zamumo's Gifts: Indian-European Exchange in the Colonial Southeast* (Philadelphia: University of Pennsylvania Press, 2009), 137.

membership, marriage ties, situational military alliances, and land claims than by any central, national government institution.<sup>3</sup> Some of the more prominent towns could have over a thousand residents, such as Okfuskee on the Tallapoosa River, which boasted a population between 900 and 1,500, but most were smaller.<sup>4</sup> Indeed, by the early 1770s, even prominent towns like Okfuskee and Tallassee were shedding population as residents separated into satellite villages.<sup>5</sup> However, Muskogeans claimed, managed, and seasonally occupied millions of acres of land encompassing most of present-day Georgia, Alabama, and Florida. Their territory stretched from the Atlantic Coast to the Tombigbee River in present day western Alabama and from the Gulf of Mexico to the Savannah River. This territory and its resources were the foundation of the Muskogean economy built on the commercial deerskin trade and subsistence agriculture. The colony of Georgia, by contrast, contained 15,000 white people and 18,000 enslaved black people by 1775.<sup>6</sup> The colony remained confined to a few coastal towns, some quickly expanding agricultural districts along the Savannah, Ogeechee, Canoochee, and Altamaha Rivers, and an inland trading hub at Augusta. Its population, however, was growing far faster than that of Muskogeans.

Between 1770 and 1783, Georgians and Creeks endured a tense, mutually resentful, yet mostly peaceful relationship punctuated by occasional outbursts of violence and attempts to quell simmering tension. The reason for this tense relationship was English colonists' intense pressure on Muskogeans to cede lands to Georgia and West

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<sup>3</sup> Green, *The Politics of Indian Removal*, 4-16; Braund, *Deerskins and Duffels*, 3, 6, 8, 11-12, 15-24; Saunt, *A New Order of Things*, 14, 19-28, 34-37; Ethridge, *Creek Country*, 29-30, 93-108; Piker, *Okfuskee*, 7-10, et passim; Hahn, *The Invention of the Creek Nation*, 2-8, 18-26, et passim.

<sup>4</sup> Green, *The Politics of Indian Removal*, 4; Piker, *Okfuskee*, 6, 127-129;

<sup>5</sup> Braund, *Deerskins and Duffels*, 8, 18; Piker, *Okfuskee*, 7-10.

<sup>6</sup> Wood, "The Changing Population of the Colonial South," 86.

Florida. During these years, English colonists reported 204 raids committed by Creeks. Fifty-two of those raids ended violently, causing the deaths of ninety-nine white people, four black slaves, and twenty-seven Creeks. By contrast, theft was far more frequent. During the same period, 165 raids ended in theft and 134 of them included the theft of horses.

The tension that defined Creek-Georgia relations between 1770 and 1783 derived from two major irritants. First, English traders engaged in disruptive, dishonest, and, by English law, illegal trading practices such as flooding the market with alcohol, trading for raw skins at backcountry stands outside the purview of talwa leaders, and trading without English licenses. Second, Georgians violated existing treaties by squatting and grazing cattle on Creek lands and by driving herds through the Muskogee heartland to markets as far away as Pensacola.

During these years, Muskogeese developed a new foreign policy centered on border patrols that harassed English colonists and forced them to observe established borders.<sup>7</sup> Disruptive trading practices led to isolated violence between native consumers and white traders. To oppose encroachment, some Muskogeese attempted to evict squatters by depriving them of their livestock and destroying their buildings. These efforts constitute the rise of Creek border patrols as a consciously constructed, state-like instrument of foreign policy. British officials, unable to control their colonists, actually encouraged Muskogeese to patrol and defend their borders against unauthorized settlers.<sup>8</sup> The success of border patrols and diplomacy helped unify Creek support of this state-like

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<sup>7</sup> Jennings, *New Worlds of Violence*, 95.

<sup>8</sup> Proceedings of a Congress of the Chiefs of the Creek Nation held at Pensacola, West Florida and John Stuart, Enclosure in Stuart to Gage, 16 February 1772, Gage papers, American Series, vol.137, folio 13, William L. Clements Library, University of Michigan (hereafter cited as Gage papers); Thomas Gage to John Stuart, 22 June 1772, Gage papers, vol. 112.

territorial defense yet allowed them to maintain their independence as talwas. The 1773 Treaty of Augusta illustrated this paradoxical combination of national unity and talwa autonomy because it included a large land cession that was a bitter pill for many Creeks, yet all swallowed it.

Emistisigo, an influential leader from the Upper Town of Little Tallassee near present-day Montgomery rose to prominence in the 1770s by controlling the Muskogee relationship with British Superintendent of Indian Affairs, John Stuart. Emistisigo embodied the tense paradox created by border patrols. He represented a nation unified by communal ownership of Creek territory and a desire to defend it yet divided on the issue of where exactly borders should be located, who had the authority to establish them, and who should control their defense—the nation, distinct ethnic groups, or each talwa.

## II. A FLORIDA INTERLUDE: NATIVE RIGHTS, BORDER PATROLS, AND INTERNAL POLITICAL DIVISIONS

In the early 1770s, the West Florida frontier concerned Creek and British leaders more than that of Georgia. This should come as no surprise. One British officer measured the road from Upper Towns on the Tallapoosa River to Pensacola at just two hundred miles, with “No River or obstruction all the way.”<sup>9</sup> By contrast, the road from Lower Towns on the Chattahoochee to Augusta ran 270 miles and required four major river

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<sup>9</sup> Captain Musgrave’s 164th Regiment Intelligence about a Road from South Carolina to Pensacola, 1771, Gage papers, vol. 108.

crossings.<sup>10</sup> Since the majority of the Muskogee population lived in Upper Towns, proximity and ease of travel made Pensacola a preferable entrepôt for many Creeks.<sup>11</sup>

Violence was rare at the border between Creek country and West Florida, yet English colonists constantly expected Indian attack. Leaders described Native Americans as facile barbarians motivated by gifts and the joy of combat rather than recognizable economic and political goals. For example, West Florida Lieutenant Governor Elias Durnford reinforced the town of Pensacola's defenses in July 1770 because he anticipated Indian "Barbarities" during their frequent visits.<sup>12</sup> For Native Southerners, the streets of Pensacola and Mobile were a frontier with all the excitement that strange new places offer. Durnford was anxious to limit native visits, believing that, like children, Creek visitors came "merely to obtain presents."<sup>13</sup> To solve the problem, he recommended appointing commissaries to live in Indian country. They would distribute presents, "check the lawless Behaviour of the Hirelings & traders," and provide intelligence about any threats of violence.<sup>14</sup>

Another reason that the Creek-West Florida boundary merited attention was that Creeks were embroiled in a protracted war with Choctaws, and they often clashed in the Alabama, Tombigbee, Mobile, and Taensa River valleys north of Mobile. British officials were eager to encourage the conflict without appearing to do so. The English feared that

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<sup>10</sup> Ibid.

<sup>11</sup> Piker, "'White & Clean' & Contested," 317; Wood, "The Changing Population of the Colonial South," 60, 84-87.

<sup>12</sup> Extract from the Address of the Council of West Florida to the Earl of Hillsborough transmitted by Lieutenant Governor Elias Durnford, July 1770, Gage papers, vol. 108.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.



“if they are not at War Amongst themselves we shall find them not only Troublesome but mischievous.”<sup>15</sup>

Lieutenant Governor Durnford was irritated in the summer of 1770 because Muskogees had begun “to commit Roberys at our Plantations and give us daily instances of their Insolence.”<sup>16</sup> Spanish agents from Havana, he believed, had been exciting Lower Creeks to such activity. Durnford, like many British officials, assumed that Muskogees lacked legitimate political concerns and a coherent foreign policy of their own.

Durnford’s descriptions of raids on West Florida, however, suggest that warriors had more complex motives than he realized, and population data confirm that Muskogees had ample cause for concern. Durnford described three Creek raids on plantations west of Mobile Bay in July 1770 that employed tactics that would define the border patrols of the 1780s. Evicting white settlers, however, appears to have been a secondary concern for the party of twenty Lower Creeks.<sup>17</sup> The warriors “forced” Inhabitants near Dauphin Island to abandon their plantations while “destroying all the Cattle & stock they possessed.”<sup>18</sup> The Creeks killed no one, and they stole no property. Their aims, then, were neither to avenge the deaths of clan kin through satisfaction killings nor to enrich themselves, but to clear white settlers from the land. At the same time, however, Durnford believed that evicting white planters was not this group’s primary goal. Instead, the group had mobilized in early summer to attack Choctaws. They established a base camp “on the

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<sup>15</sup> Abstract of a Letter from Lieutenant Governor Elias Durnford of West Florida to the Earl of Hillsborough, Abstract no. 171, 8 July 1770, Gage papers, vol. 108.

<sup>16</sup> Ibid.

<sup>17</sup> Abstract of a Letter from Lieutenant Governor Elias Durnford of West Florida to the Earl of Hillsborough, Abstract no. 171, 8 July 1770, Gage papers, vol. 108; John Stuart to Escotchaby, Sempoyasse, & the White King, Chiefs of The Cowetas, Capt Aleck of the Cussitaws and Tallechi Great medal Chief & Head of Ten Lower Towns, 16 October 1771, Gage papers, vol. 108.

<sup>18</sup> Abstract of a Letter from Lieutenant Governor Elias Durnford to the Earl of Hillsborough, Abstract from No. 22, 14 July 1770, Gage papers, vol. 108.

point of Mobile Bay,” 170 miles from the heart of Creek country yet within a much-frequented hunting range.<sup>19</sup> These Lower Creeks had organized for indigenous warfare, yet when they encountered an unauthorized settlement, they acted on their own authority even though the Alabama province of the Upper Towns asserted a stronger claim to the Alabama River valley.<sup>20</sup>

General Thomas Gage, commander-in-chief of British forces in North America and a seasoned observer of Indian affairs in the North, understood the message conveyed by the Mobile Bay raids. In 1771 he wrote, “I find the encroaching upon the Indians Land an Universal complaint, but did not imagine it would happen so soon in West Florida.”<sup>21</sup> Population data show that the 1770s indeed witnessed increased pressure on Muskogees’ southern border as East and West Floridas’ combined non-Indian population rose from 3,200 people under Spanish and French rule to 5,000 under British rule. These data also suggest that Creeks would find newcomers’ motives especially worrisome. The white population declined from 2,700 to 1,800 while the black population skyrocketed from five hundred to three thousand because British immigrants brought black slaves in hopes of establishing plantations.<sup>22</sup>

Under the Proclamation of 1763, only Superintendent of Indian Affairs John Stuart had authority to negotiate land cessions, and to the chagrin of colonial governors,

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<sup>19</sup> Ibid.

<sup>20</sup> Proceedings of a Congress of the Chiefs of the Creek Nation held at Pensacola, West Florida and John Stuart. cy. made and signed by William Ogilvy, 32 pp. n.d., enclosure in John Stuart to Thomas Gage, 16 February 1772, Gage papers, vol. 137, folio 13; Ethridge, *Creek Country*, 27, 82-87, 136-137.

<sup>21</sup> Thomas Gage to John Stuart, 20 January 1771, Gage papers, vol. 109.

<sup>22</sup> J. Leitch Wright, Jr., *Creeks and Seminoles: The Destruction and Regeneration of the Muscogulge People* (Lincoln: University of Nebraska Press, 1986), 102; Wood, “The Changing Population of the Colonial South,” 60, 80.

Stuart often opposed demands for Indian lands.<sup>23</sup> In August 1771, he visited Pensacola for a meeting between himself, Emistisigo of Little Tallassee, and a small number of other Upper Creek leaders. Prior to the meeting, he attempted to dissuade West Florida Governor Peter Chester from requesting land along the Alabama River above Mobile Bay and the Escambia, which emptied into Pensacola Bay.<sup>24</sup> Since Stuart was the face-to-face contact, he was concerned with land issues in a way that neither Governor Chester nor Governor Sir James Wright of Georgia were. Supporting Muskogee territorial rights, he put the question to Chester bluntly: “Upon what principles are we to Account to the Indians for having made Settlements so far beyond the Stipulated Boundary upon the Alibama River?”<sup>25</sup>

John Stuart tried several arguments to deter Governor Chester’s demand for Creek cessions, including the threat of a pan-Indian anti-British alliance, Creek unrest over a brewing dispute with Georgia over Oconee River valley lands, and Creek devotion to Alabama River lands. Stuart viewed pressure on Indian lands as a widespread problem, and he warned Chester of a potential pan-Indian alliance that could embroil the British colonies in a far flung Indian war. The 1768 Treaty of Fort Stanwix, in which the Iroquois ceded a vast amount of Ohio River valley territory, included lands claimed by many Midwestern groups and Cherokees.<sup>26</sup> These groups “took Umbrage at Seeing Settlements made on their Lands without their Consent,” and they had formed “a

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<sup>23</sup> The Royal Proclamation, 7 October 1763, Avalon Project: Documents in Law, History, and Diplomacy, Lillian Goldman Law Library, Yale Law School, [http://avalon.law.yale.edu/18th\\_century/proc1763.asp](http://avalon.law.yale.edu/18th_century/proc1763.asp), accessed 2 August 2012; Louis De Vorsey, Jr., *The Indian Boundary in the Southern Colonies, 1763-1775* (1961; repr., Chapel Hill: University of North Carolina Press, 1966), 34-36; Alan Galloway, *The Formation of a Planter Elite: Jonathan Bryan and the Southern Colonial Frontier* (Athens: The University of Georgia Press, 1989), 110.

<sup>24</sup> John Stuart to Peter Chester, 30 August 1771, Gage papers, vol. 108.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

Confederacy to Strengthen which they are Soliciting the Southern Tribes,” including Creeks, Cherokees, and Chickaswas.<sup>27</sup> Sir William Johnson, Superintendent of Indian Affairs for the Northern District, agreed with Stuart’s assessment.

John Stuart also informed Governor Chester of the emerging dispute over Oconee River valley lands, the 150-mile long swath of land between the Oconee and Ogeechee Rivers. Cherokees had ceded lands in the upper Savannah River valley, just forty miles northeast of the Oconee, directly to Augusta traders to settle their debts. Creeks also claimed the tract, however, and Stuart believed the threat to their territorial integrity could lead to a pan-Indian, anti-British alliance supported by France and Spain. “Encroachments,” he wrote, “however they may Quarrel about other Matters, they will unite & make this a Common Cause.”<sup>28</sup> For that reason, Stuart declared to Governor Chester that he simply could not demand any more Creek land.

Finally, Stuart stressed that the “Creek Nation” treasured the Alabama River lands and were waging a costly war against Choctaws to defend them.<sup>29</sup> Creeks saw the lands surrounding the confluence of the Alabama and Tombigbee Rivers as “their most valuable Hunting grounds”<sup>30</sup> Reiterating the most contentious problem, Stuart argued that “the Creek Towns are Situated about 150 miles to the No. of this Bay [Mobile] and they will not be pleased to See our Settlements within fifty miles of them.”<sup>31</sup> Both Muskogees and Choctaws had solicited British officials to broker an end to the Creek-Choctaw War so they could use the Alabama River lands in safety. Territorial defense sometimes

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<sup>27</sup> John Stuart to Peter Chester, 30 August 1771, Gage papers, vol. 108; White, *The Middle Ground*, 351-354.

<sup>28</sup> John Stuart to Peter Chester, 30 August 1771, Gage papers, vol. 108.

<sup>29</sup> John Stuart to Thomas Gage, 28 September 1771, Gage papers, vol. 108.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

merited modest border actions to keep white settlers at bay, but it also warranted a decade of all-out war against Choctaws.

Governor Chester, displaying a European notion of statehood and property rights, insisted that English possessions in West Florida had been taken from France in the 1763 Treaty of Paris, not from Muskogeans.<sup>32</sup> Any encroachments on Alabama River lands resulted from the mistakes of surveyors and settlers, not from government policy.<sup>33</sup> “Upon my receiving the first Intelligence of their [Creek] Parties warning off the Settlers who had encroached,” Chester protested, “I directed them [settlers] to withdraw.”<sup>34</sup> That is, upon learning of the unauthorized white settlements, Chester showed good faith by removing them. “I would never allow of any such Encroachments,” he insisted.<sup>35</sup> Two months later, however, Chester complained that Muskogeans had “broke up” several white settlements.<sup>36</sup> This suggests that, rather than removing squatters himself, Chester merely accepted that Muskogeans had evicted squatters. The governor attributed such “irregular Behaviour” to drunken young men whose actions “never...have been approved by the Leading and Headmen of the Nations.” Instead, Chester lamented that “Traders who Supply them with Rum are more to Blame than the Ignorant Savages.”<sup>37</sup>

Muskogean leaders might well have considered breaking up a few unauthorized white settlements in September 1771 as a border patrol success achieved with English cooperation. Chester identified the real problem in Creek country as disruptive traders rather than land encroachment, and, while his logic was not entirely clear, he believed

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<sup>32</sup> Peter Chester to John Stuart, 10 September 1771, Gage Papers, vol. 108.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Proceedings of a Congress of the Chiefs of the Creek Nation held at Pensacola, West Florida and John Stuart, Enclosure in Stuart to Gage 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>37</sup> Peter Chester to John Stuart, 10 September 1771, Gage Papers, vol. 108.

that land cessions and greater state control of trade would solve it. Appointing official commissaries to live in Indian country would “keep those Licentious unruly traders under some Proper Restrictions.”<sup>38</sup> Chester complained that traders were continually “imposing upon & cheating the poor Ignorant Indians,” so John Stuart should negotiate aggressively for new land cessions. While Creeks certainly agreed that traders could be disruptive, they were chagrined to find that British officials still ignored their other primary concern about settlers’ encroachment.

The Governor’s Council in West Florida grew tired of John Stuart’s reticence and appealed to his superiors in a way that elided Creek political grievances. They convinced the Earl of Hillsborough, Secretary of State for the colonies, that Muskogeans were violating existing treaties, and Hillsborough responded by pressuring Stuart to demand new land cessions. The Council wrote that Stuart had promised to hold a congress with Creeks in 1768, he failed to do so, and Muskogeans used that failure as an excuse to commit “many Infractions of Treaty.”<sup>39</sup> In essence, the Council defined Muskogean raids on Mobile Bay plantations and their evictions of Alabama River valley squatters as “infractions” rather than a state’s legitimate right to defend its territory.

The “many infractions” to which the Council referred appear to have been limited to just three concrete incidents, and, like Lieutenant Governor Durnford, John Stuart grudgingly acknowledged Creek rights to defend their territory. Durnford already had complained of Lower Creeks breaking up plantations west of Mobile Bay and of Upper

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<sup>38</sup> Ibid.

<sup>39</sup> The declaration of John Stuart Esqr Superintendent of Indian Affairs in the southern district Entered on the Minutes of the Council of West Florida October 1771, Gage papers, vol. 108.

Creeks breaking up Alabama River settlements.<sup>40</sup> As summer 1771 faded to autumn, raiders from the Lower Towns of Yuchi and Chiscalaloo struck plantations on Mobile Bay, killing about a dozen livestock, destroying food stores, and pilfering a copper kettle.<sup>41</sup> Rather than criticizing the raiders, Stuart chastised the Council. “Treaties have not been Strictly observed on the part of the government of West Florida with respect to Lands,” he told them, and “this Inattention on our Part might with more propriety and Justice have been assigned as the Cause of infractions.”<sup>42</sup>

Stuart nevertheless succumbed to pressure and organized a congress with Muskogees in Pensacola in fall 1771. During the congress, Emistisigo of the Upper Town of Little Tallassee claimed a role as the rising star in Creek diplomacy by explaining complex native property rights to his white audience. He began his talk by reminding them first of the borders established during congresses at Pensacola, West Florida, and Picolata, East Florida, in 1765. John Stuart had agreed the new borders “should be a like a Stone Wall not to be removed without Mutual consent.”<sup>43</sup>

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<sup>40</sup> Abstract of a Letter from Lieutenant Governor Elias Durnford of West Florida to the Earl of Hillsborough, Abstract no. 171, 8 July 1770, Gage papers, vol. 108; Abstract of a Letter from Lieutenant Governor Elias Durnford to the Earl of Hillsborough, Abstract from No. 22, 14 July 1770, Gage Papers, vol. 108; John Stuart to Escotchaby Sempoyasse & the White King, Chiefs of The Cowetas, Capt Aleck of the Cussitaws and Tallechi Great medal Chief & Head of Ten Lower Towns, 16 October 1771, Gage papers, vol. 8; Proceedings of a Congress of the Chiefs of the Creek Nation held at Pensacola, West Florida and John Stuart, Enclosure in Stuart to Gage, 16 February 1772, Gage papers, vol. 137, folio 13. (hereafter cited as, Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13)

<sup>41</sup> John Stuart to Escotchaby Sempoyasse & the White King, Chiefs of The Cowetas, Capt Aleck of the Cussitaws and Tallechi Great medal Chief & Head of Ten Lower Towns, 16 October 1771, Gage papers, vol. 108.

<sup>42</sup> The declaration of John Stuart Esqr Superintendent of Indian Affairs in the southern district Entered on the Minutes of the Council of West Florida October 1771, Gage papers, vol. 108; John Stuart to Escotchaby Sempoyasse & the White King, Chiefs of The Cowetas, Capt Aleck of the Cussitaws and Tallechi Great medal Chief & Head of Ten Lower Towns, 16 October 1771, Gage papers, vol. 108.

<sup>43</sup> Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13; Braund, *Deerskins and Duffels*, 149; Kathryn E. Holland Braund, “‘Like a Stone Wall Never to Be Broke’: The British-Indian Boundary Line with Creek Indians, 1763-1773,” in *Britain and the American South from Colonialism to Rock and Roll* (Jackson: University Press of Mississippi, 2003), 70-72.

Emistisigo emphasized communal land ownership during the congress, and this suggests that Muskogees viewed their land as an economic resource but also as something far more than that. Creek people's relationship with their land was a fundamental component of national identity, yet ownership hinged on talwa autonomy and individual independence rather than the authority of a central government.<sup>44</sup> "My Nation is numerous," Emistisigo explained, "and every Child in it has an equal Property in the Land with the first Warrior, making any alteration in the Boundary without the consent of the Whole will be improper."<sup>45</sup> Communal land ownership was such an important concept and one that the British so easily misunderstood that Emistisigo repeated himself. "The lands are not the property of the head Warriors," he insisted, "but of the whole Nation in common every Boy has a right in the disposal of them."<sup>46</sup> Emistisigo, however, agreed to exercise his influence among the Upper Towns to reach a compromise. Ultimately, the leaders present at the congress agreed to "lend" some land above Pensacola along the Escambia River and its tributary, the Conecuh.<sup>47</sup> Creeks warned, however, that they had lent the same land to the Spanish who failed "to keep within the Limits," and "the consequence of which was a War."<sup>48</sup> If Emistisigo intended this as a test of British intentions, the white people failed. The loan was "only four Miles very Poor land," John Stuart complained, and he rejected it as "not worth the trouble."<sup>49</sup>

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<sup>44</sup> Carson, "Ethnogeography and the Native American Past," 769-788. Carson challenges historians to restate some of our common assertions about Native American relationships with the land as questions: "What were the Indians' perceptions of the environment and broader world in which they lived? How did this change temporally and spatially? And to what can the manifestations of this change be attributed?" (777) Did those like Emistisigo "read the landscape differently than their entrepreneurial counterparts?" (777)

<sup>45</sup> Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.



Emistisigo, irritated by Stuart's pestering and the rejection of his offer, replied, "Father, If you had sent us word before we left our Nation that this was to be a Talk about giving more Land, we should not have come down without first having Consulted our people."<sup>50</sup>

At the rejection of their loan offer, Muskogees determined that the 1771 congress at Pensacola was over, though leaders agreed to present British land requests to their town councils. Stuart convinced them to stay, ostensibly to discuss other matters, yet continued to vex his guests with requests for land. Emistisigo hammered Stuart on the issues of white squatters and trespassing hunters. After a final protest about disruptive trading stands outside Creek towns, an exasperated Emistisigo dismissed Stuart: "I find you and I have Talked to no purposes."<sup>51</sup>

The following day, Emistisigo declared again that Muskogees would continue to defend their borders, but the manner of border defense revealed generational tension in Creek society. Emistisigo gave a brief recounting of current policy, reminding Stuart that at the 1763 Treaty of Augusta, the agent had agreed "that all persons found trading in the woods should be considered infringers of the Treaty." In an exercise of Muskogee rights, Emistisigo announced that "I caused some such to be plundered to shew them their Error, from which I incurred much reproach from both White and Red people."<sup>52</sup> This kind of demonstrative strike asserting territoriality had a deep history, but Emistisigo's analysis illustrates the political hazards that leaders faced. Most Muskogees were irritated by white hunters, herders, settlers, and rogue traders, yet harming them could provoke the British to withhold trade. More importantly, young men preferred to trade raw skins for rum with backcountry traders away from the prying eyes of older town and clan leaders

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<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

anxious to control destructive, intoxicated behavior. Generational tension over trade reinforced an ingrained pattern of conflict between youth and maturity and a broader commitment to individual liberty. These factors divided Muskogees over how best to deal with white people in Creek country.<sup>53</sup>

John Stuart endorsed Creek rights to property and the exercise of state-like police powers. He reassured Emistisigo that “when you meet White Hunters in the Woods, you have a right to the skins of your own Dear and the Guns with which they were Killed.” Also, if Muskogees encountered unlicensed white traders in the backcountry, “your people have it in their power to discourage that practice by taking their skins.”<sup>54</sup> Stuart’s position could be no plainer. Muskogee warriors should patrol their lands and harass any trespassers by confiscating their property.<sup>55</sup> Even General Thomas Gage explicitly supported Muskogee rights. He suggested that leaders should destroy traders’ rum casks and any weights and measures inconsistent with those provided by Stuart. “If the Nations follow the advice you gave them,” Gage observed to Stuart, they could regulate “the Rascally Traders.”<sup>56</sup>

The Congress of Pensacola concluded on November 2, 1771, with an additional land grant that illustrated another element of Creeks’ complex concepts of territorial sovereignty, national identity, and government structure. While Muskogees communally

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<sup>53</sup> Saunt, *A New Order of Things*, 17, 23-24, 31-34, 144-148; Braund, *Deerskins and Duffels*, 68-69, 100-101, 105-106, 131, 146, 158; Piker, *Okfuskee*, 52-63, 100-101, 152-155, 163-165, 176-195.

<sup>54</sup> Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>55</sup> Thomas Gage to Lord Viscount Barrington, Secretary at War, 4 March 1772, Gage papers, English Series, vol. 21. Stuart’s opinion was confined neither to himself nor to the southern district. Thomas Gage similarly supported native rights to patrol and protect their borders against unruly colonists who refused to abide by the Proclamation Line. As a cost saving measure, he desired to shutter Forts Chartres and Pitt, and “If the Colonists will afterwards force the Savages into Quarrells by using them ill, let them feel the Consequences we shall be out of the Scrape.” Thomas Gage to Lord Viscount Barrington, Secretary at War, 4 March 1772, Gage papers, English Series, vol. 21.

<sup>56</sup> Thomas Gage to John Stuart, 22 June 1772, Gage papers, vol. 112.

owned all lands, each of the major ethnic divisions held superior claims to certain areas. Thirteen leaders from Upper Towns confirmed borders described in the 1765 Treaty of Pensacola and granted “rights” to some additional lands northwest of the Alabama River, well above existing white settlements at the Alabama-Tombigbee confluence.<sup>57</sup> The Upper Town miccos however, refused to grant lands on the Escambia River, saying “they must previously take the sense of their Nation in a great Council.”<sup>58</sup> The Alabama River lands, by contrast, “belong to the Alabama Tribe, all the Chiefs of which being present they could with propriety make this cession.”<sup>59</sup>

To seal the 1771 Treaty of Pensacola, the English adhered to Muskogee diplomatic protocol by offering substantial gifts that appealed to both women and warriors, including quantities of various cloth like strouds and duffels, ruffled and plain shirts, scarlet suits, and blue great coats. Muskogees also received myriad metalware, from butchers’ knives and felling axes to needles, scissors, awls, broad hoes, and brass and tin kettles. Perhaps most satisfying to Creek hunters, they received 371 trade guns at a value of ten pounds each, 1,500 flints, three gross gun worms, three thousand pounds of gunpowder, and 4,300 pounds of lead ball.<sup>60</sup>

During the negotiations, Emistisigo had demanded the insertion of key clause that was omitted from the final treaty document, revealing another layer of Muskogee

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<sup>57</sup> Treaty of Pensacola, 2 November 1771, Gage papers, vol. 108; Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13. Thirteen leaders are named in the treaty, but the text states that representatives from “Sixteen Towns of the Alibamus, Abekas, and Tallipouses” were present. The signers were Emistisigo of Little Tallassee, Neotholocktos also known as the Second Man of Little Tallassee, Othlopoye Hajos, Yahala Mico, Estonake Opaye, Seahoula, [illegible] Hajo, Wectomke Mico of Wetumkee, Ashcahoula, Opaye atke, Neometeo, Testonnake Opaye, Te[illegible] Mico.

<sup>58</sup> John Stuart to Thomas Gage, 14 December 1771, Gage papers, vol. 108.

<sup>59</sup> John Stuart to Thomas Gage, 14 December 1771, Gage papers, vol. 108; Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>60</sup> To William Ogilvy Dr. for Sundry goods bought by order of the Honorable John Stuart... for the use of the Congress Held at Mobile November 1771 to 1 January 1772, report dated 6 February 1772, Gage papers, vol. 109. See Hall, *Zamumo’s Gifts*, 7-11, et passim, for a sustained analysis of the role of reciprocal exchange in relations between Europeans and southeastern Indians.

understandings of territoriality, diplomacy, and gift giving. Emistisigo insisted that white settlers “will use us kindly when we shall happen to go and see them,” language that likely carried more meaning than the British acknowledged.<sup>61</sup> He may have intended to institute a reciprocal exchange relationship requiring white people to provide symbolic gifts to renew the privilege of using Muskogee land and resources. From the Muskogee perspective, this would have been a routine expectation to be fulfilled by any friend or ally, the withholding of which re-categorized a person as an enemy.<sup>62</sup> The expectation that white settlers “will use us kindly when we shall happen to go and see them” is similar to demands that Muskogees made of Georgians and Cherokees and appears to have been a common feature of Creek negotiating.

Emistisigo reminded John Stuart of a prohibition on driving cattle through Creek country, and offered a sensible compromise that would allow Muskogees to maintain their territorial integrity yet provide Georgia’s white ranchers with access to Gulf coast markets. The Indians would be the cowboys. Creeks must consent to any cattle drives, and after discussing the issue with “the nation,” all had agreed “they would send people to drive your Cattle.”<sup>63</sup>

Plantations and ranches in Creek Country, however, remained unacceptable, and the English should expect Muskogees to break them up. Emistisigo identified several white traders by name who were “driving Cattle and settling cowpens on our land without our consent.”<sup>64</sup> Worse still, white traders were beginning to carve out slave plantations, and by provisioning themselves, they disrupted a key segment of the Creek economy.

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<sup>61</sup> Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>62</sup> Braund, “Like a Stone Wall Never to Be Broke,” 69; Hall, *Zamumo’s Gifts*, 62-64.

<sup>63</sup> Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>64</sup> *Ibid.*

Emistisigo offered as an example James McQuin, who “in opposition to our Talks not only brought up Cattle and also Negroes and has made a settlement near the Great Tallassies.”<sup>65</sup> This was a problem because older women and “motherless Children” traded small quantities of food for goods and cloth “to cover their nakedness.”<sup>66</sup> The ban on white plantations was both an assertion of territoriality and a protectionist economic policy.

The outcome of the Pensacola talks made clear that, in the future, Muskogees would need to depend more heavily on their own warriors to defend their territory. The treaty also revealed emerging political conflicts in Creek country. Lower Towns were responsible for the raiding around Mobile and Pensacola, yet Upper Towns of the Alabama province held primary claim to the area.<sup>67</sup> Older leaders appreciated Stuart’s confirmation of Creek rights to regulate backcountry traders, but young warriors likely did not. Still, Emistisigo had represented the larger interests of the embryonic state while respecting the needs of independent talwas.<sup>68</sup> Creek warriors could evict squatters and regulate trespassing white traders and hunters by confiscating offenders’ property. This policy had the explicit sanction of the Superintendent of Indian Affairs for the Southern District and the commander of the British military in North America. Emistisigo had acknowledged that some border defense actions had drawn criticism from Creeks and Englishmen alike, but in 1771, the benefits still outweighed the risks.

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Braund, *Deerskins and Duffels*, 62-63; Ethridge, *Creek Country*, 135-137; Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13. By contrast, Claudio Saunt argues that hunting areas were not owned by any one province or town “in any other sense than that specific towns customarily visited them.” Saunt, *A New Order of Things*, 40-42, quote page 42.

<sup>68</sup> John Stuart to Traders herein named, 4 November 1771, Gage papers, vol. 8; Treaty of Pensacola, 2 November 1771, Gage papers, vol. 108.

### III. 1773 TREATY OF AUGUSTA AND THE “CEDED LANDS”

As Muskogees confronted the problems of white encroachment and trading practices in Pensacola in 1771, similar issues prompted a meeting between Creeks, John Stuart, and Georgia Governor Sir James Wright. During a November 1773 congress in Augusta, Governor Wright demanded lands between the Ogeechee and Oconee Rivers, a long, narrow strip of land stretching 150 miles from present-day Athens to Vidalia. Wright’s demand inaugurated the first phase in a dispute over the Oconee River valley that would last more than two decades, define Creek-Georgia relations, and lead to political crises over the nature of state authority in both Creek country and the United States. Creeks refused Wright’s request and asserted the right to defend territorial boundaries as they had in Pensacola. Georgians later used Muskogee border actions to justify continuing demands for land. Both positions set long-lasting precedents.

Conflict plagued Creek country’s northeastern border with Georgia, and the frequency of illegal immigrants settling on Muskogee lands elicited forceful statements on territorial rights from Emistisigo. His rise to prominence hinged on his ability to monopolize the Creek relationship with John Stuart as well as his ability to influence Muskogees. To be effective, Emistisigo needed to draw on the strength of clan kin and the prestige of his military record.<sup>69</sup> Emistisigo’s mother was a non-Muskogee slave, likely from a different Indian nation, ostensibly depriving the man of membership in a matrilineal clan. Emistisigo, however, appears to have been a member of the prominent Tyger clan, suggesting that his mother had been adopted.<sup>70</sup> In addition to clan ties,

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<sup>69</sup> Saunt, *A New Order of Things*, 15-21, 42.

<sup>70</sup> John Stuart to Thomas Gage, 23 May 1772, Gage papers, vol. 111.

Emistisigo had distinguished himself as a warrior before beginning his career as a diplomat, a young man's customary path to distinction in Creek society.<sup>71</sup>

In May 1771, months before the Pensacola conference, Emistisigo spoke for several Upper Towns in a remarkable talk to Governor James Wright that previewed the themes of native rights, territorial boundaries, property ownership, and border defense. The meeting occurred at Oakchoy, an Upper Town led by the Gun Merchant, himself a considerable leader. The fact that Emistisigo spoke for Upper Creeks in the Gun Merchant's talwa indicates his rising level of influence. Emistisigo acknowledged that there were among Muskogeas "a great many mad young people," a phrase frequently used to describe warriors who raided white settlers to gain prestige and war honors.<sup>72</sup> His phrasing suggests that white Georgians were already provoking such border action by trespassing beyond boundaries established by treaty in 1763 and 1765.<sup>73</sup> Creeks had long used formal rhetoric to intimidate Georgians with accounts of their prowess as warriors yet signal their openness to friendship.<sup>74</sup> "The white People were always told by us, that we were a Mad sort of People," Emistisigo remarked, "but that nevertheless there were some sensible People amongst us, that would take care to keep the Path white & clean."<sup>75</sup>

Emistisigo quickly made clear that he was more interested in talking about borders than about mad young men. He reminded Georgians that "the Boundaries were fixed" by earlier treaties at the Savannah River, and that Muskogeas had agreed to move

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<sup>71</sup> Braund, *Deerskins and Duffels*, 162; Saunt, *A New Order of Things*, 19-21, 81-82, 96.

<sup>72</sup> A Talk from Emistisigo and other Chiefs of the Upper Creek Nation to Governor James Wright, 1 May 1771, Allen D. Candler, ed., *The Colonial Records of the State of Georgia*, vol. 28, pt. 2 (Atlanta, Ga.: Franklin Printing and Publishing Co., 1904-1916; New York: AMS Press, 1970), 365-369. Citations refer to the AMS edition (hereafter cited as CRG).

<sup>73</sup> De Vorsey, *The Indian Boundary in the Southern Colonies*, 34-36; Braund, "Like a Stone Wall Never to Be Broke," 70-72.

<sup>74</sup> Saunt, *A New Order of Things*, 15-17.

<sup>75</sup> A Talk from Emistisigo and other Chiefs of the Upper Creek Nation to Governor James Wright, 1 May 1771, CRG, vol. 28, pt. 2:366.

the border some thirty miles west to the Ogeechee River, more than doubling the colony's size.<sup>76</sup> Following this generosity, "the white people made a large Step from that line," Emistisigo complained, "which, tho' it was not by our consent we are willing have continue so."<sup>77</sup> Indeed, the leader was magnanimous in interpreting the boundary and in forgiving the recent murder of a man from the Tyger clan. He declared that "the great King over the Great Water is of the Tyger Family," and that the Tyger clan's headmen "look upon that matter as taking proper satisfaction."<sup>78</sup>

There was a limit, however, to the border transgressions that Upper Creeks would tolerate. Emistisigo recalled that at a 1763 congress in Augusta attended by four royal governors and John Stuart, all had agreed that "if we found any white person settling beyond the Boundaries then fixed we should seize all their Effects but not hurt their Persons."<sup>79</sup> Creeks intended to defend their borders, and British officials had acceded to the policy. At the same congress, Emistisigo admonished, English leaders had agreed that white ranchers would remove any cattle that strayed over the border, and no cattle would be driven through Creek country without Muskogee consent. Perhaps most importantly, Emistisigo declared that "Mr. Stuart then told us, That he should ask no more Land from us."<sup>80</sup>

Emistisigo then explained core concepts of Muskogees' relationship with their land and resources: retained rights on ceded lands and reciprocal exchange. His words were remarkably consistent with the speeches he gave in Pensacola a few months later, suggesting that they reflected commonly held beliefs. Indeed, Creeks' nuanced

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid., 367.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.



understanding of property rights appears to have drawn on a deep reservoir that included both recent history and centuries old Mississippian notions of strong chiefdoms forcing weaker neighbors into tributary relationships.<sup>81</sup> Emistisigo reminded Governor Wright that, by earlier treaty terms, white settlers were required to give supplies to Muskogee hunters on ceded lands. He insisted, “if any Indian happened to travel in the Land we had granted to the white People they might be supplied with such provisions as they should stand in need of.”<sup>82</sup> When Georgia’s frontiersmen refused to present Muskogee hunters with a horse, food, or ammunition, it constituted a breach of the relationship, redefined Georgians as enemies, and justified property taking. This clause did not appear in the final English language text of the 1763 Treaty of Augusta, but Emistisigo invoked it in his May 1771 talk to Governor Wright and again during the congress at Pensacola in October. These reminders suggest that Creeks understood the article to be in force.<sup>83</sup>

Emistisigo’s primary concern was unauthorized white settlement. He declared that Creeks intended “to assert our native rights.”<sup>84</sup> White settlers had encroached “two Days March” west of the Ogeechee River boundary.<sup>85</sup> Creeks interpreted this as mere ignorance, and in accordance with earlier treaties, warriors “plundered” the trespassers “but did not hurt their persons.”<sup>86</sup> Emistisigo impressed the political nature of these acts

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<sup>81</sup> Braund, ““Like a Stone Wall Never to Be Broke,”” 55-59; Jennings, *New Worlds of Violence*, 1, 15-18, 23, 26-27, 65, 69-71, 81-83, 95; Hahn, *Invention of the Creek Nation*, 15; Hall, *Zamumo’s Gifts*, 1-2, 17-20, 24, 78; Snyder, *Slavery in Indian Country*, 13-45.

<sup>82</sup> A Talk from Emistisigo and other Chiefs of the Upper Creek Nation to Governor James Wright, 1 May 1771, CRG, vol. 28, pt. 2:367.

<sup>83</sup> Journal of the Congress of the Four Southern Governors, and the Superintendent of that District, with the Five Nations of Indians, at Augusta, 1763 (Charles Town, South Carolina: Printed by Peter Timothy, 1764), Early American Imprints, Series 1, Evans, 1639-1800, no. 9706, 38-42; A Talk from Emistisigo and other Chiefs of the Upper Creek Nation to Governor James Wright, 1 May 1771, CRG, vol. 28, pt. 2:367; Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13.

<sup>84</sup> A Talk from Emistisigo and other Chiefs of the Upper Creek Nation to Governor James Wright, 1 May 1771, CRG, vol. 28, pt. 2:368.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

on Governor Wright by enumerating the property taken: “two pieces of small Gold about 6 Dollars, some Pewter and one Rifle Gun. We mention these particulars, to convince you that it was not done with a view to Rob but only to assert our native rights.”<sup>87</sup>

Governor Wright’s solution to Emistisigo’s complaints against illegal white squatters and nuisance cattle was to demand moving the border west dozens of miles from the Ogeechee River to the Oconee. This breathtakingly audacious maneuver would have tripled Georgia’s territory. When he pitched the idea to his superior, Lord Hillsborough, Governor Wright described Muskogeas as a military threat. Georgia “lyes greatly exposed to the Invasions of the said Indians,” he lamented, and they “often Rob and Plunder His Majesty’s Subjects of their Property, and sometimes Murder them.”<sup>88</sup> Creeks had broken treaties by stealing “great numbers of Horses and Cattle,” he insisted, disregarding native rights to oust trespassers and confiscate their belongings.<sup>89</sup> Governor Wright stressed the threat of Creek violence, specifically noting two settlers “barbarously murdered” at the Wrightsborough Township near Georgia’s northwestern limit.<sup>90</sup> Wright accused Creeks of having killed the two men “in Cool Blood, and without any Cause or Reason whatever.”<sup>91</sup> It is unclear who committed these killings and why, but given Muskogeas’ constant complaints about Georgia’s treaty violations, it is unlikely that the violence was unprovoked.

In James Wright’s estimation, land encroachment was not the true problem in Creek-Georgia relations, despite Emistisigo’s talk. The true problem was disruptive

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<sup>87</sup> Ibid.

<sup>88</sup> Memorial of James Wright to the Earl of Hillsborough, with several enclosures, 12 December 1771, CRG, vol. 28, pt. 2:350.

<sup>89</sup> Ibid., 351.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

trading practices, and, like Governor Chester in West Florida, he believed that land cessions were somehow the solution. Traders were “the worst sort of People,” Wright observed, “and commit every kind of Fraud and Abuse towards the Indians,” inciting Creeks to rob and kill “his Majesty’s Innocent Subjects.”<sup>92</sup> Surprisingly, Wright felt he could turn the situation to advantage. He knew that both Creeks and Cherokees claimed a “very considerable Body of Land” lying between Little River (then Georgia’s northern border), the Broad River some thirty miles further north, the Savannah River to the east, and the Oconee River, thirty miles to the west. Cherokees had volunteered to cede the wedge-shaped tract containing present-day Washington, Georgia, to clear their debts. Muskogeese could be “prevailed upon” to do the same. In fact, Wright hoped to pressure Creeks into ceding all their lands between the Oconee and the Ogeechee rivers “in Satisfaction for their debts.”<sup>93</sup>

Governor Wright was convinced that the Oconee strip was critical to Georgia’s future prosperity. He believed that the tract would make Georgia “the most considerable province on the whole continent” within a few years because the lands were “of the richest and best Quality and very fit for Tobacco, Indigo, hemp, Flax, Wheat, and every kind of Grain.”<sup>94</sup> Two years later, William Bartram similarly described the Oconee valley as he traveled through it. Bartram concurred that the river’s east bank was “generally very fertile and of good quality for agriculture.”<sup>95</sup> He portrayed the west bank even more

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<sup>92</sup> Ibid., 353; A Talk from Governor James Wright to Emistisigo and the Gun Merchant, 25 June 1771, CRG, vol. 28, pt. 2:370. In his reply directly to Emistisigo, Wright claimed that Muskogeese had killed ten Georgians since the last treaty, presumably referring to the 1763 Treaty of Augusta.

<sup>93</sup> Memorial of James Wright to the Earl of Hillsborough, with several enclosures, 12 December 1771, CRG, vol. 28, pt. 2:357.

<sup>94</sup> Ibid., 354.

<sup>95</sup> Francis Harper, ed., *The Travels of William Bartram: Naturalist’s Edition by William Bartram* (editorial material copyright, New Haven: Yale University Press, 1958; Athens: University of Georgia Press, 1998), 379.

enthusiastically as “a pleasant territory, presenting varying scenes of gentle swelling hills and levels, sublime forests, contrasted by expansive illumined green fields, native meadows and Cane breakes.”<sup>96</sup> Indeed, a 1779 map of Georgia published in London declared the entire valley “Exceeding Good Land” and “Very Good Land.”<sup>97</sup>

Rare episodes of bloodshed reinforced Governor Wright’s narrative about the Creek military threat. Reports of border conflict made their way to leaders in England and illuminated the limits on state control of violence among Creeks and colonists. In spring 1772, a Muskogee man killed John Carey, a white settler from Queensborough on the Ogeechee River, Creek country’s eastern border with Georgia. Lord Hillsborough fretted that Georgia’s progress was stymied by “the the lawless Behaviour of the Back Settlers on the one hand and the Violences and Outrages of the Savages on the other.”<sup>98</sup> Unruly colonists, Hillsborough insisted, must be “restrained from avenging themselves” in the event of Creek violence and “seek Redress through the Intervention of Government only.”<sup>99</sup> A few weeks later, Lower Creeks executed John Carey’s killer, an outcome Georgia’s assembly found satisfying.<sup>100</sup> The assembly, however, ignored the likelihood of political backlash in the Lower Towns. Just twenty years earlier, Malatchi, the most influential Creek leader of his generation, ordered the execution of a man named Acorn

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<sup>96</sup> *Ibid.*, 380.

<sup>97</sup> A New and Accurate Map of the Province of Georgia in North America, 1779, in *The Universal Magazine* 64 (London: J. Hinton) April 1779, 168, Hargrett Rare Book and Manuscript Library Historical Maps Database, University of Georgia.

<sup>98</sup> Earl of Hillsborough to James Habersham, 1 April 1772, Marquis of Wills Hill Downshire, Hargrett Rare Book and Manuscript Library, The University of Georgia Libraries, presented in the Digital Library of Georgia. (hereafter cited as HAR DLG)

<sup>99</sup> Earl of Hillsborough to James Habersham, 1 April 1772, Marquis of Wills Hill Downshire, HAR DLG.

<sup>100</sup> Journal of the Upper House of Assembly, 22 April 1772, CRG, vol. 17:657; John Stuart to Thomas Gage, 23 May 1772, Gage papers, vol. 111.

Whistler under similar circumstances. The action was so controversial that it nearly ended Malatchi's political career.<sup>101</sup>

Georgians' portrayal of the Creek military threat contrasts with the actual reported instances of violence and property confiscation between 1770 and 1773, but such actions confirm Muskogee devotion to the Oconee lands. Records reveal concrete reports of only eleven raids, nine of which ended in violence. Eleven white Georgians and four Muskogee men were reported killed. Five of the eleven recorded incidents included theft. To their credit, John Stuart and his deputy in Creek country, David Taitt, acknowledged that border violence stemmed from Creeks' genuine political grievances. When Stuart reported the murders of four white men trespassing on the Oconee strip in April 1773, he noted they were "Notorious Horse Thieves" and Muskogeese considered them "white men hunting and encroaching on their lands."<sup>102</sup> Such trespassers exposed Creeks to unnecessary risk. White victims of horse theft rarely reported seeing anything more than moccasin tracks leading west, so Creeks could easily be blamed for thefts committed by others. Stuart took the murders as a broader commentary on Muskogee commitment to controlling the Oconee valley. The killings, he wrote, occurred on "the Land now to be negotiated for...which Shows the Jealousy of that Nation."<sup>103</sup>

John Stuart was not alone in his assessment of Muskogeese devotion to the Oconee lands. "As for the Land," reported trader and interpreter Stephen Forrester from the Upper Town of Tuckabatchee, "I am sure they never will give up."<sup>104</sup> Even General

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<sup>101</sup> Braund, *Deerskins and Duffels*, 155-156; Hahn, *The Invention of the Creek Nation*, 212-217; Piker, *Okfuskee*, 59-60; Joshua Piker, "Lying Together: The Imperial Implications of Cross-Cultural Untruths," *The American Historical Review* 116, no. 4 (October 2011), 964-986.

<sup>102</sup> John Stuart to Thomas Gage, 22 April 1773, Gage papers, vol. 118.

<sup>103</sup> *Ibid.*

<sup>104</sup> Stephen Forrester to John Stuart, 7 September 1772, Gage papers, vol. 114.

Thomas Gage at his remove in New York observed that Muskogeese “appear to be more tenacious of Land than Indians generally are.” The experiences of other Indians, he supposed, “has shown them, that as the White People advance the natives are annihilated.” Gage commended Muskogeese’ assertion of sovereignty: “their Policy is good to prevent us from extending ourselves into their Country.”<sup>105</sup>

Creek leaders grew agitated as Georgians persisted in their demand for the wedge-shaped tract of land bounded by the Little, Broad, Savannah, and Oconee rivers just north of the colony’s existing border. Emistisigo himself reportedly threatened war in August 1772, arguing that traders should absorb any financial loss incurred from reckless lending to equally reckless young Muskogee men.<sup>106</sup> The Second Man of Little Tallassee, a close associate of Emistisigo’s by dint of rank, had a very different and strikingly somber view of foreign policy.<sup>107</sup> The two leaders visited the Upper Town of Abecoochee to hear a disquieting Chickasaw talk concerning war with the British. Unaware that white traders were eavesdropping, they remained awake all night discussing the talk’s implications. The traders later reported the Second Man’s words in some detail. He believed that confiscating white trespassers’ property was an ineffective deterrent, yet Muskogeese could not hope to win a full scale war. Creeks could not make guns and ammunition, so they were doomed to defeat. Worse still, there were simply too many English crowding into the colony. The Second Man reportedly felt that “it was now too Late. That the White People...were all Round them.”<sup>108</sup> He dismissed border patrols, saying that even if

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<sup>105</sup> Thomas Gage to John Stuart, 21 June 1772, Gage papers, vol. 112.

<sup>106</sup> Deposition of Joseph Dawes, 4 August 1772, Gage papers, vol. 114.

<sup>107</sup> Ibid. Joseph Dawes’ deposition refers to this man as “the Second Man of the Tallassies,” but the context strongly suggests that he was in fact Neothlocko, the Second Man of Little Tallassee.

<sup>108</sup> Ibid.

Creeks destroyed all the livestock and backcountry settlements around Augusta, Muskogees “must be worsted in the end.”<sup>109</sup>

The Second Man of Little Tallassee even accepted that the entire Oconee strip must be ceded, though he knew it would enrage young hunters. “The Yong men would Resent the giving of this Land,” and the best that older leaders could do was channel young men’s anger into a manageable war with Choctaws to avoid disastrous conflict with the English.<sup>110</sup> With palpable anguish, the Second Man “wished that the Great Spirit above would open the Earth & Swallow up all the Lands and themselves too” rather than be dragged into combat with Georgia.<sup>111</sup> With this grave but impassioned plea, he dissuaded Emistisigo from actively supporting war. The two men, however, did not speak for all Creeks, and they concluded their conversation fearing that war was inevitable. Emistisigo remained defiant. Contemplating a potential war, Emistisigo later asked white trader William Gregory if he would like to “to fetch him wood & water.”<sup>112</sup> Emistisigo likely meant the phrase as a threatening euphemism for captivity in which victorious warriors humiliated their vanquished enemy captives by forcing them to do women’s work like hauling firewood and water.<sup>113</sup>

Widespread discontent suggests that Georgia’s pressure on the Oconee lands disquieted Upper and Lower Creeks alike. The Little Tallassee leaders’ conversation reveals a growing unity of feeling that communal ownership of all Muskogee lands trumped the claims of any single ethnic group to smaller provinces. The Lower Towns of the Apalachicola province possessed superior claim to the wedge-shaped swath just north

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<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Snyder, *Slavery in Indian Country*, 13-45.

of Little River as well as the larger Oconee strip, yet these Upper Towns leaders were prepared, if reluctant, to shed blood in order to defend the territory.<sup>114</sup> Emistisigo and the Second Man of Little Tallassee even discussed giving West Floridians more land around Pensacola if Georgians would drop their demand for the Oconee lands.<sup>115</sup> The Oconee valley was more important to the young state's autonomy because it was the buffer zone between Creeks and a growing Georgia population eager to expand.

Muskogee political leaders' depended on the art of persuasion to move their constituents, and John Stuart understood that young hunters would be particularly resistant to ceding the Oconee strip because it was a critical economic resource. "The Creek Indians will never acquiesce in the cession," he stated bluntly, because they viewed the land "as their most valuable hunting grounds."<sup>116</sup> Stuart believed that leaders were "the most strenuous opposers of such a cession" at least in part because they were responding to the will of the young hunters they represented. Emistisigo had already declared that Augusta traders and their individual debtors should suffer the consequences of careless lending, not Muskogees collectively, and Stephen Forrester reported from the Upper Town of Tuckabatchee that two traders had been severely beaten and a third had been killed along the Creek Path that connected Creek country to Augusta.<sup>117</sup>

Lower Creek leaders soon took the lead role in negotiations, despite the earlier meeting between Emistisigo and Governor Wright. Escotchabe, also known as Skutchiby

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<sup>114</sup> Braund, *Deerskins and Duffels*, 62-63, 133; Ethridge, *Creek Country*, 28, 135-137; Pulley Hudson, *Creek Paths and Federal Roads*, 4; Hahn, *Invention of the Creek Nation*, 10-13, 26-29, 34-39, 157-163, 180, 186-210; Ethridge, *From Chicaza to Chickasaw*, 71-74; Proceedings of a Congress at Pensacola, 16 February 1772, Gage papers, vol. 137, folio 13; A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taitt, Gage papers, vol. 115; Saunt, *A New Order of Things*, 40-42. By contrast, Claudio Saunt argues that hunting areas were not owned by any one province or town, but specific towns frequented the same places.

<sup>115</sup> Deposition of Joseph Dawes, 4 August 1772, Gage papers, vol. 114.

<sup>116</sup> John Stuart to Thomas Gage, 7 September 1772, Gage papers, vol. 114.

<sup>117</sup> Stephen Forrester to John Stuart, 7 September 1772, Gage papers, vol. 114.



or the Young Lieutenant of Coweta, and Niligee, the Head Warrior of Coweta, sent a talk to John Stuart in September reluctantly agreeing to cede the wedge-shaped swath north of Little River, but insisted on setting the tract's western border well east of the Oconee River. Escotchabe consented "to give the great King some land to pay our Traders with" but noted that "we could not give this Land on any Other account."<sup>118</sup>

Escotchabe prefaced his proposal with a short history of Lower Creek ownership of the lands in question, reinforcing Muskogees' complex view of property rights and reciprocity. He asserted that "all the Lands on this side Savannah River as far as the foot of the Mountains is ours" because Creek warriors "drove the Cherokees up to the Mountains & they know the Land to be Ours."<sup>119</sup> Cherokees, however, had "asked leave to Plant Corn near Toogaloo Old Town and promised that our people should have Something to Eat when they meet them a hunting."<sup>120</sup> Essentially, after Muskogees had taken the land by conquest in the Creek-Cherokee War ending in 1753, they had allowed Cherokees the right to occupy and farm part of the area. In exchange, the tenants would renew their rights by provisioning Creek hunters who travelled nearby.<sup>121</sup>

In proposing the terms of a cession to Georgia, Escotchabe and Niligee demonstrated a clear sense of their territorial boundaries, the land's value to Englishmen, and their own need to garner Lower Creeks' consent. Niligee described the borders of a significant parcel of land he believed would satisfy Augusta traders without enraging Muskogee commercial deer hunters. The parcel would be bounded by the Savannah

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<sup>118</sup> A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taïtt, Gage papers, vol. 115.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid. This is similar to Emistisigo's stipulation during preliminary conversations leading to the 1771 Treaty of Pensacola that "if any Indian happened to travel in the Land we had granted to the white People they might be supplied with such provisions as they should stand in need of." A Talk from Emistisigo and other Chiefs of the Upper Creek Nation to Governor James Wright, 1 May 1771, CRG, vol. 28, pt. 2:367.

<sup>121</sup> Hahn, *The Invention of the Creek Nation*, 220-225; Braund, *Deerskins and Duffels*, 133.

River on the east, the Little River to the south, the heads of the Broad River's forks to the west, and the northern boundary would run diagonally from the forks of the Broad to Tugaloo Old Town above the forks of the Savannah.<sup>122</sup>

In addition to satisfying all Creek debts, Escotchabe required considerable presents and more favorable trade regulations to secure the blessings of young Lower Creek men from whom he expected resistance. To further appeal to hunters, he asked for "four Baggs of Powder & Six baggs of Ball," as well as guns, flints, and knives for every Lower Town.<sup>123</sup> As another inducement to commercial hunters, Escotchabe demanded trade reforms. He insisted that "you will give us the Steelyard Trade the same as in the Cherokees," that is, traders must adopt uniform steelyard balance beams for weighing and valuing deerskins. He also declared the Creeks would trade only processed, "drest Leather," rather than raw deerskins.<sup>124</sup> Escotchabe clearly anticipated young men's opposition and called for terms calculated to satisfy them, claiming "this is what our young men desires."<sup>125</sup> After laying out their proposal, Escotchabe and Niligee instructed John Stuart to call a cohort of Cherokee and Creek leaders to a congress at Augusta to

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<sup>122</sup> A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taitt, Gage papers, vol. 115; John Stuart to Thomas Gage, 24 November 1772, Gage papers, vol. 115. Niligee's proposal was actually a counter offer to one presented directly to the Lower Creeks by traders for a much larger swath of land.

<sup>123</sup> A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taitt, Gage papers, vol. 115.

<sup>124</sup> Ibid.; Saunt, *A New Order of Things*, 143-150. The trade in raw skins at backcountry stands caused a number of problems, including an increased the likelihood that traders would swindle young hunters by mismeasuring skins and trading copious amounts of alcohol.

<sup>125</sup> A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taitt, Gage papers, vol. 115; Saunt, *A New Order of Things*, 144-145. It is possible that Escotchabe misrepresented what "our young men desires." A better regulated trade may have served the interests of leaders more than those of young hunters.

finalize the agreement.<sup>126</sup> These Coweta headmen included only Lower Creek leaders on the list of Muskogees whose attendance they required.<sup>127</sup>

When David Taitt consulted Upper Creek leaders regarding the proposed cession, some of them deferred to their colleagues in the Lower Towns. This suggests that, prior to the American Revolution, state control of foreign policy was still unnecessary. Border issues drew increasing attention from all Creeks, but ethnic divisions and talwa autonomy still took primacy. The Gun Merchant of Oakchoy informed Taitt that “whatever the Lower Creeks & Cherokees should settle at Augusta when they meet, the Upper Creeks would agree to.” A headman named Stochlital disrupted this political consensus when, in a drunken rage, he railed against any land cessions. The Mortar of Oakchoy and the Handsome Fellow of Okfuskee, both leaders of prominent Upper Towns, refused to meet with Taitt, suggesting a more serious breach.<sup>128</sup> Still, the Gun Merchant’s deference shows that Upper and Lower Creek leaders coordinated their foreign policies while asserting mastery over separate provinces.

No one was entirely satisfied with Niligee’s proposal, yet all parties appeared ready to go through with the cession. Niligee’s tract was less than traders and Georgia’s

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<sup>126</sup> A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taitt, Gage papers, vol. 115; John Stuart to Thomas Gage, 24 November 1772, Gage papers, vol. 115. Stuart reported to Gage that since Cherokees were all out hunting, no meeting could take place before May 1773 at the earliest.

<sup>127</sup> A Talk from the Lower Creeks to John Stuart Esqr dated at Pallachicola 19 September 1772 delivered to Mr. David Taitt, Gage papers, vol. 115; Newton D. Mereness, ed., under the Auspices of the National Society of the Colonial Dames of America, “David Taitt’s Journal of a Journey through the Creek Country, 1772,” in *Travels in the American Colonies* (New York: The Macmillan Company, 1916), 548-549. Muskogees would be represented by Niligee himself as head warrior of Coweta, Sempoyaffo of Coweta, Big Feard as Lieutenant of Little Coweta, Asootshae as “King” of Cussita, one warrior from Coweta, and the Mad King of Claycatskee. The small village of Claycatskee contained some sixty gunmen, perhaps 250 people, and three Indian factors. It was located less than a day’s travel from Coweta on the Chattahoochee’s west bank.

<sup>128</sup> David Taitt to John Stuart, 19 October 1772, Gage papers, vol. 115.

government had asked for.<sup>129</sup> Even so, John Stuart nervously reported that Creeks were “very much tired with the subject of Land and wanted to have done with it.”<sup>130</sup> Georgia’s leaders, betraying no disappointment, unanimously accepted the proposal.<sup>131</sup> John Stuart noted that Governor Wright intended to use revenue from the sale of the ceded lands to “maintain Rangers, build Forts, endow schools & churches,” and he worried that the traders who had pushed for the sale were unlikely to “reap much benefit by it.”<sup>132</sup> General Gage was irritated by the whole affair because it had piqued the Creeks and hoped that they would “retract the offers they have made.”<sup>133</sup>

Over several months of talks, David Taitt, John Stuart, and Thomas Gage had taken Creek protests and assertions of native rights seriously while Georgia’s leaders had not. They should have. On December 30, 1772, Creeks attacked a party of speculators while they were appraising Oconee valley lands. In the ensuing firefight, two white men and one Muskogee lost their lives.<sup>134</sup> Georgians were so heedless of Muskogee resentment that shortly after this lethal encounter, some white inhabitants of the Altamaha River valley at the colony’s southern extremity requested that the Governor pressure Muskogees to cede additional land along that river.<sup>135</sup> Deputy Indian Agent Charles Stuart reported from Mobile a rumor that had thrown the Gulf Coast city into a state of anxiety. Local merchants believed that Muskogees intended to make peace with

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<sup>129</sup> Edward J. Cashin, *William Bartram and the American Revolution on the Southern Frontier* (Columbia: University of South Carolina Press, 2000), 54.

<sup>130</sup> John Stuart to Thomas Gage, 24 November 1772, Gage papers, vol. 115.

<sup>131</sup> *Ibid.*

<sup>132</sup> *Ibid.*

<sup>133</sup> Thomas Gage to John Stuart, 20 December 1772, Gage papers, vol. 116.

<sup>134</sup> Abstract of a letter from Alexander Cameron Esq Deputy Superintendant of Indian Affairs dated Lochaber near Keowee, 30 December 1772, Gage papers, vol. 116; Cashin, *William Bartram*, 20-21. News of the impending land cession had been reported in the *South Carolina Gazette*.

<sup>135</sup> Journal of Commons House, 12 March 1773, CRG, vol. 15:425; John Stuart to Thomas Gage, 22 April 1773, Gage papers, vol. 118.

Choctaws in the long running Creek-Choctaw War “and then to fall on the White people.”<sup>136</sup> Charles Stuart fretted that Creeks were bound “to be troublesome” because of “our Incessant Requisitions for Land.”<sup>137</sup>

When the 1773 Treaty of Augusta was finalized in June, the land cession was virtually identical to what Escotchabe and Niligee had proposed eight months earlier, and presents were exchanged to seal the agreement. Some three hundred Creeks were present, many of whom were young hunters who disapproved of the cession.<sup>138</sup> William Bartram, observing the proceedings, remarked that the young men “betrayed a disposition to dispute the ground by force of arms,” especially the area closest to the Oconee.<sup>139</sup> Eventually, however, “the ancient venerable chiefs” prevailed upon the young men. “Liberal presents of suitable goods” valued at seventeen hundred pounds sterling—likely the guns, ammunition, and other goods Escotchabe had demanded—appear to have clinched young men’s acquiescence.<sup>140</sup>

According to the terms of the treaty, the New Purchase or Ceded Lands, as they soon came to be called, stretched from the intersection of the Creek Path and the Ogeechee River upriver to a ridge separating the Broad River to the east from the Oconee River to the west. From this ridge it turned east and proceeded all the way the Savannah.<sup>141</sup> The ridge dividing the Broad River from the Oconee, however, was low and

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<sup>136</sup> Abstract of a Letter from Charles Stuart Esqr dated Mobile 17th March 1773, Gage papers, vol. 118.

<sup>137</sup> John Stuart to Thomas Gage, 22 April 1773, Gage papers, vol. 118.

<sup>138</sup> Harper, ed., *The Travels of William Bartram*, 307; 1773 Treaty of Augusta, Louise F. [Mrs. J. E.] Hays, ed., *Indian Treaties, Cessions of Land in Georgia, 1705-1837*, Georgia Archives, 70-74 (hereafter, ITCL); 1773 Treaty of Augusta, CRG, vol. 39:496-499.

<sup>139</sup> Harper, ed., *The Travels of William Bartram*, 22; Cashin, *William Bartram*, 54.

<sup>140</sup> Harper, ed., *The Travels of William Bartram*, 22; Cashin, *William Bartram*, 53; John Stuart to Thomas Gage, 8 August 1774, Gage papers, vol. 122. Captain Aleck of Cussita led the Lower Towns delegation and Emistisigo led a cohort from the Upper Towns. Stuart gives the figure of £1700 when he requests reimbursement.

<sup>141</sup> Treaty at Augusta, ITCL, 72.

at points indistinguishable.<sup>142</sup> As surveyed, the Ceded Lands ran all the way to the Oconee River and encompassed a significant portion of the east bank. Indeed, Governor Wright may have unilaterally altered survey maps to add an additional thirty thousand acres to the New Purchase.<sup>143</sup> Ever the keen observer, naturalist and traveler William Bartram accompanied the surveying party and noted that while marking the boundary, they came within three miles of the Oconee River's edge—an area Bartram described as “incredibly fertile.”<sup>144</sup> He remarked that there were about a dozen Native Americans in the party, and they could not have failed to recognize, as Bartram did, “a very respectable number of gentlemen, who joined us, in order to speculate in the lands.”<sup>145</sup> As his party returned to Augusta, Bartram noticed “a newly settled plantation” on the Broad River in what had been, just a few weeks earlier, many miles beyond the Georgia border in Creek country.<sup>146</sup> In fact, by the time of the survey, there already may have been “hundreds of trespassers upon the new cession.”<sup>147</sup>

In the years from 1770 to 1773, Muskogeans struggled to manage the new geopolitical reality of encirclement by British colonies. As non-state, indigenous peoples devoted to talwa autonomy and linked by clan kinship and religious practices, they lacked centralized institutions that would allow them to present a unified foreign policy. However, charismatic, capable headmen like Emistisigo and Escotchabe temporarily unified Creeks by asserting native rights to national, communal land ownership, yet they deferred to ethnic or geographic groups with superior claims to particular territories such

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<sup>142</sup> Cashin, *William Bartram*, 63-65.

<sup>143</sup> *Ibid.*, 70.

<sup>144</sup> Harper, ed., *The Travels of William Bartram*, 28.

<sup>145</sup> *Ibid.*, 23.

<sup>146</sup> *Ibid.*, 30.

<sup>147</sup> Cashin, *William Bartram*, 66.

as the Alabama and Oconee River valleys. To defend Muskogee land and resources against white squatters, small groups of Creek hunters and warriors plundered, removed, and occasionally killed intruders along their southern and northern borders. British leaders like John Stuart supported Muskogee efforts to evict illegal settlers, though they did not condone violence. Drawing lessons from these events, Creeks used similar tactics to assert their native rights in the ensuing years.

## CHAPTER 2 – THE WHITE-SHERRILL AFFAIR AND THE RISE OF BORDER PATROLS, 1774-1775

### I. AFTERMATH OF THE 1773 TREATY OF AUGUSTA

Persistent rumors of Muskogee dissatisfaction with the land cession defined in the 1773 Treaty of Augusta followed the summer agreement. Governor James Wright boasted of gaining over 1.5 million acres for the Georgia colony and reveled in the flood of land grant applications.<sup>1</sup> At the same time, however, he feared that Creeks could “break up and ruin this province,” and he insisted that he needed a troop of rangers to guard settlers in what Georgians called the New Purchase.<sup>2</sup> Even as Governor Wright acknowledged the disruptive potential of Muskogee warriors, he dismissed their legitimacy. If Creeks committed any violence, it would not be the lawful action of a nation defending its borders. Instead, it would be merely “bloody amusement” without which “these wretches cannot rest.”<sup>3</sup>

On Christmas Day, 1773, the New Purchase erupted in a handful of violent clashes. Historians have presented these pivotal events in Muskogee history as moments when the personal, criminal acts of a few young rogues ensnared the broader polity in a serious conflict with Georgia. Georgia’s response to the attacks forced Muskogeese to recognize their dependence on British trade and reduced them to the “politics of

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<sup>1</sup> Governor Sir James Wright to Earl of Dartmouth (No.3), 17 June 1773, in K. G. Davies, ed., *Documents of the American Revolution, 1770-1783* (Colonial Office Series), vol. 6, Transcripts, 1773 (Dublin: Irish University Press, 1974), 156. (hereafter cited as DAR)

<sup>2</sup> Governor Sir James Wright to Earl of Dartmouth (No.3), 17 June 1773, DAR, vol. 6:158.

<sup>3</sup> *Ibid.*, 157.



insecurity.”<sup>4</sup> Historians, however, have hesitated to portray the violence as political protest against the Treaty of Augusta.<sup>5</sup> The initial attacks quickly escalated into a political firestorm that channeled broad-based resentment against the recent cession. The violence was meaningful, not random, and combined personal and political motives. After some young warriors killed settlers William White, William Sherrill, and their families, Muskogees from Coweta and a few other Lower Towns protested the treaty by forming border patrols, raiding more settlers, and attacking a Georgia militia in the New Purchase. The White-Sherrill affair left an indelible mark in Georgians’ minds, crystallizing for them a sense of fear and disgust for Muskogees that they expressed in rhetoric depicting the unprovoked violence of barbarians. Creeks discovered that resisting Georgia’s expansion with violence had mixed results, leading them to explore other tactics in the coming years.

The White-Sherrill affair redefined Creek violence, centering it geographically on the Oconee River border with Georgia and politically on colonists’ border jumping.<sup>6</sup> Muskogee violence since the end of the Yamassee War in 1717 had been categorically different. Muskogees had fought alongside the British against Spanish Florida and other Indians. They had clashed with Georgians in Creek country in trade disputes.<sup>7</sup> But they had not yet contested the border aggressively. The new geographic and political focus,

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<sup>4</sup> Piker, *Okfuskee*, 63-74, quotation pages 72, 73, and 74; Braund, *Deerskins and Duffels*, 163.

<sup>5</sup> Braund, *Deerskins and Duffels*, 158-163; Cashin, *William Bartram*, 71-75; Alden T. Vaughn, series ed., *Early American Indian Documents: Treaties and Laws, 1607-1789*, vol. 12: *Georgia and Florida Treaties, 1763-1776*, volume ed. John T. Juricek (Washington, DC: University Publications of America, 1979), 123-126 (hereafter cited as EAID).

<sup>6</sup> Snyder, *Slavery in Indian Country*, 165-168; Ellis, “Interpreting Violence: Reflections on West African War,” 107-124. Ellis asserts that meaningful analysis of indigenous violence must begin with an examination of “who or what is being attacked, and how and by whom targets are chosen.” (123)

<sup>7</sup> Hahn, *Inventing the Creek Nation*, 139-141, 173-184, 195, 210-216, 247, 253-255, 259-260; Sweet, chap. 9, “The War of Jenkins’ Ear: The Height of Cooperation,” in *Negotiating for Georgia*, 140-158; Piker, *Okfuskee*, 45-49, 52-63, 77-78, 82-86, 100-102, 185-189.

then, alarmed Georgians. The White-Sherrill affair revealed the leading edge of a disturbing political trend in Creek country: common young warriors were beginning to act independently of senior, head warriors as well as civil leaders.<sup>8</sup> Young men long had been admired and rewarded for reckless courage in battle, but older leaders typically restrained their temerity.<sup>9</sup> Despite their innovative character, the White-Sherrill killings shared some elements with earlier violence. They were orderly, rule-governed, restrained actions saturated with political and spiritual meaning. Warriors intended to restore order by correcting settlers' offensive behavior and balancing the deaths of clan kin. They did not mean to ignite full-scale war.<sup>10</sup> The attacks were limited and conventional from the Creek perspective, yet they sent shockwaves of fear through Georgia and dominated Creek-Georgia relations up to the outbreak of the American Revolution.

On December 25, 1773, a group of men reportedly from the Lower Town of Coweta, most of whom were living in a detached settlement called Pucknowheatley, or the Standing Peach Tree, attacked the home of William White on the Ogeechee River in the New Purchase. The Cowetas killed White, his wife, and their four children. Shortly afterward, another white man was killed near the Ogeechee. Almost three weeks later on January 14, a larger band of Cowetas attacked the home of William Sherrill, a neighbor

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<sup>8</sup> Piker, *Okfuskee*, 163-165, 176-191; Snyder, *Slavery in Indian Country*, 84-86, 91-93; Hahn, *The Invention of the Creek Nation*, 199-200, 234-235; Kathryn E. Holland Braund, ed., *The History of the American Indians by James Adair* (Tuscaloosa: University of Alabama Press, 2005), 171, 297 (hereafter cited as Adair, *History of the American Indians*).

<sup>9</sup> Saunt, *A New Order of Things*, 16-17, 23-24, 31-34; Hahn, *Invention of the Creek Nation*, 195-200; John R. Swanton, *Creek Religion and Medicine* (Lincoln: University of Nebraska Press, 2000), 485, 536-539, 542, 544, 549, 570-571, 583, 585; John R. Swanton, *Myths and Tales of the Southeastern Indians* (Norman: University of Oklahoma Press, 1995), 21, 115.

<sup>10</sup> Piker, *Okfuskee*, 52-63; Snyder, *Slavery in Indian Country*, 82-87, 94-98; Swanton, *Creek Religion and Medicine*, 484, 518, 549, 557, 570, 572-573, 609-610; Swanton, *Myths and Tales of the Southeastern Indians*, 8-9, 57-58, 147-48, 155-157; Whitehead, "On the Poetics of Violence," 55-77. Whitehead argues that in the absence of a state monopoly on violence, "the forms and modalities of violence will reflect this struggle for legitimacy." (73) The young warriors who committed the White-Sherrill killings were at pains to justify their actions to their communities.

of the late William White. Over the course of several hours, Muskogeese killed seven people at the Sherrill farm and lost at least two of their own, though the death toll may have been as high as five Creek warriors. On January 23, a company of Georgia rangers and militiamen escorted survivors back to the Sherrill farm to survey the damage and recover any salvageable property. A still larger group of Cowetas ambushed them, killed four more white men, and put the militia to flight. Muskogeese then methodically tortured to death Lieutenant Daniel Grant, a captured officer.<sup>11</sup> Two months earlier in October, Lower Creeks at St. Joseph's Bay near the Apalachicola River border between East and West Florida had killed three Englishmen.<sup>12</sup> The incident was unrelated, but it contributed to Georgians' sense of terror after the White-Sherrill killings.<sup>13</sup>

Daniel Grant's torture appears to have particularly disconcerted Georgians. The long-standing practice of ritualized torture and execution, however, purified a community spiritually and emotionally, restored cosmic balance, and quieted the "crying blood" of slain clan members whose souls were otherwise denied a peaceful afterlife.<sup>14</sup>

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<sup>11</sup> David Taitt to John Stuart, 24 January 1774, DAR, vol. 7:43; *South Carolina Gazette*, 31 January 1774; James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30-32; James Wright to the Head Men and Warriors in the Upper and Lower Creek Countrys, 1 February 1774, ITCL, 75; *Georgia Gazette*, 2 February 1774; John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:34-37; *South Carolina Gazette*, 14 February 1774; John Stuart to Earl of Dartmouth, 13 February 1774, DAR, vol. 8:48-49; *Georgia Gazette*, 16 March 1774; Conference between Sir James Wright and Upper Creek Indians, 14 April 1774, DAR, vol. 8:90-95; Braund, *Deerskins and Duffels*, 158-163; EAID, vol. 12:123-126; Cashin, *William Bartram*, 71-75; Piker, *Okfuskee*, 63-74.

<sup>12</sup> A Talk from the Pumpkin King, The Headmen of the Hitchitaws, Pallachicolas, Oconies & Oakmulgies, 23 June 1774, Gage papers, vol. 122; Cashin, *Bartram*, 73.

<sup>13</sup> To Emistisiguo Warriour of the Little Tallasies and to Neothlacko Second Man from John Stuart, July 1774, Gage papers, vol. 122.

<sup>14</sup> *Georgia Gazette*, 2 February 1774; *South Carolina Gazette*, 14 February 1774; Adair, *History of the American Indian*, 91, 182-189; Saunt, *New Order*, 91-94. Saunt quotes anthropologist John R. Swanton's "Social Organization and Social Usages," 339, as follows: "Traditional Creek justice revolved around the clan and worked on the principle of exchange, a life for a life, to 'placate the soul of the departed' which remained in turmoil until satisfaction." (Saunt, 91). Swanton's analysis is drawn from the pages of Adair cited above, which Swanton quotes at length. See also Snyder, chap. 3, "Crying Blood and Captive Death," in *Slavery in Indian Country*, 80-100. For an accessible, imaginative presentation of the balance principle, see Charles Hudson, *Conversations with the High Priest of Coosa* (Chapel Hill: University of North Carolina Press, 2003), especially 145-151.

Southeastern Indian cosmology revolved around a principle of balancing opposing forces in a system of dynamic tension that forever threatened to careen into chaos. This balance principle underlay everything from the structure of the universe to romantic relationships. It also extended to wrongful deaths, be they accidental manslaughter, malicious murder, or death in mutually consensual combat. For Creeks, the death of a member of one's clan required a death in the culprit's clan to maintain cosmic balance. Killings committed to restore balance, however, were at odds with Euroamerican systems of justice, frequently contributing to diplomatic impasse.

The White-Sherrill attacks began when a man called Ochtullkee<sup>15</sup> murdered William White and his family.<sup>16</sup> Though Ochtullkee's home talwa is unclear, he was most likely from Coweta and lived in the Coweta village of Pucknawheatley in 1773.<sup>17</sup> William White and his family were recent settlers in the Ceded Lands near the Ogeechee River. Ochtullkee was reportedly "of Consequences in his Village," a member of the powerful Tyger clan, possibly the nephew or son of the Head Warrior of Cussita, and likely had political ambitions of his own.<sup>18</sup> Howmacha of Coweta, the village headman at Pucknawheatley, supported Ochtullkee's attack on the White family. David Taitt reported that Howmacha was a witch, a powerful yet ambivalent role in Creek society

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<sup>15</sup> The name is spelled in a variety of ways in sources: Ochtullkee, Ogulki, Oktulgi, or Ochtalky. Despite the similar names, this individual should not be confused with Togulki, the nephew and successor of Malatchi of Coweta.

<sup>16</sup> Cashin, *William Bartram*, 71; Piker, *Okfuskee*, 68n43; EAID vol. 12:123; John Stuart to Frederick Haldimand, 3 February 1774, DAR vol. 8:34-36; James Wright to Frederick Haldimand, 18 April 1774, Gage papers, vol. 119; John Stuart to Frederick Haldimand, 5 July 1774, Gage papers, vol. 121.

<sup>17</sup> Piker, *Okfuskee*, 68n43. Ochtullkee may also have been from Cussita. Citing David Taitt, Deputy Superintendent of Indian Affairs in Creek country, Piker suggests he hailed from Okfuskee, though this appears unlikely.

<sup>18</sup> John Stuart to Frederick Haldimand, 5 July 1774, Gage papers, vol. 121; David Taitt to John Stuart, 18 July 1774, Gage papers, vol. 122; Cashin, *William Bartram*, 73; Braund, *Deerskins and Duffels*, 159.

that engendered fear.<sup>19</sup> Shortly before his death, William White and his neighbor William Sherrill had discovered horses missing from White's farm. They tracked two Creek horse thieves to the Oconee River where they caught and killed one of the men.<sup>20</sup> The survivor, Ochtullkee, escaped and returned to Pucknawheatley where he recruited Howmachta and five others to return to the White farm.<sup>21</sup>

The murders of the White family thus appear to have been committed in keeping with the standard practice of clan-based retribution killing to quiet the crying blood of slain relations. The seven young men who killed William White and his family have been

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<sup>19</sup> David Taitt to John Stuart, 24 January 1774, DAR, vol. 8:43.

<sup>20</sup> John Stuart to Earl of Dartmouth, 13 February 1774, DAR, vol. 8:48.

<sup>21</sup> Braund, *Deerskins and Duffels*, 159-163; James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:32; Conference between Sir James Wright and Upper Creek Indians, 14 April 1774, DAR, vol. 8:94. Braund provides the most extensive treatment of the White-Sherrill affair in the existing literature, but interprets it differently. She argues that Ochtullkee murdered a Creek man of whom he was jealous and whom he had accused of witchcraft. Ochtullkee then concealed his crime by blaming it on William White so he could avoid clan-based retaliation. To cast blame on the white man, Ochtullkee reportedly "made a bloody path from the body to William White's farm." (Braund, 159) There are a number of reasons to doubt this version of events. Only Governor James Wright appears to have accepted this version, and he arrived at the conclusion months after the killings, after having first reported that White and Sherrill did, in fact, kill a Creek horse thief.

Braund cites four sources to substantiate the cover-up interpretation: 1) John Stuart to Earl of Dartmouth, 13 February 1774, CO/5; 2) *South Carolina Gazette*, 31 January 1774; 3) James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:32; and 4) Proceedings of Congress at Savannah, 20 October 1774, CO/5. The first source, Stuart's letter of February 13, 1774, also appears in DAR, vol. 8:48-49, and makes no mention of the cover-up story. Stuart reports that "He [White] and a neighbouring settler named Shirrol pursued and overtook two Creeks with the horses which the Indians refused to give up; whereupon White shot one of them." The second source, the *South Carolina Gazette* issue of January 31, 1774, makes no mention of the cover-up interpretation, and instead suggests that Creeks, "in general dissatisfied at the late Dismemberment of their country... will not suffer the late ceded Lands to be settled." The third source, Wright's letter to Dartmouth of January 31, 1774, reports three different versions of events but privileges none: "Some Indians who had no concern it say that on some horses being stolen from White and Sherrill they followed the thieves cross the Oconee River and killed one Indian and got their horses back again; and this account is also given by some white people but others again deny that any Indian was killed and say that the villains only give that out as a pretence, and others think that the mischief has been done by a set of renegade Indians who have long frequented the ceded lands and with a view to prevent their being settled." The fourth source, Proceedings of Congress at Savannah, 20 October 1774, CO/5, also appears in the Gage papers, vol. 137, folio 15, and makes no mention of the cover up story, saying only that Creeks committed the killings "without any cause or Reason whatever." By contrast, Wright reported on January 31 that White and Sherrill killed a Creek man, and John Stuart reported this version repeatedly in his letter to Frederick Haldimand on 3 February 1774, DAR, vol. 8:34-37, and in his letter to Dartmouth on 13 February 1774, DAR, vol. 8:48-49. Moreover, if Ochtullkee had been publicly accusing the initial Muskogee murder victim as a witch and threatening to kill him for months, as reported, it is unclear why he would suddenly feel the need to conceal the act. It is also unlikely that, given the circumstances, his cover up job would have fooled many Muskogees. Finally, if he was offended by witchcraft, it is unlikely that he would have partnered with Howmachta, another accused witch.

described as renegades, but they ignited the simmering anger of many young hunters over the 1773 land cession. Ochtullkee's actions accorded with popular sentiment, and young men eager to turn back colonial expansion flocked to him. Young Muskogees by 1774 needed commercial hunting lands to provide the European goods upon which they depended.<sup>22</sup> In addition, Creeks had complained that they had been "cheated in the quantity of ammunition promised them as payment for the land which they ceded."<sup>23</sup>

Ochtullkee, Howmachta, and their followers may have been focused on avenging the death of a kinsman, but their victim was also a symbol of their dissatisfaction with the recent cession. William White and William Sherrill had moved quickly into the New Purchase and built farms, but they also killed a Creek warrior. Georgians had advanced from expropriating Muskogee resources to murdering Muskogee people. In two attacks following the raids on the White and Sherrill farms, much larger groups of Creeks targeted explicit symbols of state authority and permanent white settlement—a troop of rangers and militiamen and William Sherrill's stockade—indicating both the political motive of clearing contested lands and the popularity of that cause among Creeks.

On January 14, a group of Creeks attacked the home of William Sherrill, the neighbor of William White who allegedly participated in White's murder of a Muskogee horse thief. Reports vary, though the Creeks may have numbered as many as sixty men.<sup>24</sup> At Sherrill's farm in the Ceded Lands near Williams' Creek, about four miles from White's farm, Coweta warriors found that Sherrill was "enclosing his house with a

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<sup>22</sup> Braund, *Deerskins and Duffels*, 163.

<sup>23</sup> John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:35.

<sup>24</sup> *South Carolina Gazette*, 31 January 1774; *Georgia Gazette*, 2 February 1774; *South Carolina Gazette*, 14 February 1774; *Georgia Gazette*, 16 March 1774.

stockade, one side of which he had completed.”<sup>25</sup> They killed Sherrill, four to five other white people including his wife and daughter, and two black slaves.<sup>26</sup> Sherrill’s plantation, however, was home to “five white men, three Negroe fellows, and 12 women and children of both colours,” suggesting that several members of the household escaped.<sup>27</sup> In a firefight lasting some six hours, an enslaved black man led two of Sherrill’s sons in holding the Muskogeese off. The black man “shot one of the Head Indians through the eye,” and together, the settlers killed between two and five Indians.<sup>28</sup> Before departing, however, the Creeks burned the stockade and one of the houses.<sup>29</sup>

Governor James Wright deployed a company of one hundred Georgia rangers and militiamen to Williams’ Creek “to protect the settlements.”<sup>30</sup> When Creeks encountered a detachment numbering some forty Georgians on January 23, the raiders had increased to “at least 150 in number.”<sup>31</sup> The Muskogeese routed the Georgians without firing a shot, perhaps leading the humiliated rangers and militiamen to exaggerate the number of warriors they faced.<sup>32</sup> After Georgia scouting parties searched the area for two days to make sure no Indians remained, a detachment of about thirty militiamen escorted some of the Sherrill family survivors to the farm to retrieve “some provisions and other things

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<sup>25</sup> Quote from John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:34; *South Carolina Gazette*, 31 January 1774; James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30.

<sup>26</sup> Governor James Wright to the Head Men and Warriours in the Upper and Lower Creek Countrys, 1 February 1774, ITCL, 75; *Georgia Gazette*, 2 February 1774; John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:34.

<sup>27</sup> *Georgia Gazette*, 2 February 1774.

<sup>28</sup> *Georgia Gazette*, 2 February 1774; James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30; Braund, *Deerskins and Duffels*, 159.

<sup>29</sup> *Georgia Gazette*, 2 February 1774.

<sup>30</sup> James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30; John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:34. Stuart reported that the militia company was much larger, consisting of two hundred militiamen and twenty-five provincial rangers.

<sup>31</sup> Braund, *Deerskins and Duffels*, 159-160; Cashin, *William Bartram*, 72-73; *Georgia Gazette*, 2 February 1774.

<sup>32</sup> *South Carolina Gazette*, 14 February 1774; John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:34. Stuart was especially skeptical of the reported 150 Muskogee raiders, believing that number “multiplied by the fears of the militia who made no stand.”

which they had left.”<sup>33</sup> When they approached within two miles of the farm, Creeks ambushed. Muskogee warriors killed three militiamen and wounded two more, one of them fatally.<sup>34</sup> The Georgians fled to their main camp, and their terror was so contagious that militiamen “were struck with such a panic that neither fair means nor threats could prevail on them to stay.”<sup>35</sup>

Lieutenant Daniel Grant, the detachment’s leader, was not so lucky. Wounded and unhorsed, Creeks captured the officer and ritually tortured him to death. The manner of his death illustrates the combined personal and political meanings that infused the White-Sherrill attacks. Creeks captured Grant in large-scale combat with Georgia’s military on the very edge of disputed territory, demonstrating that the battle was political protest against the 1773 Treaty of Augusta. Grant was “tied to a Tree, A Gun Barrel, supposed to have been red hot, was thrust into, and left sticking in his Body; his Scalp and Ears taken off, a painted Hatchet left Sticking in his Scull, twelve arrows in his Breast, and a painted War-club left upon his Body.”<sup>36</sup> Muskogees had long inflicted such torture on enemies as ritualistic catharsis to balance the deaths of clan members.<sup>37</sup>

Some white observers portrayed the White-Sherrill attacks as the isolated, illegitimate acts of individuals, yet, led by James Wright, the governors of the surrounding colonies anticipated full scale war with all Creeks. Governor Wright’s analysis was partially correct. He attributed the attacks to Cowetas who opposed the land cessions made in the Treaty of Augusta. He worried that the attacks would halt “the

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<sup>33</sup> James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30.

<sup>34</sup> *South Carolina Gazette*, 31 January 1774; James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30.

<sup>35</sup> James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:30.

<sup>36</sup> *South Carolina Gazette*, 14 February 1774; John Stuart to Earl of Dartmouth, 13 February 1774, DAR, vol. 8:48.

<sup>37</sup> Hall, *Zamumo’s Gifts*, 107; Jennings, *New Worlds of Violence*, 134-135.



settling of the late ceded lands...[and] has broke up a great many of our old settlements.”<sup>38</sup> Both white people and some Muskogeese reported shortly after the attacks that “the mischief has been done by a set of renegade Indians who have long frequented the Ceded lands and with a view to prevent their being settled.”<sup>39</sup> Indian Agent John Stuart characteristically acknowledged Muskogeese’ perspective. He wrote, “I must observe as I have often observed before that our incessant requisitions for land affords no matter of discontent...they cannot see our advances into their most valuable hunting grounds with pleasure.”<sup>40</sup> Stuart employed moderate language, as well. While his colleagues called the perpetrators renegades and villains, Stuart referred to them simply as “Cowetas” or “Indians.”<sup>41</sup>

Governor Wright was mistaken when he identified the culprits as “villains,” rather than legitimate political dissenters.<sup>42</sup> The murders resulted from bitterness over the Treaty of Augusta and at least one of the killers went to his grave urging his clan kin to push white people out of the New Purchase. The White-Sherrill attacks were not merely the acts of “a single Villain or two” or a few “Runegates & Mad Young People.”<sup>43</sup> The White-Sherrill affair instead should be recognized as a series of escalating, politically motivated border patrols that gathered dozens of disaffected young hunters from Lower Towns to defend lands they depended on economically. The patrols ignited smoldering popular resentment and garnered the approval of many common Muskogeese. Lamenting the savvy timing of the attacks, Governor Wright observed that, “had it not happened just

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<sup>38</sup> James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:31.

<sup>39</sup> *Ibid.*, 32.

<sup>40</sup> John Stuart to Frederick Haldimand, 3 February 1774, DAR, vol. 8:35-36.

<sup>41</sup> *Ibid.*

<sup>42</sup> James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:31; Braund, *Deerskins and Duffels*, 163.

<sup>43</sup> James Wright to Frederick Haldimand, 18 April 1774, Gage papers, vol. 119; James Wright to the Head Men and Warriours in the Upper and Lower Creek Countrys, 1 February 1774, ITCL, 75.

now we should soon have had such a number of inhabitants on the ceded lands that they dare not have attempted to disturb us.”<sup>44</sup> Even older Creek leaders who cooperated with Georgia and disavowed the White-Sherrill attacks complained of white settlers’ failure to abide by existing treaties, boundaries, and trade regulations. The dissidents who struck the White and Sherrill farms used aggressive tactics for a new purpose—to evict squatters—yet the tactics drew on long standing practices like clan based justice and cathartic ritual torture.

Governor James Wright later claimed that both “Upper and Lower Creeks disown the murders,” but this was not entirely true.<sup>45</sup> While headmen reportedly disowned the action, the nature of the attack on the Sherrill farm reveals an important trend.<sup>46</sup> A band of seven to fourteen men committed the initial attack on the White farm.<sup>47</sup> A few days later, the raiding party that struck the Sherrill farm had grown to some sixty warriors.<sup>48</sup> This growth shows that more Muskogees resented the recent land cession than either Georgians or Creek headmen cared to admit.

The choice to attack Georgia’s militia as it entered the New Purchase demonstrates the strictly political nature of action. If Muskogees’ goal had been mere plunder or further clan revenge, poorly defended settlers in the New Purchase around the headwaters of the Ogeechee and Little Rivers made easier targets. The Muskogee attackers likely knew that the small detachment was part of a larger force, yet chose to attack them anyway. Not only did Creeks rout the combined ranger and militia force, they

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<sup>44</sup> James Wright to Earl of Dartmouth, 31 January 1774, DAR, vol. 8:31.

<sup>45</sup> Governor Sir James Wright to Earl of Dartmouth, No. 11, 31 January 1774, DAR, vol. 7:31.

<sup>46</sup> Conference between Sir James Wright and Upper Creek Indians, 14 April 1774, DAR, vol. 8:90-95. In this conference, Captain Aleck of Cussita and Emistisigo of Little Tallassee both repudiated the White-Sherrill affair.

<sup>47</sup> Braund, *Deerskins and Duffels*, 159; *South Carolina Gazette*, 14 February 1774.

<sup>48</sup> *Georgia Gazette*, 2 February 2 1774; *South Carolina Gazette*, 14 February 1774; *Georgia Gazette*, 16 March 1774.

captured and tortured to death an officer. Southeastern Indian battle tactics usually called for ambushing small groups with overwhelming force.<sup>49</sup> The Creek patrol may have numbered fewer than the 150 men that Georgians reported, but they almost certainly outnumbered the thirty white men they ambushed by a wide margin. This suggests they were more than simply a few “Out-casts from the Nation.”<sup>50</sup> Their motives went beyond plunder or clan-based revenge killings. They were attacking symbols of permanent settlement by burning William Sherrill’s stockade and killing rangers and militiamen—many of whom likely had settled New Purchase lands themselves. One historian who conceives of the White-Sherrill attackers as mere renegades and outlaws still acknowledges that the militia ambush was the first “large-scale” battle between organized forces of Creeks and Georgians.<sup>51</sup>

Shortly after the attacks on White, Sherrill, and the combined ranger and militia force, Georgians insisted that only men from Coweta had participated.<sup>52</sup> Lower Towns, especially Coweta, had long held primary claim to lands between the Oconee and the Savannah, so it is reasonable that resentment over their loss would be greatest in that quarter, despite the roles of Escotchabe and Nilgee in negotiating the cession. Coweta and its neighbor across the Chattahoochee River, Cussita, were the most prominent towns in Creek country. Coweta alone may have boasted as many as 130 gunmen, though the town had been slowly declining since the death in 1756 of its most prominent leader, Malatchi. During the same period, the so-called Point Towns of Ouseechee, Ocmulgee,

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<sup>49</sup> Snyder, *Slavery in Indian Country*, 85-86; Wayne E. Lee, “Fortify, Fight, or Flee: Tuscarora and Cherokee Defensive Warfare and Military Culture Adaptation,” *Journal of Military History* 86 (2004): 713-770, see especially 718-723, 752-756, 763-768.

<sup>50</sup> *South Carolina Gazette*, 14 February 1774.

<sup>51</sup> Braund, *Deerskins and Duffels*, 160.

<sup>52</sup> *Georgia Gazette*, 2 February 1774; *Georgia Gazette*, 16 March 1774.

and Cheaha had been growing in importance, and in the following decades, the Point Towns would figure prominently in border raiding.<sup>53</sup>

After the raid on the White farm, established leaders began to participate in border defense, perhaps swayed by communal resentment of the 1773 land cession. The attacks may have begun as a clan-based retribution killing carried out mostly by young men, but the number of participants grew with each action, seemingly inducing older leaders to embrace the raiders. Escotchabe himself, the Coweta headman who along with Niligee initially proposed the land cession codified in the 1773 Treaty of Augusta, participated in border patrols.<sup>54</sup> Cussitas likely joined Coweta warriors, and they may have recruited Cherokees to help drive white settlers out of the New Purchase.<sup>55</sup> By March, disaffected Muskogees appeared to Georgians to possess an astonishing degree of unity. “Creeks were all ready to take up arms,” even if they faced “an army of Red Coats.”<sup>56</sup> Another border patrol leader reportedly planned to strike South Carolina in May.<sup>57</sup>

Muskogees and Georgians alike found that border patrol violence effectively cleared white settlers from disputed lands and terrified white leaders. “A great Number of People” evacuated the New Purchase, Governor Wright declared, because “the late Murthers have struck such a Panic.”<sup>58</sup> Calling for a regular army presence, Wright insisted that, “without some troops People will not think themselves safe.”<sup>59</sup> Georgians used fearful language to petition for royal troops to crush the “savages” and prevent any

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<sup>53</sup> Friedrich Peter Hamer, “Indian Traders, Land and Power: Comparative Study of George Galphin on the Southern Frontier and Three Northern Traders,” M.A. Thesis, University of South Carolina, 1982, 48; Hahn, *Invention of the Creek Nation*, 225-228.

<sup>54</sup> Piker, *Okfuskee*, 67.

<sup>55</sup> *South Carolina Gazette*, 14 February 1774.

<sup>56</sup> Extract of a letter from Augusta, dated March 9, in *Georgia Gazette*, 16 March 1774.

<sup>57</sup> *Ibid.* The leader is identified as “Big Elk,” but his town, clan, and relation to other raiders are unclear.

<sup>58</sup> James Wright to Frederick Haldimand, 18 April 1774, Gage papers, vol. 119.

<sup>59</sup> *Ibid.*

further “wanton and unprovoked barbarities.”<sup>60</sup> The Georgia Assembly went further, rendering Creeks not simply savages or barbarians but “inhuman.”<sup>61</sup> The Assembly requested one thousand royal troops because, they argued, Muskogee warriors “far exceed any force that we can oppose to them.”<sup>62</sup> Even if Georgia avoided active combat with Creeks, the Assembly demanded five hundred redcoats “to defend our Frontiers.”<sup>63</sup> Governor Wright even begged the loan of three hundred soldiers from General Frederick Haldimand, then in New York serving as interim Supreme Commander of British forces in North America.<sup>64</sup>

Fear quickly spread through the Floridas, as Georgia warned those colonies that they were “in danger of receiving a sudden stroke from the Merciless hands of the Cruel Savages.”<sup>65</sup> West Floridians took the warning to heart, perhaps remembering the October 1773 slaying of three Englishmen near the Apalachicola River at St. Joseph’s Bay, reportedly by Lower Creeks. They believed they sensed hostility in “the behavior of some Creeks in the Neighborhood” of Pensacola and began to ready fortifications and artillery for “any sudden attack.”<sup>66</sup> Georgians, however, did not wait for official action. In late March, they killed and scalped a man they referred to as Big Elk, purportedly one of leaders of the White-Sherrill border patrols.<sup>67</sup>

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<sup>60</sup> *Georgia Gazette*, 16 March 1774.

<sup>61</sup> Journal of Commons House, Speaker William Young, The Humble Address of the Commons House of Assembly of your Majesty’s Province of Georgia to the King’s Most Excellent Majesty, 8 March 1774, CRG, vol. 15:542-543.

<sup>62</sup> Journal of the Upper House of Assembly, President James Habersham to His Excellency Sir James Wright, the Humble Address of the Upper House of Assembly, 9 March 1774, CRG, vol. 17:771-772.

<sup>63</sup> Journal of the Upper House of Assembly, President James Habersham to His Excellency Sir James Wright, the Humble Address of the Upper House of Assembly, 9 March 1774, CRG, vol. 17:771-772.

<sup>64</sup> James Wright to Frederick Haldimand, 10 March 1774, Gage papers, vol. 119.

<sup>65</sup> Alexander Macullagh to Thomas Hutchins, 26 March 1774, Gage papers, vol. 120.

<sup>66</sup> Peter Chester to the Officer Commanding the Troops in the Garrison of Pensacola, 26 March 1774, Gage papers, vol. 120.

<sup>67</sup> *Georgia Gazette*, 23 March 1774. Big Elk’s connection to other raiders is unclear.

Governor James Wright hoped to forestall further violence by embargoing trade until Muskogees gave satisfaction for those killed in the White-Sherrill attacks. His embargo alienated Coweta from the Upper Towns. When Wright invited Creeks to Savannah for talks in April 1774, six prominent Upper Towns leaders accepted.<sup>68</sup> Creeks could ill afford restrictions on trading. Still, Wright was cognizant that his demand for satisfaction must not be excessive.<sup>69</sup> Upper Town leaders Emistisigo and Neothlocko, the Second Man of Little Tallassee, led the tiny delegation, though it included Captain Aleck of the Lower Town of Cussita, a headman who had often complained of English encroachment.<sup>70</sup> James Wright reviewed recent history for his guests as Emistisigo had done in Pensacola in 1771. His version, however, ignored Georgians' behavior altogether and focused instead on murders committed by Muskogees since 1763, without any mention of controversial land cessions.<sup>71</sup>

Three Muskogee delegates responded to Wright in turn. Invoking talwa autonomy, each man declared that his town must not suffer an embargo because of Coweta's actions. Emistisigo of the Upper Town of Little Tallassee explicitly disavowed the raids on the White and Sherrill farms. He insisted that "the Cowetas have not shut up the path between us,...and he told Sempiasse, a principal headman in the Cowetas, that the Cowetas...should not stop their trade and that they (the Cowetas) must stand for themselves."<sup>72</sup> Emistisigo emphasized his independence as a town leader, declaring "what he has now said is his own talk and that nobody gave him directions what to

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<sup>68</sup> James Wright to Frederick Haldimand, 18 April 1774, Gage papers, vol. 119.

<sup>69</sup> John Stuart to Frederick Haldimand, 23 April 1774, Gage papers, vol. 119.

<sup>70</sup> Conference between Sir James Wright and Upper Creek Indians, 14 April 1774, DAR, vol. 8:93; Saunt, *A New Order of Things*, 48-49; Piker, *Okfuskee*, 102.

<sup>71</sup> Conference between Sir James Wright and Upper Creek Indians, 14 April 1774, DAR, vol. 8:92.

<sup>72</sup> *Ibid.*, 93-94.

say.”<sup>73</sup> Captain Aleck of Cussita concurred, maintaining that as soon as he heard about the White-Sherrill affair, “he went into the town...[and] he recommended to most of those who were there to take care of the white people amongst them that no harm happened to them.”<sup>74</sup> Wright evidently believed that Cowetas had acted alone, yet he expected Creeks leaders to exert centralized control over their warriors’ violence. He viewed Emistisigo as a national leader and called on him to “put only four of the Offenders to death” since “they have lost four of their People.”<sup>75</sup>

Emistisigo invoked talwa autonomy, yet he also played the role of national leader, albeit temporarily and with little success. He had travelled to Savannah through the Lower Towns in a failed bid to convince their leaders to join him. Many Lower Creek leaders refused to visit Savannah because they feared Wright would imprison them, but Emistisigo believed they would agree to give satisfaction.<sup>76</sup> When he arrived in Savannah, however, Emistisigo learned that Mad Turkey, a headman from the prominent Upper Town of Okfuskee, had been murdered by a white settler in an Augusta tavern a few weeks earlier. The murder shook Emistisigo, leaving him with “great concern and uneasiness.”<sup>77</sup> Escotchabe of Coweta, one of the leaders of attacks on the Sherrill farm and the Georgia militia, had requested that Mad Turkey deliver a peace talk to Augusta. Mad Turkey’s embassy at Escotchabe’s behest and Emistisigo’s attempt to broker a peace demonstrate the perils that Creeks faced governing themselves by the principle of talwa autonomy. Town independence, however, remained the dominant principle in Creek

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<sup>73</sup> Ibid., 94.

<sup>74</sup> Ibid., 93.

<sup>75</sup> James Wright to Frederick Haldimand, 18 April 1774, Gage papers, vol. 119.

<sup>76</sup> John Stuart to Earl of Dartmouth, 6 May 1774, DAR, vol. 8:109.

<sup>77</sup> John Stuart to Frederick Haldimand, 23 April 1774, Gage papers, vol. 119, second of two of this date; Piker, *Okfuskee*, 67.

political theory. Contrary to Wright's and Stuart's expectations, Mad Turkey's murder did not unify Okfuskees and Cowetas, nor did it provoke a coordinated war against Georgia.

The Mad Turkey's death angered Okfuskees and Upper Towns in general, yet it could have been remedied by killing a single white man to restore balance—an act that need not have been part of the negotiations to end Governor Wright's embargo. Andrew McClean, a white trader, informed officials that "The Indians in the Upper Towns say a man & not a mean one they will have for the Mad Turkey," suggesting Okfuskees considered it a separate issue.<sup>78</sup> Indeed, shortly after Mad Turkey's death, Okfuskees badly beat a trader named Scott with intent to kill. They even tracked the unfortunate Scott "Forty Miles to finish him & lay hold of [Thomas] Graham," a partner of Okfuskee trader Robert Rae.<sup>79</sup> After beating Scott and Graham, traders associated with their own town, Okfuskees appear to have been mostly satisfied. Mad Turkey's close relations, however, threatened to commit further retributive violence.

Upper Towns soon realized that they, too, would suffer the consequences of economic sanctions even though they repudiated the White-Sherrill attacks. In early May, a group of warriors on their way to raid Choctaws, stopped in Pensacola to request ammunition and food, but West Florida Governor Peter Chester refused them, pronouncing that they would have no presents until Georgia received "satisfaction for the Murders committed by their Nation."<sup>80</sup> The Muskogees evidently reacted angrily, surprised that they would be held responsible for Cowetas' actions. As they departed

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<sup>78</sup> Abstract of a Letter from Andrew McLean esq., Merchant at Augusta to William Ogilvy, 13 May 1774, Gage papers, vol. 119.

<sup>79</sup> *Ibid.*; Piker, *Okfuskee*, 68.

<sup>80</sup> Extract of a letter from Major Dickson 16th Regiment to Frederick Haldimand, 9 May 1774, Gage papers, vol. 120.



Pensacola, “This Party frightened the Inhabitants so as to make them Subscribe above four Hundred Dollars to help to clear the Thickets about Pensacola,” thereby rendering more visible any skulking raiders.<sup>81</sup>

Emistisigo and Neothlocko of Little Tallassee, asserting roles as national leaders yet abiding by talwa autonomy, called a council of twenty-six towns in May and won their consent to execute four ringleaders of the White-Sherrill attacks, as Wright had requested at their April meeting.<sup>82</sup> Emistisigo “strongly recommended the measure of stopping the Trade” to all Lower Towns. Without such a measure, he feared they would harbor Ochtullkee, Howmachta, and the remaining leaders.<sup>83</sup> David Taitt reportedly had escorted all traders out of Creek country by April 1774, but Wright’s embargo would remain leaky for months as traders refused to comply.<sup>84</sup> A few substantial shipments slipped through, but Creeks were embroiled in war with Choctaws, and British leaders recognized that Muskogees were ill-equipped to endure any reduction in the ammunition supply. War with Choctaws likely concerned Upper Towns more than Lower Towns because of their proximity to Choctaw country, demonstrating the disparate interests of independent talwas. Emistisigo expected that Georgia could embargo the Lower Towns while Upper Towns traded along the path to Pensacola. Deprived of powder and ball, Cowetas would come to heel.<sup>85</sup>

Events suggest that the principle of talwa autonomy was not easily violated, and that Emistisigo had been correct: Lower Towns were reluctant to give up the White-

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<sup>81</sup> Ibid.

<sup>82</sup> John Stuart to Thomas Gage, 3 July 1774, Gage papers, vol. 120; John Stuart to Frederick Haldimand, 23 April 1774, Gage papers, vol. 119. John Stuart had insisted on the deaths of five Creeks in April, but Emistisigo evidently reduced the number to four.

<sup>83</sup> John Stuart to Frederick Haldimand, 23 April 1774, Gage papers, vol. 119, second of two of this date.

<sup>84</sup> Ibid.; Extract of a Letter from Peter Chester to Frederick Haldimand, 12 May 1774; Braund, *Deerskins and Duffels*, 163; Piker, *Okfuskee*, 71.

<sup>85</sup> Frederick Haldimand to James Wright, 4 May 1774, Gage papers, vol. 119.

Sherrill border patrollers.<sup>86</sup> At their May council, representatives from twenty-six towns consented to the executions of Ochtulkee, Howmachta, and others, but when deliberations concluded, leaders found that the condemned men had disappeared.<sup>87</sup> The ease of their escape shows that Lower Creeks were unenthusiastic about the death sentences. Indeed, the patrollers appear to have been so admired that when they absconded, they were escorted by two additional warriors “to guard them.”<sup>88</sup>

In addition to Lower Creeks’ apparent sympathy for Ochtulkee and Howmachta, two other factors diminished the likelihood that Muskogeese would execute those who led the White-Sherrill attacks. First, white Georgians’ behavior further alienated Creeks. Major General Frederick Haldimand worried that the “Licentiousness of some of the inhabitants of our Frontiers” would lead them “under pretence of retaliating the Murders committed by a few of the Indians think themselves authorized to assassinate any of them.”<sup>89</sup> Trader Andrew McLean agreed, insisting that the “rascally Crackers” must be kept at bay.<sup>90</sup> Georgians had other ideas. In late May, Thomas Fee, the white man who had murdered Mad Turkey in Augusta, was arrested and jailed. Ironically similar to the Lower Creeks who protected their own, a dozen armed Georgians brazenly broke open the prison and rescued Fee.<sup>91</sup> Some Muskogeese saw the jailbreak as ample reason to pardon Ochtulkee and Howmachta.<sup>92</sup> Second, the trade embargo was increasingly

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<sup>86</sup> David Taitt to John Stuart, 3 June 1774, Gage Papers, vol. 121.

<sup>87</sup> James Wright to John Stuart, 13 June 1774, Gage papers, vol. 121; Abstract of a letter from Andrew McLean to John Stuart, 29 May 1774, Gage Papers, vol. 119.

<sup>88</sup> James Wright to John Stuart, 13 June 1774, Gage Papers, vol. 121.

<sup>89</sup> Frederick Haldimand to John Stuart, 14 May 1774, Gage papers, vol. 119.

<sup>90</sup> Abstract of a Letter from Andrew McLean esq., Merchant at Augusta to William Ogilvy dated 13 May 1774, Gage papers, vol. 119.

<sup>91</sup> John Stuart to Frederick Haldimand, 25 June 1774, Gage papers, vol. 120.

<sup>92</sup> Abstract of a letter from Andrew McLean to John Stuart, 29 May 1774, Gage Papers, vol. 119. To their credit, on 20 June 1774, the Georgia Assembly responded to the situation by passing An Act Declaring that to Murder any free Indian in Amity with this Province is equally penal with the Murdering of any white

unreliable. Traders regularly set “off for the Nation with goods,” and Georgia’s militia was incapable of stopping them.<sup>93</sup>

Nevertheless, in late May, “a Party from each Town” set out in search of the condemned leaders of the White-Sherrill attack, suggesting that no matter how leaky, the embargo had taken its toll.<sup>94</sup> Within a month, Ochtullkee was dead. The Pumpkin King, speaking for several Lower Towns, including Hitchiti, Pallachicola, Oconey, and Oakmulgee, reported that Muskogees had executed “one of our Great Warriors named Oktullkee, the Head & Leader of all the Murders in Georgia,” as well as one man supposedly responsible for the October 1773 slaying of three Englishmen near St. Joseph’s Bay on the Apalachicola River border between East and West Florida.<sup>95</sup> In the end, Cussitas took Ochtullkee’s life. Resolute, however, in his desire to remove white people from the disputed lands, Ochtullkee lingered for four days nursing a musket wound and went to his grave demanding that his clan kin “revenge his Death on the Virginians and not give out until everyone of his relations should fall.”<sup>96</sup>

Records suggest that Ochtullkee’s father, the Head Warrior of Cussita, carried out the execution.<sup>97</sup> The manner of his death shows that Creeks remained reluctant to

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person and that to rescue a prisoner Committed for such Offence is Felony, but the damaged had been done, CRG, vol. 19, pt. 2:36-37.

<sup>93</sup> David Taitt to John Stuart, 3 June 1774, Gage papers, vol. 121.

<sup>94</sup> William Ogilvy to Frederick Haldimand, 13 June 1774, Gage papers, vol. 120.

<sup>95</sup> A Talk from the Pumpkin King, The Headmen of the Hitchitaws, Pallachicolas, Oconies & Oakmulgies, 23 June 1774, Gage papers, vol. 122; John Stuart to Thomas Gage, 3 July 1774, Gage papers, vol. 120; David Taitt to John Stuart, 7 July 1774, Gage papers, vol. 121. John Stuart believed that two of the culprits in the St. Joseph’s Bay murders had been executed. However, David Taitt later explained that “they have only killed a slave at the Forks for the Murder of the three Whites at St. Josephs, and not Meley and his Nephew as reported.”

<sup>96</sup> David Taitt to John Stuart, 7 July 1774, Gage papers, vol. 121.

<sup>97</sup> James Wright to Thomas Gage, 9 September 1774, Gage papers, vol. 123; Piker, *Okfuskee*, 184. Under the rules of matrilineal kinship, the maternal uncle was the most important male in a child’s life, so English observers may have mistaken the relationship between the Head Warrior of Cussita and Ochtullkee. If the Head Warrior was Ochtullkee’s uncle, both would be considered members of the Tyger clan, eliminating

sacrifice their own, but Georgia's pressure was intense enough to drive the Head Warrior of Cussita to an act that is difficult to imagine. George Galphin, one of the most influential traders in Creek country since the 1740s, possessed strong commercial and kin relationships in Coweta and was anxious to end the trade embargo. When the White King of Lower Eufaula visited his cowpen, Galphin counseled the mico that if the Lower Towns killed Ochtulkee, Georgians would forgo the remaining executions. The White King returned to the Lower Towns and called a meeting at Yuchi town where, supposedly, he repeated Galphin's advice. Galphin may also have spread his message throughout the Lower Towns via "his half Breed Factor Cozens" and "an Indian Factor called the Bulley."<sup>98</sup> The Head Warrior of Cussita then took seventeen men with him to Oconee town on the Chattahoochee River where he burned the house and destroyed the corn "that His Sone and another of the murderers planted." He intended "to kill his son or carry him into his nation which he has effected, and had his Son with him" when he returned.<sup>99</sup> The Head Warrior's execution of his son was fraught with meaning, and the man likely labored under a heavy emotional burden. Under matrilineal kinship rules, one's father was not considered a blood relative, but such relationships still could be close. Since a father was not a member of his son's clan, the execution also risked triggering a retributive murder to restore balance. The pressure required to force the Head Warrior of Cussita to transgress so many emotional and social boundaries must have been severe, indeed.

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the necessity of clan retribution for the killing. In either case, Ochtullkee was associated with a prominent Cussita family.

<sup>98</sup> David Taitt to John Stuart, 7 July 1774, Gage papers, vol. 121; David Taitt to John Stuart, 18 July 1774, Gage papers, vol. 122.

<sup>99</sup> David Taitt to John Stuart, 18 July 1774, Gage papers, vol. 122.

The Pumpkin King's representation of four Lower Towns and the Head Warrior of Cussita's execution of his son in Oconee town suggest that warriors from several towns participated in the White-Sherrill attacks and helped harbor the leaders later. Some towns were unwilling to meet Georgia's demand for satisfaction, but they were equally unwilling to suffer Georgia's retaliatory embargo. The Pumpkin King insisted that, even though Ochtullkee was a great warrior, he was merely the leader of "a few Runagadoes" who had misled young men into mischief.<sup>100</sup> Since Ochtulkee had been dealt with at great emotional, spiritual, and political cost, the Pumpkin King now expected that Governor Wright would not "demand any more Blood... & let goods come again amongst us will all speed."<sup>101</sup>

Upper Creeks remained united in their desire to end the trade embargo, despite the fact that "a smuggling Trade carried on all along" allowed some goods to reach them.<sup>102</sup> Indeed, older leaders appeared eager to renew trade even if it meant forgoing justice for Mad Turkey of Okfuskee as well as executing the remaining White-Sherrill border patrol leaders. Moreover, older leaders sent aggressive young men to deliver their peace talk, suggesting they had brought young warriors to heel.<sup>103</sup> After eight months of embargo, headmen from the Upper Towns of Atasi, Hillabee, Okfuskee, Kialijee, and Upper Eufaula sent a talk to Georgia urging the renewal of a "straight & white" path to the Upper Towns.<sup>104</sup> The group's leader, Cujessee Micco of Okfuskee, insisted that they did

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<sup>100</sup> A Talk from the Pumpkin King, The Headmen of the Hitchitaws, Pallachicolas, Oconies & Oakmulgies, 23 June 1774, Gage papers, vol. 122.

<sup>101</sup> Ibid.

<sup>102</sup> David Taitt to John Stuart, 29 August 1774, Gage papers, vol. 123.

<sup>103</sup> Piker, *Okfuskee*, 63-70, 189.

<sup>104</sup> A Talk Delivered by the Creeks at Augusta 23 August 1774, Gage papers, vol. 123; Piker, *Okfuskee*, 64-70. Piker provides an incisive analysis of this talk that focuses on Okfuskees' leadership in managing the diplomatic relationship between South Carolina, Georgia, and the Upper Towns, and the symbolism of rhetoric and gifts that Upper Creeks offered the British, primarily white wings and tobacco.

not “come with a bad talk for my near relations that fell at this Place.”<sup>105</sup> That is, Cujessee Micco had no intention of committing a restitution murder to balance the death of his uncle, Mad Turkey. David Taitt was not entirely convinced of their peaceful intentions. He noted that Cujessee Micco had frequently threatened to take revenge for his uncle’s death. Two other nephews of the Mad Turkey were travelling with Cujessee Micco, and Taitt alleged that they had murdered two white settlers near the Oconee River in 1771.<sup>106</sup> A fourth member of the group had assaulted Thomas Graham a few months earlier in retribution for Mad Turkey’s murder.

The talk that Cujessee Micco of Okfuskee and his companions delivered emphasized that the five Upper Towns represented had neither participated in nor condoned the White-Sherrill attacks, though they had committed violence of their own. They assured Georgians that “we hope that we may be able to make up peace as we are not concerned with the Cowetas and as we have brought the Path white to this House.”<sup>107</sup> Seemingly undisturbed by the loss of the New Purchase and the fate of the Lower Towns, this delegation desired only that “our Trader & Pack Horses” return to the Upper Towns immediately because “we are now very poor for Goods and the Hunting season near at Hand.”<sup>108</sup> They reiterated that they represented only the ethnic groups comprising Upper Towns, and that neither “Abicas, Tallapuses, nor Alibamas desire to have any Thing to

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<sup>105</sup> A Talk Delivered by the Creeks at Augusta 23 August 1774, Gage papers, vol. 123; David Taitt to John Stuart, 26 August 1774, Gage papers, vol. 123.

<sup>106</sup> David Taitt to John Stuart, 26 August 1774, Gage papers, vol. 123; Memorial of James Wright to the Earl of Hillsborough, with several enclosures, 12 December 1771, CRG, vol. 28, pt. 2:351. Taitt likely referred to the murder of Thomas Jackson and George Beeck, two inhabitants of the Wrightsborough settlement.

<sup>107</sup> A Talk Delivered by the Creeks at Augusta 23 August 1774, Gage papers, vol. 123. This seems to confirm that Ochtullkee could not have been an Okfuskee man; if he was, the Upper Towns were eager to conceal that fact.

<sup>108</sup> A Talk Delivered by the Creeks at Augusta 23 August 1774, Gage papers, vol. 123.

say to the Cowetas but desire Peace” and “hope to have a supply of Goods.”<sup>109</sup> By August, the talk suggests, Upper Towns had never been so united in their interests nor so divided from Cowetas. The White-Sherrill attacks, while tapping into a powerful current of discontent in the Lower Towns and rallying a significant number of young men to action, had reinforced older patterns of governance based on talwa autonomy and ethnic divisions. Taitt had his doubts about the sincerity of Cujesse Micco’s embassy and decided that the interview was not “of Consequences” enough to send an express to John Stuart.<sup>110</sup> He preferred to wait on news from the real trouble spot: the Lower Towns.

Both John Stuart and James Wright were pleased with the news of Ochtullkee’s demise and that of one of the men responsible for the 1773 murder of three Englishmen on St. Joseph’s Bay near the Apalachicola River. Neither Stuart nor Wright, however, was entirely satisfied. Stuart sent a congratulatory talk to Emistisigo, Neothlocko, and the wider cadre of “head Men & Warriors of the Abikas Tallipusses & the Lower Towns.”<sup>111</sup> Stuart was pleased that the satisfaction had begun, but reminded the leaders they had agreed to execute four men. He was, however, reticent to push too hard because he understood that Creeks’ system of restitution for deaths was vested in clans. Since clans were responsible for dealing with wrongful deaths, “Executions must be performed by the near Relations of the Offender, and nothing but the most pressing Exigency can induce such a sacrifice to the public good.”<sup>112</sup> Stuart worried that “insisting upon fuller satisfaction” could force Muskogees into war “contrary to their Inclinations” and result in

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<sup>109</sup> Ibid.

<sup>110</sup> David Taitt to John Stuart, 26 August 1774, Gage papers, vol. 123.

<sup>111</sup> To Emistisiguo Warriour of the Little Tallasies and to Neothlacko Second Man from John Stuart, July 1774, Gage papers, vol. 122.

<sup>112</sup> John Stuart to Frederick Haldiman, 5 July 1774, Gage papers, vol. 121.

an unnecessary “Expence.”<sup>113</sup> British Secretary of State Lord Dartmouth agreed that peace and limited satisfaction were preferable to full satisfaction at the risk of war. Referencing the failure to punish Mad Turkey’s killer, Stuart rebuked his neighbors in Georgia: “it seems rather unreasonable to push the Indians who have no police at all in the like circumstances to perform what we find impracticable.”<sup>114</sup> Wright was pleased with Ochtullkee’s death and “very hopeful they will for once complete the satisfaction...but...if they stop here it will not do.”<sup>115</sup> Ever consistent, Wright renewed his request for royal troops to garrison “2 or 3 Forts on the Frontiers” because even if Muskogees completed the required satisfaction, “People will be afraid to Purchase and settle on the late ceded lands.”<sup>116</sup>

The embargo’s leaks vexed Governor Wright and John Stuart, though only Wright insisted upon executing the remaining three leaders of the White-Sherrill attacks before lifting the ban entirely. In addition to the regular smuggling of goods to the Chattahoochee River reported by David Taitt, Wright complained that 1,400 pounds sterling worth of goods had been delivered to a store on the St. Johns River in East Florida.<sup>117</sup> This, he fumed, rendered his work of six months harassing Lower Creek leaders for satisfaction “intirely...defeated.”<sup>118</sup> Stuart joined Wright in excoriating the “Villainy and avarice” of the St. Johns River smugglers as well as the abusive practices of traders generally.<sup>119</sup> Stuart believed that the “Sorded avarice and Licentiousness of Traders and the Brutal Barbarity of our Back Inhabitants...were...the Chief causes which

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<sup>113</sup> Ibid.; John Stuart to Frederick Haldimand, 8 August 1774, Gage papers, vol. 122.

<sup>114</sup> John Stuart to Thomas Gage, 8 August 1774, Gage papers, vol. 122.

<sup>115</sup> James Wright to Thomas Gage, 29 June 1774, Gage papers, vol. 120.

<sup>116</sup> Ibid.

<sup>117</sup> David Taitt to John Stuart, 26 August 1774, Gage papers, vol. 123; James Wright to Thomas Gage, 9 September 1774, Gage papers, vol. 123.

<sup>118</sup> James Wright to Thomas Gage, 9 September 1774, Gage papers, vol. 123.

<sup>119</sup> John Stuart to Thomas Gage, 14 September 1774, Gage papers, vol. 123.



produced the present disturbances” and prevented “restoring Peace.”<sup>120</sup> Essentially, Stuart acknowledged that the White-Sherrill attacks were not random incidents of wanton violence committed by renegades, as Georgians claimed when they requested royal troops. Muskogee violence was a legitimate response to real political and economic grievances that troubled Lower Towns more deeply than Upper Towns.

Governor Wright’s complaints about the situation in September 1774 clarified his priorities and employed more fearful rhetoric. He worried most that the White-Sherrill border patrols had induced many settlers to leave the New Purchase and thereby slowed the pace of new sales. However, by his own admission, there remained 2,600 white men in the ceded lands available for defense—a substantial number considering the lands had been legally available for settlement for just over a year and the violence allegedly had led many to withdraw.<sup>121</sup> Still, Wright worried that the number of settlers “would not dare be Sufficient to defend and protect their farms and familys and their Blacks would require a number of People to...keep them in order.”<sup>122</sup> By contrast, Wright estimated that Muskogees could field “at least 4,000 gun men.”<sup>123</sup>

Chiding General Thomas Gage for refusing to deploy redcoats in Georgia, Governor Wright grumbled that “a total stop has been put to the settlement of our back country...and instead of Increasing we have retreated and Suffer many of the calamities of war without the hearty Prospect of obtaining any benefit whatever from it.”<sup>124</sup>

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<sup>120</sup> Ibid.

<sup>121</sup> EAID, vol. 12:123. Wright had boasted that from May to December 1773, before the White-Sherrill affair, he had already sold tracts to “settler groups totaling over fourteen hundred whites and three hundred blacks,” suggesting that at least an additional 1,200 white settlers moved to the Ceded Lands after the murders. This seems to directly contradict Wright’s claims that border patrols had cleared the area of settlers.

<sup>122</sup> James Wright to Thomas Gage, 9 September 1774, Gage papers, vol. 123.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

However, a comparison of the numbers he reported in December 1773 and September 1774 shows that the population nearly doubled to 2,600. Wright seemed to be suggesting that since he had provoked Muskogeese to war, Great Britain should make the most of the opportunity to expropriate Creeks' remaining resources. He tried to persuade Gage that frontier Georgians were consumed by fear of Muskogee attack. He wrote, "I...suppose in a few months they [Muskogeese] will begin to murder the King's subjects again, and when our people find they can get no satisfaction, they will take it by killing any Indians they may have an Opportunity of killing."<sup>125</sup>

John Stuart agreed that Georgia and South Carolina together "are not in a Condition to undertake with a prospect of Success an offensive war against the Creeks."<sup>126</sup> Stuart's solution to this problem differed greatly from Wright's. Rather than requesting the deployment of redcoats to frontier forts, Stuart suggested that Georgia formally accept the deaths of Ochtullkee, the culprit from the St. Joseph's Bay murders, the Muskogee casualties from the White-Sherrill firefights, Big Elk, and Mad Turkey as full satisfaction.

Stuart's ideas laid the groundwork for a peace agreement, and on October 20, 1774, a group of Muskogee headmen visited Georgia's capital to formalize the 1774 Treaty of Savannah.<sup>127</sup> The White-Sherrill attacks provoked an embargo that had damaged both Upper and Lower Creek economies, and in doing so, the situation underscored the need for a unified Muskogee foreign policy. Seven leaders representing at least five Lower Towns and thirteen leaders representing at least five Upper Towns

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<sup>125</sup> Ibid.

<sup>126</sup> John Stuart to Thomas Gage, 14 September 1774, Gage papers, vol. 123.

<sup>127</sup> John Stuart to Thomas Gage, 6 October 1774 Gage papers, vol. 123; Treaty at Savannah, Georgia, 20 October 1774, Gage papers, vol. 137, folio 15.

agreed to the terms, though it is unclear whether these signers possessed sufficient prestige to win popular support.<sup>128</sup>

The treaty document declared that Muskogees must “actually put to death three of the offenders” as they had already agreed to do.<sup>129</sup> Two remaining leaders of the White-Sherrill attacks, Howmachta and Sophice, had escaped to Cherokee country, but headmen promised to execute them should they ever return.<sup>130</sup> Moreover, Muskogees promised to “deliver up all the fugitive slaves who have taken shelter amongst them, as well all the Cattle which their young people had driven off.”<sup>131</sup> The treaty language depicted Georgians as guiltless victims, dismissed Muskogees’ grievances, and ignored the meaning of Creek violence. The treaty declared that the White-Sherrill attacks had been committed “without any cause or Reason whatever” and Lieutenant Daniel Grant had been “tortured and put to Death in a most cruel and shocking manner.”<sup>132</sup> The treaty also noted border actions that had received little attention in the preceding months. After the White-Sherrill attacks, “the Indians did plunder and burn Several Houses and did drive & carry away several Horses & Cattle belonging to divers White Persons.”<sup>133</sup>

The violence of the White-Sherrill border attacks dominated the writing of British leaders and Muskogee talks and provoked a ruinous embargo. That is perhaps why, after

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<sup>128</sup> Treaty at Savannah, Georgia, 20 October 1774, Gage papers, vol. 137, folio 15; EAID, vol. 12:126. The signers from Upper Towns were 1) Emistisigo of Little Tallassee; 2) Mucklasses Testonake of Mucclassee; 3) Hillibe Testonake of Hillabee; 4) Tuckabatche Mala or Tuckabatche; 5) Fushatchee of Fusihatchee. The signers from the Lower Towns were 1) Talleachie of Ocmulgee; 2) Cusseta King of Cussita; 3) Cheehaw King and Cheehaw Warrior of Cheaha; 4) Le Cuffee of Coweta; and 5) Pumpkin King of Hitchiti.

<sup>129</sup> Treaty at Savannah, Georgia, 20 October 1774, Gage papers, vol. 137, folio 15.

<sup>130</sup> Treaty at Savannah, Georgia, 20 October 1774, Gage papers, vol. 137, folio 15; James Wright to John Stuart, 6 July 1775, Gage papers, vol. 132. Months later in July 1775, Howmachta and Sophia survived, but David Taitt had reported in May 1775 that “5 fellows sett out for the Cherokees in order to complete the remaining satisfaction. . . and that all the Chiefs in both upper & Lower creeks seemed willing to have the affair settled by putting the murderers to death.”

<sup>131</sup> John Stuart to Thomas Gage, 6 October 1774, Gage papers, vol. 123.

<sup>132</sup> Treaty at Savannah, Georgia, 20 October 1774, Gage papers, vol. 137, folio 15.

<sup>133</sup> Ibid.

1774, nonviolent tactics like horse theft became the dominant, character defining feature of Muskogee resistance to white encroachment. Harassing white settlers on contested ground by destroying and confiscating property rather than committing violence obstructed settlement without generating such harsh backlash. Their goals remained political and economic—the removal of unauthorized immigrants from their territory.

The 1774 Treaty of Savannah reopened trade and promised tougher regulation of abusive white traders by issuing licenses and enforcing rules that John Stuart had put in place in 1767, but the treaty did not provide for the adoption of uniform steelyard balances for weighing deerskins.<sup>134</sup> It did, however, confirm a preexisting incentive to employ Muskogeas as slavecatchers. Creeks agreed “not to Harbour any Negroes,” and Georgians declared that Muskogee hunters “shall be paid for every negroe brought to Savannah Sixty pounds of Leather or the Value there of in Goods and for every negroe delivered in the Creek nation or Towns to any white person applying for the same fifty pounds of leather or the value in goods.”<sup>135</sup> This provision renewed tension between Muskogeas and black people in Creek country, making occasional, uneasy alliances between members of the two groups less tenable.

Perhaps most significant for the future of land in the Oconee watershed, the 1774 Treaty of Savannah declared the area to be a no man’s land where “no Settlement or Settlements, Houses or Huts whatever shall be built by any Indian or Indians.”<sup>136</sup> More worrisome to young hunters, the treaty signers appear to have given up hunting rights to the Oconee’s east bank. The treaty declared that Muskogeas must “strongly recommend it to all our people and endeavour to prevent any of them from Hunting on the North side of

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<sup>134</sup> John Stuart to Thomas Gage, 19 November 1774, Gage papers, vol. 124.

<sup>135</sup> Treaty at Savannah, Georgia, 20 October 1774, Gage papers, vol. 137, folio 15.

<sup>136</sup> Ibid.

the Oconee River or in the Settlements in order...to prevent any disputes and Quarrells or any Horses being stolen Either by the Indians...or by the White people.”<sup>137</sup>

Wright and Stuart both reported to Thomas Gage that they were satisfied with the results of the treaty.<sup>138</sup> Creek responses were less enthusiastic. Interpreter Samuel Thomas reported that despite having been represented by Le Cuffee at the 1774 Treaty of Savannah, that “the Coweta Villains are as bad as ever.”<sup>139</sup> Escotchabe, the Young Lieutenant of Coweta, was ready to wash his hands of the English and had gone in search of “the Spaniards to get Ammunition from them if he can find them,” ultimately sailing to Cuba aboard a Spanish fishing vessel.<sup>140</sup> Howmacta, the Coweta witch, purported leader of Pucknawheatley, and one of the White-Sherrill border patrol leaders, sent word that he and three others would soon venture east on the Upper Trading Path “to Kill White Men.”<sup>141</sup>

In the months before and after the 1774 Treaty of Savannah, Jonathan Bryan, a prominent planter and member of Georgia’s Assembly, attempted to engage Creek leaders in a complex and fraudulent land lease. Cowetas’ lingering disaffection over the loss of the New Purchase was compounded by the treaty’s designation of the Oconee’s east bank as a neutral zone. Lower Creeks were disappointed and dejected.<sup>142</sup> Two factors

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<sup>137</sup> Ibid.

<sup>138</sup> James Wright to Thomas Gage, 21 October 1774, Gage papers, vol. 124; John Stuart to Thomas Gage, 19 November 1774, Gage papers, vol. 124.

<sup>139</sup> Samuel Thomas to David Taitt, 10 December 1774, Gage papers, vol. 125.

<sup>140</sup> Ibid.; John Stuart to Thomas Gage, 18 January 1775.

<sup>141</sup> Samuel Thomas to David Taitt, 10 December 1774, Gage papers, vol. 125; David H. Dye and Adam King, “Desecrating the Sacred Ancestor Temples: Chiefly Conflict and Violence in the American Southeast,” chap. 8 in Richard J. Chacon and Rubén G. Mendoza, eds., *North American Indigenous Warfare and Ritual Violence* (Tucson: University of Arizona Press, 2007), 160-181, quotes, 179. Bloodshed over control of trading paths had deep, precontact roots in southeastern Indian history. Dye and King argue that “appropriation of exchange routes” was a key goal in Mississippian era “chiefly warfare.”

<sup>142</sup> Samuel Thomas to David Taitt, 10 December 1774, Gage papers, vol. 125.

irritated them further: English failure to regulate traders and the machinations of Georgia planter Jonathan Bryan.<sup>143</sup>

Bryan executed a ninety-nine year lease for all Muskogee lands in East Florida with eight Creeks. The planter reportedly deceived the Muskogee signers, telling them that the lease only gave him permission to build a house and keep cattle on the land. When John Stuart read the lease and explained it to Muskogee leaders, “they were much surprised and offended...and those who had signed tore away their marks & seals from it.”<sup>144</sup> Persistent in his intrigues, Bryan followed a group of Muskogees as they departed Savannah, and “having made them drunk prevailed upon them to execute a new deed.”<sup>145</sup>

Apparently some Lower Creeks had begun to think that, since they had leased land to Jonathan Bryan, that land would suffice as compensation and that they were no longer under obligation to execute Howmachta and Sophice. David Taitt’s analysis of the Jonathan Bryan affair was blunt: “it will certainly be the Cause of an Indian War.”<sup>146</sup> Taitt believed that the White-Sherrill border patrols were only the beginning, and that “we will have a more serious affair this Spring than last.” He estimated Creek troop strength as “the number of gunmen Amounting to 3,253,” more than enough to “do mischief.”<sup>147</sup>

Patrick Tonym, Governor of East Florida, quickly moved to have Jonathan Bryan arrested and fined for violating the Proclamation of 1763, but he also sent a talk to Muskogees informing them that, if they were interested in ceding more land, he would

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<sup>143</sup> Gally, *The Formation of the Planter Elite*. Gally provides the most extensive treatment of the Jonathan Bryan affair.

<sup>144</sup> John Stuart to Thomas Gage, 18 January 1775, Gage papers, vol. 125.

<sup>145</sup> Ibid.

<sup>146</sup> David Taitt to John Stuart, 17 December 1774, Gage papers, vol. 125.

<sup>147</sup> Ibid.

happily host an Indian congress for that purpose.<sup>148</sup> David Taitt met with seven headmen from Lower Towns, including Coweta and Cussita, who assured him that “none of their head men signed any paper for Mr. Bryan,” nor would they ever receive talks or give lands to anyone.<sup>149</sup> In an early rumbling of dissent against royal government and its limits on the acquisition of Muskogee lands, Bryan told Muskogees that “he has all the people that Live in the Great House in Savannah and Charlestown on his side.”<sup>150</sup> Governor Wright long had pushed for taking more Indian lands, but he did not care for Bryan’s arrogation of authority. In January 1775, Wright wrote to John Stuart renewing his quest for all the Oconee lands. He rejected Bryan’s pretensions, but he very much hoped that Muskogees would “offer or propose” to cede “the Lands to the Oconee River” in place of executing the White-Sherrill attack leaders Howmachta and Sophice.<sup>151</sup>

As the crisis of 1774 seemed to pass for Georgians, Creeks remained hard-pressed. Their war with Choctaws continued, demanding Upper Towns’ attention. Bryan’s efforts to execute a land cession disquieted the Lower Towns, and Howmachta remained a potent dissident. British traders made good on their promise given during October talks in Savannah to “trade as they pleased and pay no regard to any Regulation.”<sup>152</sup> Escotchabe sought a supply of goods from Spanish Cuba. The Mortar of Oakchoy with eighty Upper Creeks and “a great party of Lower Creeks” launched an unsuccessful attempt to pass through Choctaw country to New Orleans where he meant to “begg the good offices and mediation of the French officers in Spanish Service to make peace with the Chactaws, and to...solicit the King of France to take them under his

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<sup>148</sup> Abstract of a letter from Patrick Tonyn to John Stuart, 18 December 1774, Gage Papers, vol. 125.

<sup>149</sup> David Taitt to John Stuart, 29 December 1774, Gage papers, vol. 125.

<sup>150</sup> Ibid.

<sup>151</sup> Abstract of a Letter from James Wright to John Stuart, 12 January 1775, Gage papers, vol. 125.

<sup>152</sup> David Taitt to John Stuart, 17 December 1774, Gage papers, vol. 125.

Protection and assist them in driving the English and Spaniards out of the land.”<sup>153</sup> Along the way, one hundred Lower Creeks raided settlers around Pensacola.<sup>154</sup> As always, John Stuart worried that squatters and the rapid growth of authorized settlements “greatly alarmed” Creeks.<sup>155</sup> He warned General Thomas Gage that Governor Tonyn in East Florida and Governor Wright in Georgia had failed to learn the lessons of the White-Sherrill attacks and continued “tampering with the Creeks for more Land.”<sup>156</sup> Perturbed that Wright could consider another push for the Oconee lands after so recent a crisis, he reflected that “the Indians can have no such powerfull motive of quarelling with us as our insatiable avidity for land.”<sup>157</sup>

The Upper and Lower Towns apparently collaborated to end the crisis of 1774 with a new treaty, but this short-lived and shallow collaboration masked deeper divisions. The post-treaty scramble by competing leaders to develop a new foreign policy suggests that despite some coordination, Muskogee towns were still very much politically autonomous. The White-Sherrill affair had proven deeply divisive because it hinged on violence, yet it temporarily achieved its goal of discouraging white encroachment into the Oconee valley. The Revolutionary War would create a new political landscape in which border raids could be more effective by becoming more frequent and less violent.

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<sup>153</sup> John Stuart to Thomas Gage, 18 January 1775, second letter of that date, Gage papers, vol. 125.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.



## CHAPTER 3 - THE AMERICAN REVOLUTION IN CREEK COUNTRY, 1775-1783

### I. CREEK NEUTRALITY, ANGLO-AMERICAN RECRUITMENT

The outbreak of the American Revolution initially may have appeared to Muskogees as a respite from the harrowing decade that had followed the 1763 Treaty of Paris, but such hopes quickly evaporated. There could be no return to the policy of neutrality that had allowed Muskogees to protect their borders, present themselves as a unified nation when necessary, yet govern themselves primarily as independent talwas even though two colonial powers once more competed for Creek alliance. Georgians' relentless pressure on Muskogee lands continued. Still, for some, the American Revolution represented a new opportunity to roll back the land losses of the previous decade.<sup>1</sup> However, the conflict inhibited the deerskin trade, all but destroying that essential sector of the Creek economy. The war also reduced the total supply of presents, though Great Britain and the Revolutionaries each used what they could spare to woo Creeks. Leaders on both sides tried to recruit Muskogee warriors to their cause while backcountry Georgians waged a war of their own against Creeks to secure land. Creeks preferred to remain neutral in the broader conflict, but they waged a war of their own to defend their lives, liberty, and property against Georgians in ways that appeared to favor

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<sup>1</sup> Colin G. Calloway, *American Revolution in Indian Country: Crisis and Diversity in Native Americans Communities* (Cambridge: Cambridge University Press, 1995), 32.

British interests.<sup>2</sup> In the post-war years, Georgians would add that apparent Anglo-Creek alliance to their political narrative about Muskogee ferocity to justify further land taking.<sup>3</sup>

During the American Revolution, Muskogee warriors attempted to push white settlers out of the New Purchase lands bounded by the Oconee, Little, Broad, and Savannah Rivers. Many Creeks had never accepted the 1773 Treaty of Augusta ceding this tract. Men worked to remove settlers by increasing the frequency of raids and focusing geographically on the New Purchase lands that Georgians renamed Wilkes County in 1777. The largely nonviolent pattern of raiding suggests that Muskogees altered their tactics in hopes of avoiding the kind of backlash that the White-Sherrill attacks produced. A total of 181 raids occurred between 1776 and 1783, and 91% of them ended in theft. Only twenty-two, or 12%, ended in violence. Georgians reported that 122 of these 181 raids occurred in Wilkes County.

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<sup>2</sup> Frank, *Creeks and Southerners*, 24; Calloway, *American Revolution in Indian Country*, 26-32, 43-47.

<sup>3</sup> Ford, *Settler Sovereignty*, 20.

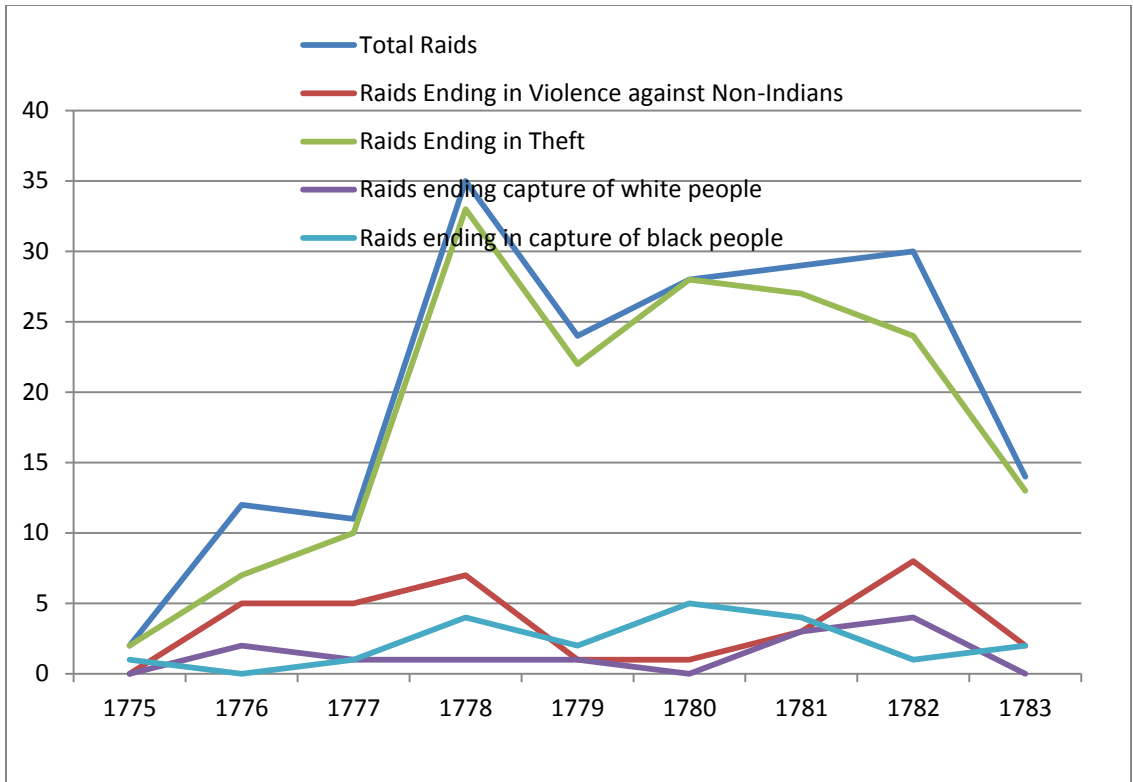
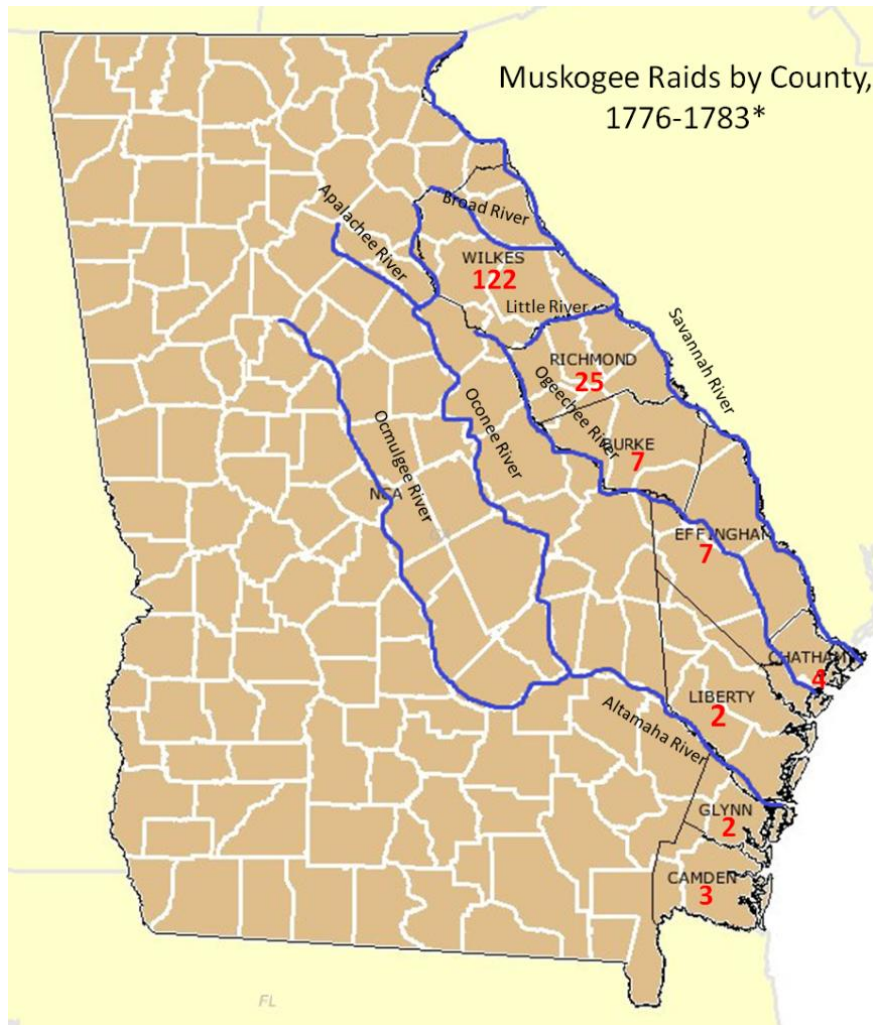


TABLE 2.



MAP 2.<sup>4</sup>

Pressure to join the fray from loyal colonial officials and rebels left Muskogee leaders with a dual crisis. First, they needed to protect Creek territorial integrity and political sovereignty, and second, they needed to secure reliable trade. Both rebels and loyalists recognized the importance of presents to gaining Creek allies, though rebel

<sup>4</sup> The Revolutionary state of Georgia began forming counties in early 1777. Where geographical information is clear, I have added raids to the appropriate county. I have omitted from the map those raids that lack adequate geographic information. During this period, at least one incident was reported as having occurred on the path to Pensacola and three were reported as having occurred in Creek country. These have also been omitted.

pressure on Creek lands quickly alienated some. Loyalist Superintendent of Indian Affairs John Stuart warned that Native Americans “cannot resist the Temptation of presents” and that rebel colonists would use that economic vulnerability.<sup>5</sup> Almost immediately, rebel boycotts damaged the Muskogee economy. Stuart reported that Creeks and Cherokees “complain that they have not a sufficient supply of goods particularly of arms and ammunition; which is the Effects of the non-importation agreement.”<sup>6</sup> Stuart’s agents in Indian country requested “additional supply of presents” to compensate.<sup>7</sup> Lower Towns continued trading with Spanish Cuba, sending a delegation to Havana aboard “a Spanish fishing vessel” in May 1775.

The competition for Creek alliance was fierce. John Stuart was reticent to recruit native warriors into military action.<sup>8</sup> Indeed, he claimed he had done nothing “to interest the Indians in the Dispute.”<sup>9</sup> Claims to the contrary, however, led Whigs in Georgia and South Carolina to chase the Superintendent out of the rebel colonies. Chased by boats filled with armed rebels across Savannah’s harbor, Stuart barely made his way aboard a Royal Navy schooner and escaped to St. Augustine.<sup>10</sup>

The Continental Congress and Carolinians quickly recognized that they needed Indian agents of their own and appointed long-time Coweta trader, George Galphin.<sup>11</sup> Galphin’s roots ran deep in Creek country because of his three decades as a trader and

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<sup>5</sup> John Stuart to Thomas Gage, 27 March 1774, Gage papers, vol. 127; Calloway, *The American Revolution in Indian Country*, 31.

<sup>6</sup> John Stuart to Thomas Gage, 26 May 1775, Gage papers, vol. 129.

<sup>7</sup> Ibid.

<sup>8</sup> John Stuart to Edward Howarth, 15 June 1775, Gage papers, vol. 132.

<sup>9</sup> John Stuart to Thomas Gage, 9 July 1775, Gage papers, vol. 131; John Stuart to William Henry Drayton, 18 July 1775, Gage papers, vol. 132.

<sup>10</sup> William Campbell to Thomas Gage, 1 July 1775, Gage papers, vol. 131; John Stuart to Thomas Gage, 9 July 1775, Gage papers, vol. 131.

<sup>11</sup> James Wright to John Stuart, 6 July 1775, Gage papers, vol. 132; Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the Revolutionary South, 1775-1782* (Columbia: University of South Carolina Press, 2008), 67, 73.

because his sons by a Creek woman, John and George, used their clan affiliation, their commercial connections, and their language skills to enhance their own positions.<sup>12</sup> John Stuart and his deputy, David Taitt, focused on working against Galphin's influence.

Both factions in the Anglo-American conflict rushed presents to Creek country in the attempt to curry favor, though both sides met with some difficulty. In summer 1775, Stuart worried that Cherokees and Creeks complained "for want of ammunition and other necessaries," and found himself "disappointed in the hopes I entertained of being able to supply them with some powder and shot."<sup>13</sup> Muskogees were especially "distressed" by the lack of ammunition because of the ongoing Creek-Choctaw War.<sup>14</sup> Stuart had arranged for a shipment of the needed materials, but "the disaffected parties in Georgia and Carolina" seized his vessel and confiscated its eight-ton cargo of gunpowder.<sup>15</sup> Shortly afterward, rebel leaders sent thirteen horse loads of ammunition to the Lower Towns, presumably from Stuart's recently confiscated ship, along with talks from Savannah's Council of Safety. David Taitt reported that Cowetas were "well satisfied" with their share of the present, "but the others condemned it as a mere nothing."<sup>16</sup> Upper Creeks at Tuckabatchee, Little Tallassee, Okfuskee, and Oakchoy were also disappointed with the paltry gift. Taitt suggested that a modest British counter would be enough to maintain Creek neutrality. He also recommended that Stuart pardon Howmacha, the Coweta witch who had participated in the White-Sherrill attacks, as a show of good faith

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<sup>12</sup> David Taitt to John Stuart, 20 September 1775, Henry Clinton papers, William L. Clements Library, The University of Michigan, vol. 11, folio 11 (hereafter, Clinton papers); Braund, *Deerskins and Duffels*, 54-55, 174; Saunt, *A New Order of Things*, 100-101; Frank, *Creeks and Southerners*, 83-84; Debo, *The Road to Disappearance*, 56-59; Martin, *Sacred Revolt*, 71-72. Galphin's long connection was not entirely positive, as he had been among the Augusta traders who pushed for the land cession in 1773.

<sup>13</sup> John Stuart to Thomas Gage, 20 July 1775, Gage papers, vol. 132.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*; Leslie Hall, *Land and Allegiance in Revolutionary Georgia* (Athens: University of Georgia Press, 2001), 26.

<sup>16</sup> David Taitt to John Stuart, 20 September 1775, Clinton papers, vol. 11, folio 11.

and perhaps because a few Lower Creeks had threatened his own life.<sup>17</sup> General Thomas Gage understood that more presents would be necessary to secure Muskogee alliance, so in fall 1775, he told Stuart to spare no expense. For example, the general ordered a ship to St. Augustine loaded with ammunition for Creeks to “bind them more firmly to you.”<sup>18</sup>

Muskogee towns accepted gifts from both loyalists and rebels, but they continued to assert their preference for neutrality. Leaders spoke only for their talwas, but a comparison of three separate talks from Little Tallassee, Ouseechee, and a group of Lower Towns shows three key similarities. Each talk declared Creek neutrality, expressed the hope that white people would settle their dispute quickly, and called for regular trade. This consensus suggests some coordination of foreign policy.

In September 1775, Emistisigo of Little Tallassee spoke at a gathering of leaders from seventeen Upper Towns, but his words emphasizing Muskogee neutrality and the importance of trade were intended for John Stuart. Emistisigo advised his colleagues to keep the paths to Savannah and Charleston “clear” and “white,” using standard diplomatic language that evoked the Muskogee Upper World of purity and order. He confirmed that Upper Creek leaders had heard Stuart’s talks and were “very glad to hear from him,” but he called for Englishmen to resolve their differences. He saw no reason for the conflict because “we...look upon all the white People as one People.” Emistisigo’s main concern was trade. “The great King ordered the Ships allways to come over with supplies for us,” he said, “and we do not know the Reason why they should now be hindered.” He was annoyed that Stuart expected him to pick up presents of

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<sup>17</sup> Ibid.

<sup>18</sup> A Talk from John Stuart to Ouconnastotah & the Principal Chiefs and Warriours of the Upper & Lower Cherokee Nation given at St. Augustine, January 1776, Clinton Papers, vol. 13, folio 28; Thomas Gage to John Stuart, 12 September 1775, Gage papers, vol. 135.

ammunition at St. Augustine because “we cannot get Horses to send for the Powder and Bullet,” and suggested instead that Stuart “come in a Ship” to Pensacola because the Gulf port was much closer to Little Tallassee. In closing, he reminded Stuart that “we are not a small people but many in number” and would thus require a large quantity of ammunition to confirm their friendship.<sup>19</sup>

A leader named Jesse Micco representing unspecified Lower Towns responded to a message from royal Governor James Wright in which he, too, emphasized neutrality. Jesse Micco declared that “all the Kings headmen and Warriours of the Lower Creeks are met here to hear the beloved Talk and we received it with joy.”<sup>20</sup> He hoped that “the path between us and you will remain white and Clear,” but he proclaimed that Lower Creeks “are determined to lye quiet and not meddle with the Quarrell, we wish all the white people well.”<sup>21</sup> Like Emistisigo, he felt that white people were “all one mothers Children we hope that the great man above will soon make peace between you.”<sup>22</sup> Also like Emistisigo, he worried about how the conflict would impact trade. “We hope that you will help us with as much ammunition as you possibley can,” he urged, repeating later, “we hope... your People will send plenty of goods among us.”<sup>23</sup> Jesse Micco closed with a third reminder that “we must again put you in mind that we hope you will send us more amunition and not let us be poor for that article.”<sup>24</sup>

A few days later, another group of Lower Creek leaders repeated the themes of neutrality, hopes that white people would soon resolve their differences, and a desire for

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<sup>19</sup> A Talk Given by Emistisiguo at Little Tallassee, 20 September 1775, Clinton papers, vol. 11, folio 10.

<sup>20</sup> A Talk Given by Jesse Micco in Answer to His Excellency Sir James Wright Talk to the Lower Creeks, 25 July 1775, Clinton papers, vol. 11, folio 5.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.



uninterrupted trade. Sempoyasso, the aging leader of Coweta; the Blue Salt, King of Cussita; and the King and Long Warrior of Cheaha all agreed that John Stuart's "Talks is good and we Like it vary well."<sup>25</sup> They were not impressed with the rebels' gift of a "hand full of powder and Lead" and were eager to "come Down and Gett some more."<sup>26</sup> The headmen agreed to meet Stuart at Fort Picolata to accept presents, despite the onerous trek. As they readied a packtrain for the journey, an interpreter in John Stuart's employ reported that the gunpowder shortage had caused "much Grumbling" among young men who lacked enough powder to hunt.<sup>27</sup> Young men's frustration with such difficulties increased tensions with older leaders responsible for managing foreign relations.<sup>28</sup> Regarding the conflict between white people, Sempoyasso and his peers stated plainly that "we don't want to Concern in the matter Butt Leave you to Settle the matter yourselves."<sup>29</sup>

When young Lower Creek men arrived in St. Augustine to accept John Stuart's gift of gunpowder, the agent blamed rebels for the interruption in trade. He reminded them that his role had always been to "Talk to you of Trade...to remove all thorns and Bryars out of the paths to Savannah and Charles Town that you might be supplied with goods."<sup>30</sup> If Muskogees wanted manufactured goods, they must remember that "The goods arms and ammuniton...were made in England...for the People of Georgia and

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<sup>25</sup> A Talk an Answer to the Great Beloved Mans John Stuart Esqr from the Lower Creeks, 29 September 1775, Clinton papers, vol. 11, folio 14.

<sup>26</sup> Ibid.

<sup>27</sup> Interpreter Samuel Thomas to John Stuart, 2 October 1775, Clinton papers, vol. 11, folio 21.

<sup>28</sup> Calloway, *The American Revolution in Indian Country*, 196-197, 201. Cherokees experienced similar generational conflict during the American Revolution. Generational tension was normal and accommodated in both Creek and Cherokee society, but the pressures of the American Revolution rendered that tension insoluble.

<sup>29</sup> A Talk an Answer to the Great Beloved Mans John Stuart Esqr from the Lower Creeks, 29 September 1775, Clinton papers, vol. 11, folio 14.

<sup>30</sup> A Talk by John Stuart to a pt.y of Creeks at St. Augustine, November 1775, Clinton papers, vol. 12, folio 17.

Caro[lina] cannot make any.”<sup>31</sup> Stuart also observed native protocol by presenting strings of white beads to symbolize his peaceful intentions. He apologized that he could not smoke “the beloved pipe” with his visitors because rebels had forced him to abandon his calumet when they drove him Charles Town.<sup>32</sup>

Despite Creek leaders’ repeated declarations of neutrality, over-confident loyalist leaders occasionally assumed Muskogee support because of Creeks’ economic dependence and supposed barbarity. Thomas Brown, a loyalist Georgia planter, believed that innately savage Creek warriors would leap at the chance to fight, but white officers would keep them under “proper command” to restrain their “natural ferocity.”<sup>33</sup> Brown arrived in the colony to plant New Purchase land in 1774, and he rose quickly in colonial society, receiving an appointment as a magistrate. In July 1775, Brown organized a group of loyalists after Georgia’s Provincial Congress adopted the Continental Association. Georgia’s Sons of Liberty made an example of him, scalping and torturing him when he refused to join them. Brown survived the attack, recruited a company of loyalist volunteers, and worked with colonial governors to reassert imperial control of South Carolina and Georgia.<sup>34</sup> Brown expected enthusiastic Muskogee support, but he worried that using Creek warriors would alienate white loyalists. To convince backcountry whites that Muskogees would not launch “an indiscriminate attack,” Brown proposed sending talks to Georgians explaining that “trust people shall...head the different parties of

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Thomas Brown to Patrick Tonyn, 24 February 1776, Clinton papers, vol. 15, folio 5; Thomas Brown to Henry Clinton, April 1776, Clinton papers, vol. 15, folio 26.

<sup>34</sup> Edward J. Cashin, *The King’s Ranger: Thomas Brown and the American Revolution on the Southern Frontier* (Athens: University of Georgia Press, 1989), 17-36.

Indians.”<sup>35</sup> With Creek and Seminole support, Brown expected that “The intended invasion of the Provinces of Georgia & South Carolina... will have a most happy effect. Georgia from its defenceless state will make but a poor resistance.”<sup>36</sup> Brown even proposed sending two hundred redcoats across the entire expanse of Creek country from Pensacola to the Savannah River to deliver two thousand stand of arms and ammunition to loyalists. This, he believed, would “maintain the Indians” and “give the rebels a jealousy.”<sup>37</sup> Recognizing that Muskogeese would deeply resent a large foreign army marching through their heartland, John Stuart tried to dissuade Brown, noting such a project would be “inconvenient in many respects.”<sup>38</sup>

In the early years of the war, Muskogeese appear to have fought against Englishmen occasionally, despite leaders’ pledges of neutrality and Stuart’s superior supply of goods. For example, in March 1776, Escotchabe of Coweta led seventy Muskogee warriors fighting alongside rebels against royal troops in defense of Savannah.<sup>39</sup> In April, a mixed force of some two dozen Muskogeese and forty white men attacked Royal Marines at Tybee Island on the Georgia coast. The white men “painted and dressed like Indians,” killed two marines, and “scalped them after using them in the most cruel savage manner by breaking the Marines Legs and Thighs with a Hatchet and shewing other signs of the most savage barbarity.” It was reported that “the white people exceeded the ferocity of the Indians.”<sup>40</sup> As in the scalping and torture of Thomas Brown, rebel Georgians showed they were willing to mutilate their victims, yet they had

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<sup>35</sup> Thomas Brown to Patrick Tonyn, 24 February 1776, Clinton papers, vol. 15, folio 51; Thomas Brown to Henry Clinton, April 1776, Clinton papers, vol. 15, folio 26.

<sup>36</sup> Thomas Brown to Patrick Tonyn, 24 February 1776, Clinton papers, vol. 15, folio 51.

<sup>37</sup> Thomas Brown to unnamed correspondent, 16 April 1776, Clinton papers, vol. 15, folio 18.

<sup>38</sup> John Stuart to Henry Clinton, 9 May 1776, Clinton papers, vol. 15, folio 40.

<sup>39</sup> Piecuch, *Three Peoples, One King*, 74.

<sup>40</sup> Patrick Tonyn to David Taitt, 20 April 1776, Clinton papers, vol. 16, folio 39; Hall, *Land and Allegiance in Revolutionary Georgia*, 37-38.

disguised themselves as Creeks, encouraging Georgians to attribute the violence to Indians.

Rebel Georgians, however, still viewed Creeks as enemies. Shortly after the attack on Royal Marines at Tybee Island, white people stole the horses belonging to the Muskogee participants. To his credit, rebel Lieutenant Colonel William McIntosh replaced the Creeks' stolen stock.<sup>41</sup> Rebels murdered a Creek man in Savannah during a "drunken Scuffle," yet Revolutionary leaders attributed the death to "the Kings Troops."<sup>42</sup> Rebel Superintendent of Indian Affairs George Galphin never enjoyed the trust of backcountry Georgians because of his close relationships with natives, and some considered him a secret double agent.

George Galphin hosted a congress with Muskogees in May 1776 in Augusta to recruit them to the rebel cause, but it failed because Georgians largely viewed Creeks with contempt. Many Lower Creeks made the trip, including representatives from the two historically most prominent towns, Coweta and Cussita.<sup>43</sup> A group of white Georgians led by Thomas Fee, the notorious murderer of Mad Turkey who had been arrested and then freed by a mob, plotted to waylay and murder the entire delegation. The party ambushed the Muskogees and killed a young Coweta man, but, astonishingly, the majority of the Creek delegation continued on to Augusta. Speaking for the delegation, the Chewacla Warrior of Coweta expressed his preference for neutrality in the broader conflict, but he also demanded satisfaction for the murder as well as an explanation for why "Virginians" had crossed beyond the 1773 boundary and built forts. He announced that he had ignored

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<sup>41</sup> Account between the state of Georgia and Lieutenant Colonel William McIntosh for furnishing some Creek Indians with 5 horses, 30 April 1776, Telamon Cuyler Collection, HAR DLG.

<sup>42</sup> Patrick Tonyn to David Taitt, 20 April 1776, Clinton papers, vol. 16, folio 39.

<sup>43</sup> Thomas Brown to Patrick Tonyn, 2 May 1776, second of two of that date, Clinton papers, vol. 16, folio 36.

British agent David Taitt's advice and attended Galphin's congress but would report anything of importance to Taitt.<sup>44</sup> Rather than offering satisfaction, Galphin excused Fee's ambush, claiming Fee was retaliating for a horse theft. To its credit, Georgia's Council of Safety ordered two troops of light cavalry to "use their utmost efforts [to] apprehend the man," but the likelihood of capturing Fee was slim.<sup>45</sup> Galphin insisted that, even if captured, Thomas Fee must be taken to Savannah for trial. Galphin also blamed the backcountry forts on British treachery: David Taitt had spread rumors about intended Muskogees attacks.

White settlers in the New Purchase were concerned more with protecting their claims against Creeks than with Whig ideology, and rebel authorities capitalized on that anxiety.<sup>46</sup> Loyalist Governor Patrick Tonyn observed from East Florida that "The Americans are a thousand Times more in dread of the Savages, than of any European Troops."<sup>47</sup> Revolutionary officials comforted settlers' fears, declaring they were ready "to defend and protect them from those merciless Savages."<sup>48</sup> Indeed, in May 1776, John Hill presented a petition from the inhabitants of the New Purchase to the Council of Safety requesting another troop of cavalry "for the defense of the back settlement."<sup>49</sup> Rather than recognizing the autonomy some fifty Creek towns, rebel Georgians viewed Muskogees'

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<sup>44</sup> David Taitt to Patrick Tonyn, 3 May 1776, Clinton papers, vol. 16, folio 40.

<sup>45</sup> Journal of the Council of Safety, meeting, 15 May 1776, Allen D. Candler, *The Revolutionary Records of the State of Georgia* (Atlanta, Ga: The Franklin-Turner Company, 1908), vol. 1:125 (hereafter cited as RRG); Cashin, *The King's Ranger*, 46-49.

<sup>46</sup> Watson W. Jennison, *Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860* (Lexington: University of Kentucky Press, 2012), 42-44; Hall, *Land and Allegiance in Revolutionary Georgia*, xi-xiv, et passim.

<sup>47</sup> Patrick Tonyn to Sir Henry Clinton, 8 June 1776, Clinton papers, vol. 16, folio 35.

<sup>48</sup> By His Honour John Adam Treutlen Esquire, Captain General & Commander in Chief in and over the Said State of Georgia, A Proclamation, 4 June 1777, RRG, vol. 1:311.

<sup>49</sup> Journal of Council of Safety, meeting, 17 May 1776, RRG, vol. 1:129.

independence as their “natural principle of infidelity.” They worried that Englishmen would “purchase their friendship by presents” leading to a general war with Muskogeese.<sup>50</sup>

Georgians recognized potential alliances between enslaved black people and Native Americans, and this reinforced their contempt for Muskogeese. Indeed, there were enough slaves in Georgia “perhaps of themselves sufficient to subdue us.” In July, the Council of Safety suggested that, “In point of number the blacks exceed the whites,” rendering them “much to be dreaded.”<sup>51</sup> To regulate the frontier zone between Creek hunting lands and plantations populated by black slaves, Georgians proposed deploying six battalions, requisitioning funds from the Continental Congress for forts and guard boats to cut off access to Florida, and funds to bribe Muskogeese. The Council of Safety worried that Creeks “expect to be well paid, even for neutrality... The articles they prefer will doubtless be ammunition and clothing, but these we have it not in our power to give them.”<sup>52</sup> The council’s concerns were justifiable: Muskogee theft of black slaves increased during the American Revolution. There were no reported slave thefts from 1770 to 1774, but between 1775 and 1783, Georgians reported twenty raids in which they lost fifty-seven black slaves. Muskogeese viewed black people in a variety of ways, including as property that could be sold or used for labor, but occasional uneasy alliances existed.<sup>53</sup> For example, Lachlan McIntosh complained in July 1775 that his two most valuable slaves had become “acquainted with that Villain the Indian Doctor who

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<sup>50</sup> Journal of the Council of Safety, meeting, 5 July 1776, RRG, vol. 1:152.

<sup>51</sup> Journal of the Council of Safety, meeting, 5 July 1776, RRG, vol. 1:152-153; Journal of the Council of Safety, meeting, 19 August 1776, RRG, vol. 1:181; Jennison, *Cultivating Race*, 43. Jennison argues that potential black-Creek alliances were a security threat that led Georgians to view the patriot cause with apathy.

<sup>52</sup> Journal of the Council of Safety, meeting, 5 July 1776, RRG, vol. 1:153; Journal of the Council of Safety, meeting, 19 August 1776, RRG, vol. 1:181.

<sup>53</sup> Saunt, *A New Order of Things*, chap. 5.

conveyed them to the Nation & Lives in our Neighbourhood.”<sup>54</sup> McIntosh valued the two men, Ben and Glascon, as sawyers, carpenters, coopers, and boatmen, and was eager for their return. Ben and Glascon soon were arrested and confined to the Charleston workhouse, but McIntosh blamed the Indian Doctor entirely for the escape. Ben and Glascon were “no runaways” until meeting the Indian Doctor, nor could they have escaped on their own, “as neither of them are Woodsmen.”<sup>55</sup>

## II. CREEKS RECLAIM THE NEW PURCHASE

Creeks remained mostly uninvolved in the American Revolution until fall 1776 despite constant overtures from both rebel and loyalist leaders. Thereafter, both Upper and Lower Towns grew more active. Georgians reported only eight raids in 1776, and just eleven in 1777, but raiders struck at least thirty-five times in 1778. From 1779 to 1782, each year witnessed twenty-six to twenty-nine raids, and a few warriors participated in British led actions. One historian posits a generally pro-British “War along the Georgia-Florida frontier” with the goal of taking plunder.<sup>56</sup> Settlers in the New Purchase reported that they lived much of their time in forts and blockhouses because “the Creek Indians particularly from the Coweta and Cusseta towns were extremely troublesome and daring.”<sup>57</sup> Sixty-seven percent of raids between 1775 and 1783 occurred in the New Purchase. This geographical focus suggests that, rather than viewing raids as

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<sup>54</sup> Lachlan McIntosh to unknown recipient, July 1775, Keith Read Collection, HAR DLG.

<sup>55</sup> Ibid.

<sup>56</sup> Braund, *Deerskins and Duffels*, 168.

<sup>57</sup> Deposition of Malaciah Culpepper, 3 September 1821, DEPS, vol. 4:238-239.

support for British war aims, they are better understood as a Creek attempt to reclaim the New Purchase.<sup>58</sup>

The rise in Creek raids after 1776 was an expression of individual Muskogee towns' political agendas rather than support for the British cause. Each talwa acted autonomously, often in ways that frustrated one another's designs. For example, shortly after Lower Creeks from the town of Cheaha killed four rebel rangers on the Altamaha River in fall 1776, warriors from the Upper Town of Okfuskee murdered two Englishmen on the path to Pensacola.<sup>59</sup> Okfuskees volunteered to continue attacking Pensacola in exchange for trade goods from rebel agent George Galphin. Cheahas were not supporting the British cause by killing rebel rangers, nor were Okfuskees supporting rebels by murdering Englishmen. Instead, Okfuskees intended to obstruct the Pensacola path, leaving no alternative but to trade along the path that ran from Augusta to their square ground.<sup>60</sup> Despite Okfuskee efforts, Galphin conceded that a reliable supply of British goods tied most Upper Towns to Pensacola, but he hoped that a steady stream of American goods directed to the Lower Towns could prevent war between rebels and Muskokees.<sup>61</sup>

British leaders attempted to capitalize on rebel brutality against Indians. Secretary of State Lord George Sackville Germain provided John Stuart with both presents and valuable information in November 1776. He wrote the superintendant that a "very liberal supply of Goods for Presents to the Indians" was bound for Pensacola, and that rebel leaders in other colonies had begun vicious campaigns against natives. Virginia had

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<sup>58</sup> Hall, *Land and Allegiance in Revolutionary Georgia*, 61-62.

<sup>59</sup> Cashin, *The King's Ranger*, 55-56.

<sup>60</sup> Piker, "'White & Clean' & Contested," 330; Piker, *Okfuskee*, 70.

<sup>61</sup> Braund, *Deerskins and Duffels*, 167.



offered “considerable rewards for the scalps” of adult Cherokees and declared that Cherokee children could be enslaved by their captors.<sup>62</sup> Germain observed with some satisfaction that this measure would “inflame the enmity of that nation...& excite the resentment of all the other Indians.”<sup>63</sup> Cherokees served as an alarming example. During late summer and fall 1776, rebel militiamen numbering in the thousands from Georgia, South Carolina, North Carolina, and Virginia invaded Cherokee country, methodically burned dozens of towns, destroyed vast quantities of stored corn and other provisions, and destroyed remaining cornfields.<sup>64</sup> The following year, five hundred refugee Cherokees arrived in Pensacola seeking protection.<sup>65</sup> Rather than fearing Muskogee resentment, however, George Galphin actively circulated reports of the Cherokees’ suffering to Creek leaders hoping that Muskogees would view it as a cautionary tale.

As rebel Indian affairs agent, George Galphin tried to dissuade Muskogee towns disposed for violence, but he found that white Georgians’ violence frustrated his designs. In June 1777, Galphin invited Muskogees to another congress. Hoping to avoid the disaster that attended his Augusta congress in May 1776 when Thomas Fee had ambushed the Muskogee delegation, Galphin held this one at his Ogeechee Old Town plantation on the Ogeechee River, then Georgia’s western border. The Handsome Fellow of Okfuskee appeared to lead the Muskogee delegation, but headmen from several towns attended, including Cussita King and the Hallowing King of Coweta. The presence of leaders from Okfuskee, Cussita, and Coweta suggests the emergence of a conditional,

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<sup>62</sup> Lord George Sackville Germain to John Stuart, 6 November 1776, George Sackville Germain papers, vol. 5, William L. Clements Library, The University of Michigan (hereafter cited as Germain papers).

<sup>63</sup> Ibid.

<sup>64</sup> Piecuch, *Three Peoples, One King*, 70-73; Calloway, *The American Revolution in Indian Country*, 43-44, 49-50, 197-199.

<sup>65</sup> John Stuart to Sir William Howe, 4 February 1778, Clinton papers, vol. 31, folio 4.

temporary alliance if not an assertion of nationhood as prominent towns struggled to develop a coordinated, unified foreign policy and stabilize trade.

These delegates at George Galphin's Ogeechee congress, however, were frustrated by the actions of their own townsmen as well as those of white Georgians. Galphin had few presents to offer the delegates but invited Handsome Fellow to Charles Town. Meanwhile, some Cowetas raided with Thomas Brown and his loyalist rangers. Georgians were characteristically unable to distinguish between men from different towns. When Handsome Fellow returned to Augusta, Georgians attacked his party in retaliation for the Coweta raids and briefly imprisoned them. One rebel was killed in the attack, and Handsome Fellow unfortunately died of natural causes on his return to Okfuskee. The damage was done. As Georgians alienated those Muskogees most likely to answer their call for alliance, men from Little Tallassee, Coweta, and Cheaha continued to raid the New Purchase and John Stuart continued providing British presents via Pensacola.<sup>66</sup>

The imprisonment of Handsome Fellow's party in Augusta upon their return from Charles Town in August 1777 was perhaps more damaging than rebel Georgians realized because they demanded that these Upper and Lower Town leaders break their neutrality policy by assassinating British agents in Creek country.<sup>67</sup> Colonel Samuel Elbert harangued the detainees, urging them to ignore loyalists who wanted "to bring you into a War with the people of this Vast United Continent...who are able to crush you...to

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<sup>66</sup> Cashin, *The King's Ranger*, 67-72; Piecuch, *Three Peoples, One King*, 111-113, 116-117.

<sup>67</sup> Talk to the Handsome Man and others from Samuel Elbert, 13 August 1777, Keith Read Collection, HAR DLG. In addition to Handsome Fellow of Okfuskee, delegates included the Head Tallassee Warrior, the Oakchoy Warrior, the Cussita Second Man, the Hallowing King of Coweta, the Apalachicola Second Man, and others.

Atoms.”<sup>68</sup> With the stick, however, Elbert also offered a carrot. Cowetas had attacked a rebel fort on the Ogeechee River in the New Purchase, killing a Georgia officer, a woman, and her child.<sup>69</sup> Instead of calling for the execution of the Cowetas, however, Elbert declared, “I demand the Lives of those white-men in the Nation who set them on.”<sup>70</sup> Elbert was asking Muskogees to eliminate David Taitt, Thomas Brown, John Stuart, and any other British agents in their midst. Lest his words be misunderstood, Elbert insisted, “I see no method for you to save your Country from ruin, than to Kill [emphasis in original] those men, who the King sends amongst you.”<sup>71</sup> Elbert may have seen Creeks as useful, but he also scorned them. When he released Handsome Fellow’s delegation, he sent a detachment to escort them to the Ogeechee River border and warned his men to be “always on your Guard as the Savages come as a Thief in the Night.”<sup>72</sup>

This pressure on Muskogees further divided talwas as they struggled to devise an effective foreign policy. Acting autonomously became increasingly ineffective because Creeks remained dependent on British goods. John Stuart claimed by September 1777 to have a force of two hundred white traders along with some Muskogees ready to raid rebels in Georgia’s backcountry.<sup>73</sup> A rising star from Little Tallassee, Alexander McGillivray, was among them; he had been appointed recently as David Taitt’s deputy commissary.<sup>74</sup> Okfuskees and a group of Lower Creeks, on the other hand, attempted to assassinate Taitt in response to Samuel Elbert’s proposal. When they tried to kill Taitt,

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<sup>68</sup> Ibid.

<sup>69</sup> Cashin, *The King’s Ranger*, 69.

<sup>70</sup> Talk to the Handsome Man and others from Samuel Elbert, 13 August 1777, Keith Read Collection, HAR DLG.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Cashin, *The King’s Ranger*, 66-67.

<sup>74</sup> J.H. O’Donnell, “Alexander McGillivray: Training for Leadership, 1777-1783,” *Georgia Historical Quarterly* 49, no. 2 (June 1965): 173.

John Stuart embargoed their towns, and they quickly learned that Americans could not provide adequate trade.<sup>75</sup> Stuart was confident that Emistisigo of Little Tallassee, with Alexander McGillivray's help and a steady supply of presents, would restore Okfuskees to British alliance. The deprivation of the embargo brought some six hundred Lower Creeks, mostly from Cussita and Hitchiti, to Pensacola seeking gifts and reconciliation. McGillivray also reported to Stuart in Pensacola that Okfuskees were contrite and desired a resumption of trade. The leader of Hitchiti reported that he had convinced "the principal disaffected chiefs" to join him in attacking "Rebel Towns."<sup>76</sup> Satisfied that the majority of Muskogee towns had been brought to heel by March 1778, Stuart reopened trade.<sup>77</sup>

John Stuart's control of trade encouraged Creeks to get more involved in the American Revolution. However, as Great Britain prepared for a major invasion of the southern colonies in spring 1778, Muskogees also seem to have sensed the moment to roll back land losses had come.<sup>78</sup> As Lord George Sackville Germain and General Sir Henry Clinton planned the invasion, they agreed that prior to the assault, redcoats, Florida Rangers, and "a Party of Indians" would march from St. Augustine and "attack the Southern Frontiers, while Mr. Stuart brings down a large body of Indians towards Augusta."<sup>79</sup> British officials carefully planned how they would use their supposed Indian allies, but Creeks who participated in combat followed their own interests.

Muskogees directed their raids against those they considered squatters in the New Purchase. In early August 1778, Creeks launched a devastating attack on the New

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<sup>75</sup> Cashin, *The King's Ranger*, 71-72; John Stuart to Sir William Howe, 4 February 1778, Clinton papers, vol. 31, folio 4.

<sup>76</sup> John Stuart to Sir William Howe, 4 February 1778, Clinton papers, vol. 31, folio 4.

<sup>77</sup> John Stuart to Sir William Howe, 22 March 1778, Clinton papers, vol. 32, folio 29.

<sup>78</sup> Hall, *Land and Allegiance in Revolutionary Georgia*, 72-74.

<sup>79</sup> George Sackville Germain to Henry Clinton, 8 March 1778, Germain papers, vol. 7.

Purchase, inflicting more casualties than any raid in decades, including the White-Sherrill affair. Georgia's rebel Executive Council notified the commander of Continental Troops in the colony that as many as twenty people might have been killed.<sup>80</sup> Muskogeas also took some horses and cattle.<sup>81</sup> Militias throughout the state were called to alarm and ordered to scout for any sign of additional attacks.<sup>82</sup> The militias of Wilkes and Richmond Counties—Wilkes encompassed the New Purchase and Richmond was its southern neighbor—were placed on constant scouting duty, to be “always kept out from the encampment towards the frontier.”<sup>83</sup> Colonel Andrew Williamson brought over five hundred South Carolina militiamen to Georgia's aid. Williamson had commanded South Carolina's militia during the razing of Cherokee towns in 1776, proving himself a vicious Indian fighter.<sup>84</sup> George Galphin warned Georgians to respond carefully, stressing that Creeks intentionally left unharmed any white settlements that “had not shown hostility.”<sup>85</sup>

Muskogeas continued harassing settlers in the New Purchase with the intent to expel them, though 1779 witnessed a decline from thirty-five to twenty-six raids, and only one of them ended in bloodshed. These patrols, however, gathered hundreds of Muskogeas, demonstrating broad support. Raiders used a variety of tactics from large scale assault on forts to theft, kidnapping, and property destruction. For example, in a 1779 raid, Creeks stole horses and captured two white boys, but after taking them over a hundred miles toward the Flint River, the patrol released the boys to white traders.<sup>86</sup> The

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<sup>80</sup> Minutes of the Executive Council, 26 August 1778, RRG, vol. 2:90.

<sup>81</sup> Minutes of the Executive Council, 18 September 1778, RRG, vol. 2:103.

<sup>82</sup> Minutes of the Executive Council, 26 August 1778, RRG, vol. 2:91.

<sup>83</sup> Minutes of the Executive Council, 18 September 1778, RRG, vol. 2:103.

<sup>84</sup> Minutes of the Executive Council, 24 September 1778, RRG, vol. 2:104; Cashin, *The King's Ranger*, 52.

<sup>85</sup> Piecuch, *Three Peoples, One King*, 117; George Galphin to Henry Laurens, 26 October 1778, Philip M. Hamer, George C. Rogers, David T. Chesnutt, eds., *The Papers of Henry Laurens* (Columbia: University of South Carolina Press, 1968), vol. 14:452-454. (hereafter cited as LP)

<sup>86</sup> Deposition of Richard Story, 13 August 1821, DEPS, vol. 2, pt. 3:869-870.

same year, Creeks burned the home of John O'Neal near Marbary's Fort in the New Purchase.<sup>87</sup> Witnesses held that some three hundred Creek warriors participated in an attack on the fort that lasted eleven hours.<sup>88</sup> From the fort, O'Neal's daughter watched Muskogeese set fire to the house and outbuildings while her father and another person fled, reaching the fort unharmed.<sup>89</sup> During the night, Muskogeese slaughtered some cattle and withdrew the following day after confiscating horses. Georgians rarely identified Muskogeese with any specificity, so it is difficult to know if such actions united men from many towns, but the large number of warriors strongly suggests cooperation between several talwas. The rise of such concerted action in the New Purchase should be seen as an attempt to reclaim the disputed territory. Muskogee and British interests may have converged briefly, but reclaiming the New Purchase was not a pro-British foreign policy.

British Lieutenant Colonel Archibald Campbell's campaign for Augusta in spring 1779 demonstrated just how quickly Muskogee and British interests could diverge. Campbell had restored Savannah and Augusta to Crown control in February, but he retreated from Augusta under harassment from Georgia and South Carolina rebels. David Taitt promised to deliver one thousand Creek warriors to help retake Augusta, but a British ban on plundering the New Purchase discouraged Muskogeese.<sup>90</sup> Major General Augustin Prevost declared that "No Hostilities" could be committed in Georgia, but Creeks could "act in their own desultory way on the Frontiers of Carolina" because South Carolina had not yet returned to "the King's peace."<sup>91</sup> When Muskogeese accompanying

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<sup>87</sup> Deposition of Martha Stevens, 14 October 1822, DEPS, vol. 2, pt. 2:399.

<sup>88</sup> Deposition of Sarah Jordan, 14 October 1822, DEPS, vol. 2, pt. 2:398.

<sup>89</sup> *Ibid.*

<sup>90</sup> David Taitt to Henry Clinton, 11 June 1779, Clinton papers, vol. 60, folio 39.

<sup>91</sup> Augustine Prevost to David Taitt, 14 March 1779, Clinton papers, vol. 60, folio 40.

Taitt learned of Prevost's policy, they turned back.<sup>92</sup> These men were free to raid South Carolina in support of British war aims, but they declined because it would have done nothing to clear settlers from the New Purchase. Some weeks later, however, four hundred Muskogees agreed to attack South Carolina only after pausing to destroy an abandoned fort in the New Purchase.<sup>93</sup>

At the same time, a contingent of seventy men including Alexander McGillivray insisted on raiding near Augusta.<sup>94</sup> This turned out to be a terrible error. On March 29, 1779, a force of four hundred rebels fell on McGillivray's camp, killing two white traders, six Muskogees, and capturing three more white men and three Indians.<sup>95</sup> It was, no doubt, a humiliating defeat that the young McGillivray would have difficulty justifying to the slain men's clan kin. This may account for some of his antagonism toward Georgians in the years following the Revolution.

David Taitt failed to deliver one thousand Upper Creeks as he had promised Lieutenant Colonel Campbell, but in April 1779, some 120 Lower Creek warriors joined an English feint at Charles Town during which they witnessed the ferocity of white loyalists. Far from exhibiting savagery, Taitt found that "The Indians have behaved extremely well, preferable to the Georgia volunteers." Georgians, on the other hand, "committed shocking outrages & have set a bad example to the Indians, who cannot now be restrained from taking Negroes."<sup>96</sup> White loyalists did not give Muskogees the idea to steal black slaves, but observing their behavior may well have encouraged Creek warriors to expand the practice.

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<sup>92</sup> David Taitt to Henry Clinton, 11 June 1779, Clinton papers, vol. 60, folio 39.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid; Cashin, *King's Ranger*, 96-98.

Creek raids in the New Purchase and the British invasion of the southern colonies reinforced Georgians' fear, though it is unclear how many people died at Muskogee hands. Indeed, Creeks had been little help to the British, and rebels knew it. George Washington himself rejoiced that the experience must convince loyalists that counting on Indian allies to do their fighting was tantamount to "leaning upon a broken reed."<sup>97</sup> A new rebel government seated itself in Augusta in July 1779, but royal Governor Sir James Wright had returned to office in Savannah protected by redcoats.<sup>98</sup> Rebels in Augusta feared the British army, but they expected a Muskogee onslaught first. They learned that "Indian goods are now imported at Savannah," and with trade secure, loyalists would have no trouble "bringing the Savages upon the frontiers."<sup>99</sup>

Settlers in the New Purchase, also known as the Ceded Lands or Wilkes County, feared Muskogees the most yet failed to accept that, through violence and continued encroachment, they exacerbated the conflict. George Galphin charged in October 1778 that "the most of the people in the Ceded Land has wanted an Indian Warr Ever Since the Difference between ameraca & England & Did Everey thing in there power to bringe it on there was 4 or 5 Indians killd before there was one white man killd upon the fronteres."<sup>100</sup> Despite steady wartime border patrols, Galphin reported that white settlers had "run most of the good land between the Line & the Oconee which was cause enough to bring on a war without any thinge else." Not satisfied to claim Creek land all the way

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<sup>97</sup> Quoted in Cashin, *King's Ranger*, 95.

<sup>98</sup> Edward J. Cashin, "Revolutionary War in Georgia," *New Georgia Encyclopedia*, [www.georgiaencyclopedia.org](http://www.georgiaencyclopedia.org), retrieved 6 July 2012; Cashin, *The King's Ranger*, 94-96, 102. An aging and infirm John Stuart finally passed away in March 1779, leaving Creeks bereft of a sometimes sympathetic agent. British leaders wanted a replacement who would pressure Muskogees to commit warriors and settled on Thomas Brown to superintend among Cherokees and Muskogees. When the English defended Savannah against a much larger French force allied to the United States, it became clear that royal forces firmly controlled the port.

<sup>99</sup> Minutes of the Executive Council, 16 August 1779, RRG, vol. 2:155-157.

<sup>100</sup> George Galphin to Henry Laurens, 26 October 1778, LP, vol. 14:453.



to the Oconee River, Georgians also “raided the Indians in their hunting grounds & beat them.”<sup>101</sup> Such reports of white violence and increasing encroachment call into question testimony like that of Wilkes County settler Noah Cloud. Cloud recalled that in 1780, Creeks continually patrolled the area and confiscated property, or, as he phrased it, Muskogees were “in the almost constant habit of Making such Inroads and Committing such depredations.”<sup>102</sup> He complained that white people “were frequently killed & murdered by said savages insomuch that the Country thereabouts might well be said to be in a state of continual Warfare,” forcing settlers into forts and blockhouses.<sup>103</sup> Considering Galphin’s accusations, Muskogees’ insistence on burning an empty fort to deprive squatters of refuge appears as a logical, reasonable act rather than senseless destruction.

The contrast between Creeks’ enthusiasm for reclaiming the New Purchase and their reluctance to participate in the Revolutionary War becomes sharper when Augusta, Muskogees’ most important entrepôt in Georgia, was at stake. The ranger Thomas Brown, who replaced the late John Stuart as Superintendent of Indian Affairs in March 1779, invited Muskogees to loyalist-controlled Augusta for a congress in September. While there, they became trapped in a vicious battle between loyalists and rebels. In the aftermath, they were accused of wanton atrocities on the New Purchase.

Following the fall of Charleston to British forces in May 1780, General Sir Henry Clinton gave command of British troops in the South to Major General Lord Charles Cornwallis and ordered him to secure the backcountry, including Augusta. The British offered pardons to all rebels, and this allowed Thomas Brown to take Augusta peacefully

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<sup>101</sup> George Galphin to Henry Laurens, 26 October 1778, LP, vol. 14:453.

<sup>102</sup> Deposition of Noah Cloud, 18 January 1822, DEPS, vol. 2, pt. 3:787.

<sup>103</sup> Ibid.

in June.<sup>104</sup> Hundreds of rebels, however, retreated into the New Purchase where they rallied under Colonel Elijah Clarke and rebel Governor Stephen Heard. When Clarke learned that Brown intended to hold an Indian congress at Augusta in September, he and his followers came to view their mission as a war against Native Americans. In late August, 250 Muskogeas arrived in Augusta, likely dominated by Upper Creeks and led by the Little Prince of Tuckabatchee. While the Muskogeas were encamped outside Augusta, Clarke's force of six hundred rebels fell upon them, "killed a number of Indians," captured some artillery, and forced loyalists to take cover.<sup>105</sup> Thomas Brown's Rangers and Creeks found themselves besieged for several days, but they held out until British reinforcements arrived and routed Clarke's men.<sup>106</sup> Native Americans, as one historian described events, "pursued the Georgians, and, out of Brown's sight, they resorted to the savage warfare dreaded by backcountry people."<sup>107</sup> Rebel leader James Jackson declared that Brown handed rebel captives over to Creeks "who tortured them & burnt them alive."<sup>108</sup>

British officers, however, offered a different characterization of Muskogee behavior after the First Battle of Augusta. General Cornwallis believed that Muskogeas and Cherokees alike merely suffered from bad timing, having responded to Brown's invitation to come up and receive presents and peace talks.<sup>109</sup> Brown insisted that no

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<sup>104</sup> Hall, *Land and Allegiance in Revolutionary Georgia*, 104; Cashin, *King's Ranger*, 106. Brown claimed to have 360 Creeks "in service" as he marched for Augusta.

<sup>105</sup> Stephen Heard to unnamed correspondent in Henry County, Virginia, 2 March 1781, Keith Read Collection, HAR DLG.

<sup>106</sup> Ibid.

<sup>107</sup> Cashin, *King's Ranger*, 118.

<sup>108</sup> Lilla M. Hawes, "Miscellaneous Papers of James Jackson, 1781-1798, pt. 1," *Georgia Historical Quarterly* 37, no. 1 (March 1953): 70.

<sup>109</sup> Stephen Heard to unnamed correspondent in Henry County, Virginia, 2 March 1781, Keith Read Collection, HAR DLG.

“Indian barbarities” had taken place.<sup>110</sup> James Jackson’s accusation notwithstanding, Thomas Brown never trusted Native Americans to restrain themselves and would likely have tried to prevent the use of excessive force.<sup>111</sup>

Rebels retreated into the New Purchase and northward to the Appalachian Mountains after the battle was lost.<sup>112</sup> Elijah Clarke reported that Muskogeese unleashed a reign of terror, scalping and torturing women and children, rebel and Tory, though depredations claims show that in 1780 and 1781, a total of only four raids ended violently. Despite Clarke’s allegations of Muskogee ferocity, other observers claimed it was loyalist forces who pursued hundreds of rebels through the New Purchase, destroyed over one hundred plantations, burned houses, drove off cattle, took captives, and “Distressed the Inhabitants Cruelly.”<sup>113</sup> Thomas Brown drove the families of rebel squatters from Creek lands between the Ogeechee and Oconee Rivers, earning their enduring hatred.<sup>114</sup> Some rebel leaders even blamed Clarke for drawing this retribution down on settlers by committing atrocities of his own during his attack on Augusta.<sup>115</sup>

Muskogeese were equally ambivalent during the Siege of Pensacola from March to May 1781. Creeks initially seemed eager to protect the port city from which British goods flowed. By the end of March 1780, however, Spanish forces commanded by Bernardo de Gálvez, governor of Louisiana, had driven the British from Mobile and were threatening Pensacola. A colossal force of over one thousand Muskogeese—nearly one quarter of the adult male population—made their way to Pensacola where they remained

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<sup>110</sup> Cashin, *King’s Ranger*, 120.

<sup>111</sup> Thomas Brown to Charles Cornwallis, 17 December 1780, Clinton papers, vol. 134, folio 10.

<sup>112</sup> Stephen Heard to unnamed correspondent in Henry County, Virginia, 2 March 1781, Keith Read Collection, HAR DLG.

<sup>113</sup> *Ibid.*; Hall, *Land and Allegiance in Revolutionary Georgia*, 104-105.

<sup>114</sup> Cashin, *King’s Ranger*, 106-114; Hall, *Land and Allegiance in Revolutionary Georgia*, 97-98, 105-106; Hawes, “Miscellaneous Papers of James Jackson, 1781-1798, pt. 1,” 73.

<sup>115</sup> Cashin, *King’s Ranger*, 106-120; Hall, *Land and Allegiance in Revolutionary Georgia*, 104-105.

for two months. Alexander McGillivray led the men as British deputy commissary in the Upper Towns, drawing most of the force from that region. Deputy Superintendent of Indian Affairs Charles Shaw suspected, however, that the emerging mestizo leader's influence rested largely on English presents. He wrote, "presents is much wanted immediately in the Nation to counteract the Spanish emissaries." Those agents had already induced leaders from two Muskogee towns to visit the Spanish governor at Mobile "who has promised to load them with Presents and Rum."<sup>116</sup> Shaw also warned that rebel Indian Commissioner George Galphin's mestizo son, John, was emerging as a rival to Alexander McGillivray, "urging some of his countrymen to go to Mobile at the insistence of his father."<sup>117</sup>

No Spanish attack came in spring 1780, and Creek men made their way back to their homes upriver. When Bernardo de Gálvez's troops finally invaded Pensacola a year later, McGillivray failed to convince Muskogees to make the journey south once more. Only about forty Creeks remained at Pensacola. Many had not yet returned from winter hunts, and others were annoyed by the dearth of presents on their last trip to Pensacola. They were exasperated by the repeated British requests for help over the past year. Alexander McGillivray finally managed to persuade some eighty Upper Creek men to accompany him to Pensacola in April 1781, but other Upper Towns leaders were already offering their service to Governor Gálvez at Mobile. McGillivray himself soon would follow suit. Muskogees appear to have concluded that the Spanish return to Pensacola

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<sup>116</sup> Charles Shaw to Lord George Sackville Germain, 19 June 1780, Germain papers, vol. 12.

<sup>117</sup> Ibid.

posed no threat after all. Instead, their behavior suggests they believed the Spanish would make better neighbors and trade partners than the English.<sup>118</sup>

Long after the Revolutionary War, Georgians would resent what they remembered as Muskogeese' full and enthusiastic support for the British, but such support was limited, sporadic, and contingent on Muskogee interests. The Second Battle of Augusta in May and June 1781 followed a pattern similar to that set in the First Battle of Augusta and the Siege of Pensacola. Following American victories at King's Mountain and Cowpens, rebel General Nathaniel Greene ordered Colonel Henry "Lighthorse Harry" Lee, Andrew Pickens, and Elijah Clarke to take Augusta. As in the First Battle of Augusta, a small number of Muskogeese fought alongside Englishmen, and were accused of wanton barbarity in the aftermath. Early in the campaign, Thomas Brown requested that Upper Creeks send more warriors, and he may have believed rumors that that an enormous force of one thousand Muskogeese was en route.<sup>119</sup> By May, however, a vast rebel force besieged Augusta.<sup>120</sup> Colonel Lee offered Brown the opportunity to surrender, but Brown declined because he believed Elijah Clarke commanded. Brown considered Clarke a brigand, and Lee thought even less of him, depicting Clarke as nothing more than a plunderer and murderer.<sup>121</sup>

When Thomas Brown finally surrendered Augusta on June 5, 1781, he requested that Native American warriors, some of whom had their families with them, be paroled

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<sup>118</sup> Michael D. Green, "The Creek Confederacy in the American Revolution: Cautious Participants," in William S. Coker and Robert Right Rea, eds., *Anglo-Spanish Confrontation on the Gulf Coast during the American Revolution*, Proceedings of the Gulf Coast History and Humanities Conference (Pensacola, Fla.: Gulf Coast History and Humanities Conference, 1982), 54-75, see esp. 69-72; Kathryn Holland, "The Anglo-Spanish Contest for the Gulf Coast as Viewed from the Townsquare," in Coker and Rea, eds., *Anglo-Spanish Confrontation*, 90-105, see esp. 100-102.

<sup>119</sup> Cashin, *King's Ranger*, 127-130, 141.

<sup>120</sup> Picuch, *Three Peoples, One King*, 255.

<sup>121</sup> Cashin, *King's Ranger*, 130-133.

along with his officers. It is unclear whether rebels complied, but Georgians executed some of their white loyalist prisoners, suggesting that Indian captives could expect similar treatment. One observer excoriated rebels, writing that native “cruelties in this part of the continent have been exceeded in number at least four-fold by those of the Rebels. Putting a man to Death in cold blood is very prettily nicknamed giving a Georgia parole.”<sup>122</sup>

After the fall of Pensacola to the Spanish and the fall of Augusta to rebels, Muskogees had to reconsider the potential sources of manufactured goods. Both rebel and loyalist leaders understood the strategic importance of trade and stepped up pressure on Creeks.<sup>123</sup> Rebel Georgia Governor Nathan Brownson threatened that “Our brothers of Virginia have heard that your Tomahocks have drank our blood, they Sent us a talk that they had whet their Swords and cleaned their riffles and only waited for us to give the word, and they would- come and make your women widdows and your Towns Smoak.”<sup>124</sup> Brownson, however, was ready to forgive Muskogees’ violence and attribute it all to “mad young fellows, set on by brown’s lying people [emphasis in original].”<sup>125</sup> Brownson claimed that even Spanish Pensacola would provide no ammunition, but he promised to resume trade if Muskogees surrendered Thomas Brown and his loyalists. Royal Governor James Wright also recognized Muskogees’ new situation and hoped Brown could convince them to resume raiding the New Purchase as part of campaign to retake Augusta. Wright gained funding to buy presents for Creeks, organized rangers to accompany them, and, according to an early Georgia historian, Creeks raided the

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<sup>122</sup> Quoted in *Ibid.*, 137.

<sup>123</sup> *Ibid.*, 141.

<sup>124</sup> To the Great Warriors and the Beloved Men of the Creek Nation the talk of Nathan Brownson Governor, and the beloved men the Council of Georgia, undated, ITCL, 158.

<sup>125</sup> *Ibid.*

backcountry at Brown's request.<sup>126</sup> The number of reported raids, however, stayed flat from 1780 to 1782, suggesting that Brown failed and that any raids occurred on Muskogee terms.

As the year 1781 drew to a close, so too did the Revolutionary War. While the Battle of Yorktown in October 1781 proved decisive in the broader conflict, hostilities in Georgia culminated with the Siege of Savannah in May and June 1782. Some Muskogees continued to strike the New Purchase, and rebels under General John Twiggs clashed with them.<sup>127</sup> Depredations claims show that 69% of the twenty-nine raids in 1781 and 66% of the thirty raids in 1782 occurred in Wilkes County. Other Creeks, like the Head Warrior of Tallassee, perhaps sensing that the moment to reclaim the New Purchase had passed, visited the rebel government in Augusta to restore the relationship.<sup>128</sup>

Georgians continued to conflate Muskogee raids in the New Purchase and British war aims through 1781 and 1782, reinforcing the perception that Creeks had no legitimate stake of their own. Outraged rebel leaders claimed that Thomas Brown and his loyalists had used "a few trifling presents" to persuade some "mad people" among the Muskogees to "murder 7 or 8 of our people in the back settlements," capture women and children, and steal horses, cattle, and slaves.<sup>129</sup> One rebel officer in the New Purchase requested additional ammunition so he could pursue "Indians and Toreys" that had killed a settler named Henry Gold, plundered his home and horses, and captured two white girls

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<sup>126</sup> Cashin, *King's Ranger*, 141-145; Hugh M'Call, *The History of Georgia: Containing Brief Sketches of the Most Remarkable Events up to the Present Day* (1784), vol. 2 (Savannah: William T. Williams, 1816), 380-397.

<sup>127</sup> Cashin, *King's Ranger*, 145; Hall, *Land and Allegiance in Revolutionary Georgia*, 123-124.

<sup>128</sup> Minutes of the Executive Council 10 January 1782, RRG, vol. 2:299.

<sup>129</sup> A Talk to Creek Indians, undated, ITCL, 95-97.

from a nearby home.<sup>130</sup> The Executive Council expressly ordered a scouting party under Colonel Elijah Clarke to patrol the Oconee River's east bank.<sup>131</sup> Rumors held that Thomas Brown had provided ammunition to one hundred Cherokees and Creeks in Savannah, and while this was likely a gift meant for winter hunts, Georgians assumed it was for military use.<sup>132</sup> Georgians continued to threaten Creeks that they must return all captives and stolen property, surrender "all those torys & Bad people & Kings men," or rebels would invade Creek towns and "lay them in ashes."<sup>133</sup>

Shortly after the Battle of Yorktown in October 1781, General Nathanael Greene ordered General Anthony Wayne to Georgia where he besieged Savannah in May 1782, but backcountry Georgians continued their war against Muskogees. Elijah Clarke invaded Creek country west of the Oconee River, killed several Indians, and hung two white loyalists.<sup>134</sup> Clarke argued that invading Creek country was necessary to hunt fugitive loyalists. This line of reasoning would justify continued attacks in Creek country in the coming months. Clarke reported in May that Muskogees again had struck the New Purchase, killing two, wounding three, and capturing four.<sup>135</sup> Uninterested in the Siege of Savannah, Clarke instead raised "Three Ranging Companies to Act on the Frontiers" where Cherokees, Creeks, and Torys "Resort."<sup>136</sup> Micajah Williamson refused to march his volunteer militia toward Savannah to support the siege because of two additional

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<sup>130</sup> Isaac Jackson to the Governor and Council, 6 January 1782, Louise F. [Mrs. J. E.] Hays, ed., *Creek Indian Letters, Talks, and Treaties, 1705-1839*, pt. 1:19, Georgia Archives (hereafter cited as CILTT).

<sup>131</sup> Minutes of the Executive Council, 30 November 1781, RRG vol. 2:288.

<sup>132</sup> Depositions of Deserters Mark King and William Henson, 5 January 1782, Telamon Cuyler Collection, HAR DLG.

<sup>133</sup> A Talk to Creek Indians, undated, ITCL, 96.

<sup>134</sup> Cashin, *King's Ranger*, 150; Piecuch, *Three Peoples, One King*, 304.

<sup>135</sup> Elijah Clarke to John Martin, 21 May 1782, CILTT, pt. 1:22-23.

<sup>136</sup> *Ibid.*



Indian attacks in the New Purchase in which one man was killed and horses and cattle were stolen.<sup>137</sup>

Hobothle Micco of Tallassee likely risked his life when he came to Augusta to meet with rebel Governor Jonathan Martin in late May 1782. He reported that British commissary to the Lower Towns William McIntosh “with a strong party of Cowetas” was en route to rendezvous with Cherokees and attack “the Okonnys on our Frontiers.”<sup>138</sup> It did not occur to Martin that, under the 1773 Treaty of Augusta, the Oconee valley remained Creek country and not Georgia’s “back Settlements.”<sup>139</sup>

By early June, peace with Great Britain was near and General Anthony Wayne was anxious to capture Savannah before a cease fire could deprive him of that honor. In a rare moment of clear support for the British war effort, Emistisigo of Little Tallassee and some 150 Muskogeas attacked Wayne’s siege lines. In two of the last battles of the American Revolution in Georgia, Muskogeas drove Continentals from their camp, overran American artillery, and destroyed much of their ammunition and supplies. In the resulting confusion, most of the Creek warriors made it to Savannah, but eighteen perished, including Emistisigo himself. Their presence made little difference; the British cause was already lost, and Savannah formally surrendered to Wayne on July 11, 1782.<sup>140</sup>

By the end of July, Muskogee survivors of the Siege of Savannah had evacuated with loyalists to St. Augustine. In September, the remaining Creeks returned home to the Coosa-Tallapoosa confluence, and Thomas Brown gave them presents as they

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<sup>137</sup> Micajah Williamson to Governor John Martin, 24 May 1782, CILTT pt. 1:24.

<sup>138</sup> Jonathan Martin to Andrew Pickens, 27 May 1782, CILTT, pt. 1:25.

<sup>139</sup> Ibid.

<sup>140</sup> Cashin, *King’s Ranger*, 154-155.

departed.<sup>141</sup> The war was over, but peace negotiations dragged on for another year between Great Britain and the United States. With Emistisigo gone, Alexander McGillivray filled the leadership vacuum in Little Tallassee and, more broadly, in the Upper Towns. Responding to talks from General Anthony Wayne and Governor John Martin, McGillivray claimed to have commanded Creeks to keep peace in August 1782.<sup>142</sup> McGillivray's assertions, however, did not prevent Muskogeese from seeking trade with the English. Thomas Brown sent word that all supplies would be available at St. Augustine, and between September and December 1782, some three thousand Creeks visited the town to trade and receive presents. Delegations from other native polities throughout the eastern woodlands also visited St. Augustine. Brown's final advice was, by the end of the American Revolution, a maxim for Muskogeese: be prepared to defend the border.<sup>143</sup>

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<sup>141</sup> Piecuch, *Three Peoples, One King*, 304-304; Cashin, *King's Ranger*, 151-154, 156.

<sup>142</sup> A Talk to Indians Asking for a Treaty to be Signed at Old Town on Ogeechee on 1 May 1782, ITCL, 100; the manuscript is in File II, Box 74, Folder 5, Georgia Archives.

<sup>143</sup> Cashin, *King's Ranger*, 155-158.

## CHAPTER 4 – TREATIES, RESISTANCE, AND INTERNAL CREEK POLITICAL CONFLICT, 1783-1785

### I. INTRODUCTION

Following the fall of Savannah to American forces, a new era of Creek-Georgia relations began in which a series of illegitimate treaties sparked conflicts that, throughout the 1780s, resulted in frequent theft and occasional violence. The treaties of the 1780s inaugurated an expansionist national policy embodying long-held Anglo-American assumptions that the rights of cultivators trumped the rights of savage hunters.<sup>1</sup> The treaties of the 1780s threw questions about the exact location of the border between Creek country and Georgia into hopeless confusion, opening space for white farmers to settle where they dared. The increasing numbers of white and black people moving into the Oconee valley made clear to Muskogees that the territorial integrity of their nation, and perhaps their very existence as a sovereign polity, depended on their ability to manage their border with Georgia.

The struggle to manage the border ignited a period of political conflict within Creek country as surely as it caused strife between Muskogees and Georgians. Muskogees protested in different ways, opening a struggle for leadership that pitted those who preferred talwa autonomy against those who believed Muskogees needed a more centralized government to withstand Georgia. The treaties as Creeks understood them

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<sup>1</sup> Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge: Harvard University Press, 2005), 56.

retained Muskogee rights to hunt ceded land, but Georgians routinely violated treaty terms. A vocal minority led by Alexander McGillivray of Little Tallassee rejected the treaties, arguing that those who signed them, primarily Hoboithle Micco of Tallassee and Neha Micco of Cussita, did not represent Creeks as a whole. Under the principle of talwa autonomy, individual towns had every right to repudiate the agreements, but as McGillivray rejected the treaties, he strove to centralize the power to govern in his own hands.<sup>2</sup> Claiming to represent all Creeks, he ordered expanded border patrols to clear settlers from the Oconee River's east bank and sought Spanish trade and political support. Hoboithle Micco and his allies insisted relations with Georgia must be regularized, cost what it may. They confirmed their cession of the Oconee's east bank and insisted that Georgia's leaders protect Muskogee hunters working the ceded lands.<sup>3</sup>

The tortuous path to completion of the 1783 Treaty of Augusta, the treaty's contentious aftermath, and the 1785 Treaty of Galphinton show Muskogees' continuing adherence to the principle of talwa autonomy, yet dealing with the state of Georgia and the United States increased turmoil in Creek country.<sup>4</sup> Disagreement between talwas was not a new phenomenon, nor was conflict within talwas between old and young, and between hereditary leadership and more democratic politics that had developed since the

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<sup>2</sup> Green, *The Politics of Indian Removal*, 4-12; Piker, *Okfuskee*, 3-4, 7-10, see especially 7n13.

<sup>3</sup> A Talk Delivered by the Second Man of the Cussetaws and Two Other Creek Indians at Augusta in Georgia, 14 July 1784, ITCL, 146 [The Second Man of the Cussetaws, not to be confused with Neha Micco, also known as the Fat King, declared that Cussitas and other Lower Towns advocated peace with the new United States while Upper Towns like Abecoochee, Hillabee, Upper Eufaula, and Natches accepted Spanish alliance and encouragement to raid the Georgia frontier.]; Tallassee King's [AKA Hoboithle Micco] Talk delivered to the Governor and Council 22 September 1784, File II, Box 74, Folder 5, Georgia Archives; Alexander McGillivray to Arturo O'Neill, 18 April 1787, in John Walton Caughey, *McGillivray of the Creeks* (Norman: University of Oklahoma Press, 1938), 150-151; Green, "Alexander McGillivray," 41-63 [Green argues that Neha Micco, headman at Cussita, "joined the McGillivray faction" in response to Georgians' violence against Cussita hunters in 1787.]; Saunt, *A New Order of Things*, 77-83, 104-108; Braund, *Deerskins and Duffels*, 171-173; Downes, "Creek-American Relations, 1782-1790," 142-84.

<sup>4</sup> Hahn, *Invention of the Creek Nation*, 173-225.

collapse of Mississippian chiefdoms.<sup>5</sup> Creeks who worked to centralize government in the 1780s, however, acted in a new and more dangerous political climate.

## II. A SEPARATE PEACE, A CONTRABAND SLAVE TRADE

In the months preceding the 1783 Treaty of Augusta, internal Creek political conflict emerged over the return of white and black captives and horses taken during the American Revolution. Some leaders were eager to return captives and contraband in order to renew trade. Other Muskogees and British traders in Indian country, so-called Indian countrymen, profited from the sale of stolen slaves in Spanish Pensacola.<sup>6</sup> Even as Emistisigo's Upper Creeks attacked American lines during the May 1782 Siege of Savannah, leaders from eight other towns visited Augusta to restore peace with rebel Governor Jonathan Martin. In the metaphorical language of Creek diplomacy, Hoboithle Micco, leader of the Upper Town of Tallassee, declared his desire "that the Path... be kept white and straight." He hoped that "the cloud is breaking and that soon it will be all calm and clear."<sup>7</sup> After presenting white beads as "a Token of friendship" from six Lower Towns and two Upper Towns, Hoboithle Micco's cohort agreed to return stolen horses, to surrender white and black captives, and they signaled openness to a modest land cession.<sup>8</sup>

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<sup>5</sup> Piker, "'White & Clean' & Contested," 315-347; Robbie Ethridge, *From Chicaza to Chicasaw*, 72-82; Pulley Hudson, *Creek Paths and Federal Roads*, 4.

<sup>6</sup> Timothy Barnard to Major Patrick Carr, 13 April 1784, in Louise F. [Mrs. J. E.] Hays, ed., *Unpublished Letters of Timothy Barnard, 1784-1820*, 29-31, Georgia Archives (hereafter cited as LTB).

<sup>7</sup> A Talk Given by the Tallassee King and Sundry Head Men of the Upper and Lower Creek Nation, 28 May 1782, Telamon Cuyler Collection, HAR DLG.

<sup>8</sup> Superintendent of Indian Affairs Richard Henderson to Governor John Martin from Augusta, 1782 December 23, CILTT, pt. 1:42-44; Patrick Carr to Governor John Martin, 1782 December 28, CILTT, pt. 1:45-46; James Rae to Governor Lyman Hall, 1783 January 29, CILTT, pt. 1:47. The Lower Towns presenting white beads were Cussita, Hitchiti, Parachocolau [Pallachicola], Hoconey [Okoney], Savoucolo

Georgians were aware that Muskogeese running the contraband slave trade and those who opposed it were on the verge of “an Open Rupture.”<sup>9</sup> Captain Patrick Carr received intelligence from Pensacola that “the Indians and White People is Constantly Caring Drovers of Negroes... & that the Spanish Govener buyes the Chief of them,” paying cash. Opposition leaders like Hoboithle Micco and his allies, however, impeded this traffic by “Seezing opon some Negroes” to return to Georgians.<sup>10</sup> Muskogeese like Hoboithle Micco feared the contraband slave traffic would provoke Georgians to violence. Elijah Clarke entered Creek country and killed Muskogeese in the spring and fall of 1782, and some Creeks fled to avoid another impending invasion.<sup>11</sup> By December, Muskogeese lived in “Constant Alarm” because three hundred militiamen reportedly had marched to the Oconee River.<sup>12</sup>

Upper Towns like Tallassee and Okfuskee opposed the traffic in contraband slaves because they gained nothing from it, but returning them promised twin benefits: immediate ransom for captives and the restoration of regular trade. In September 1782, a large group of primarily Upper Creeks visited Georgia to negotiate the return of some white and black captives. The delegation included over two hundred Okfuskees led by White Lieutenant and ninety Tallassees led by Hoboithle Micco.<sup>13</sup> These men expected

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[Sauwoogelo], Savocolouchess [Sauwoogelooche]. The list apparently includes only two Upper Towns-- Usshattee [Fusihatchee] and Hoboithle Micco's own Tallassee.

<sup>9</sup> Patrick Carr to Governor John Martin, 13 December 1782, CILTT, pt. 1:40.

<sup>10</sup> *Ibid.*, 41; Tallassee King's Talk delivered to the Governor and Council September 22, 1784, File II, Box 74, Folder 5, Georgia Archives.

<sup>11</sup> Cashin, *The King's Ranger*, 150; Downes, “Creek-American Relations, 1782-1790,” 143; Picuch, *Three Peoples, One King*, 304.

<sup>12</sup> Patrick Carr to Governor John Martin, 13 December 1782, CILTT, pt. 1:41.

<sup>13</sup> Daniel McMurphy to John Martin, 22 September 1782, CILTT, pt. 1:30. The delegation represented several Upper Towns (Okfuskee, Holawaga/Hoithlewaule, Tallassee, Tuckabatchee, and Songahatchey/Soughohatche) and some Lower Towns (Cussita, Hitticks/Hitchiti, Oconey/Oconee). Many of the towns represented later signed the 1783 Treaty of Augusta. Signers included Hoboithle Micco of Tallassee, Neha Micco of Cussita, Songa Hatchey/Sugahacho of Soughohatche, Oconey/Okoney of Oconee town, and possibly Hitcheto Warrior/Hicott of Hitticks from Hitchiti town.

compensation for any captives returned.<sup>14</sup> Presents of corn, powder, bullets, and salt would confirm friendship and facilitate captive return, but they would also maintain Hoboithle Micco's leadership position. Deputy Indian Affairs Superintendent Richard Henderson noted that the leader's position was increasingly precarious: "his men who has turned to him begins to upbraid him, they tell him he is all talk and no goods."<sup>15</sup> Giving presents and restoring trade also served Georgia's interests by thwarting the Spanish and loyalists. Henderson pointed out that "if the Others are admitted to Carry goods to that land and we send them none we have lost them for ever."<sup>16</sup>

While Hoboithle Micco and others were working to end the contraband trade, return stolen property and captives, and restore the flow of goods from Georgia, Creeks like Boatswain undermined them. Hoboithle Micco told Deputy Superintendent Richard Henderson that "the Nation in general were entirely devoted to deliver up the Prisoners and negroes &c excepting some Roguish disposed Indians Boatswain by name being one who has carried numbers to Pensacola and sold them to the Spaniards."<sup>17</sup> One historian described Boatswain as a "typical Creek war profiteer."<sup>18</sup> He was already quite wealthy by 1774, having made a fortune trading a variety of goods down the Altamaha River. He used the fortune to capitalize a one hundred acre fenced plantation near the Lower Town of Hitchiti cultivated by fifteen black slaves.<sup>19</sup> Considering the wealth at stake, the conflict over the contraband slave trade was unlikely to end quietly.

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<sup>14</sup> Daniel McMurphy to John Martin, 22 September 1782, CILTT, pt. 1:30.

<sup>15</sup> Richard Henderson to John Martin, 23 September 1782, CILTT, pt. 1:33.

<sup>16</sup> *Ibid.*

<sup>17</sup> Richard Henderson to John Martin, 23 December 1782, CILTT, pt. 1:42-44.

<sup>18</sup> Saunt, *A New Order of Things*, 55.

<sup>19</sup> *Ibid.*, 55-57.

### III. THE 1783 TREATY OF AUGUSTA

The 1783 Treaty of Augusta following the American Revolution was the first of a series of problematic treaties that shaped Creek-Georgia relations in the 1780s and 1790s. The parties intended the treaty to settle the boundary between them, hunting rights in the border zone, and the return of stolen property. The treaty, however, was illegitimate by both Creek and American standards, and this stoked smoldering conflict between the two nascent states, as well as political conflict within them. Desperate Muskogees agreed to a stinging land cession to restore the flow of manufactured goods. Because of the crisis surrounding the White-Sherrall affair and the Revolutionary War, goods had been scarce for the better part of a decade. Georgians charged that Creeks had unanimously supported the British during the war, and this allowed Georgians to justify punitive land taking while excusing their own incursions into Creek country.

Despite the efforts of Hoboithle Micco's May 1782 embassy, in the fall, some four hundred South Carolina and Georgia militiamen under General Andrew Pickens and Colonel Elijah Clarke attacked Creek and Cherokee towns and hunting camps in the northern Savannah River valley while ostensibly pursuing fugitive Tories. They found no loyalists, but they forced Cherokees to cede the Oconee strip from the Keowee River, an eastern tributary of the Savannah, to the source of "the most Southern branch of the Okonee river," down the Oconee's main channel to the Creek border on the Altamaha River.<sup>20</sup> Cherokees insisted on retaining hunting rights in the area, and Georgians consented that Cherokees "Might hunt as Usual, on the lands, which they Ceded to us,

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<sup>20</sup> The Treaty of Augusta, 1783- With the Cherokee Indians, ITCL, 110; Downes, "Creek-American Relations, 1782-1790," 143. Georgia Commissioners ratified this cession in May 1783.



Untill we should make Settlements thereon.”<sup>21</sup> By 1783, retained hunting rights had become a common provision in land cession treaties.

Muskogees signed a new Treaty of Augusta ceding the Oconee strip in late 1783, but they resisted for months and ultimately secured two critically important provisions: well-regulated trade and hunting rights on ceded lands. Muskogees initially refused to treat with Georgia perhaps because, unlike Cherokees, they had emerged from the Revolutionary War relatively unscathed. As Pickens’ and Clarke’s attacks amply demonstrated, however, they were under intense pressure.<sup>22</sup> In November, fourteen Muskogee leaders representing at least six towns agreed to an ill-defined land cession along the Oconee River and to arrange the return of stolen property.<sup>23</sup> From the Georgia perspective, it was a complete victory. All “Negroes, horses and other property” would be “restored,” and the Creeks ceded the Oconee strip from the source of “the most southern branch of the Oconee river” all the way down the river’s main channel to the existing border on the Altamaha River, though the precise location of that “southern branch” would be a particular point of contention in the coming years.<sup>24</sup> In return, Muskogee signers received a “considerable amount” of presents and a guaranteed resumption of trade.<sup>25</sup> Like the Cherokees, Creek leaders also retained the right to hunt the Oconee’s east bank. A year after signing the treaty, Hoboithle Micco returned to Augusta to remind

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<sup>21</sup> Andrew McLean, Secretary to Georgia’s Board of Commissioners on Indian Affairs to the Creek Traders, 1783 June 6, ITCL, 116.

<sup>22</sup> A Talk Sent by His Honor the Governor and beloved men of Georgia by William Cousins to the Tallasee King, the Fat King and the rest of the Kings, Head Warriors, and beloved men of the upper and lower towns of the Creek Nation, 1783 Treaty of Augusta with Cherokees, Indian Claims (Treaties and Spoliations), 001-01-025, RG 1-1-25, Georgia Archives.

<sup>23</sup> Treaty at Augusta with the Creek Indians in 1783, ITCL, 129-131. In all, fourteen Creek men signed the 1783 Treaty of Augusta. They were Tallassee King AKA Hoboithle Micco, Tallassee Warrior, Fat King also known as Neha Micco, Mad Fish, Topwar King, Alachago, Hitcheto Warrior, Okolege, Cowetaw, Cuse King, Second Man, Inomatuhata, Inomatawtusnigua, and Sugahacho. Okoney and Head Warrior are listed as representatives, but do not appear as signers.

<sup>24</sup> *Ibid.*, ITCL, 130; Treaty of Augusta with the Creeks, Nov. 1, 1783, EAID, vol. 18:372.

<sup>25</sup> Treaty at Augusta with the Creek Indians in 1783, ITCL, 129.

Georgians that he “expected his people would be allowed to hunt on this side of the river.”<sup>26</sup> The prospect of steady trade and retaining hunting rights in the Oconee valley made the new Treaty of Augusta acceptable to some Muskogeese.

Georgians’ behavior suggests that they viewed the Oconee River valley—and all other Creek lands—as their right by conquest, and the Treaty of Augusta merely confirmed the fact. Months before securing the Oconee strip by treaty, the Assembly began reviewing petitions for land grants on the Oconee River.<sup>27</sup> They considered reserving “a square of twenty miles on Oconees, when the same shall be obtained of the Indians” for granting war veterans the bounties promised by the state and central government.<sup>28</sup> Nearly a year before the treaty, Captain Patrick Carr suggested he could secretly plant a settlement in the Oconee valley without being discovered by Creeks.<sup>29</sup> The Assembly even granted “2000 acres of land in the Forks of the Oconee and Ocmulgee rivers” to one Patrick Walsh “for past services.”<sup>30</sup> Creeks had not ceded lands between the Oconee and Ocmulgee in the 1783 Treaty of Augusta and would not do so for another two decades.

Despite Muskogeese’ vigorous attempt to reclaim the New Purchase lands ceded in the 1773 Treaty of Augusta, Georgians sensed no potential for conflict following the 1783 treaty. Public discourse reflected in the *Georgia Gazette* betrayed no concern over

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<sup>26</sup> A Talk Delivered by the Go. & council to a Tallassee and Fat Kings at Augusta on Friday 24 September 1784, ITCL, 167.

<sup>27</sup> *Georgia Gazette*, 6 February 1783.

<sup>28</sup> *Georgia Gazette*, 27 March 1783; An Act to Amend and Alter Some pt.s, and Repeal Other pt.s of the Several Land Acts in this State, 22 February 1785, CRG, vol. 19, pt. 2:440. Almost two years later, 22 February 1785, the Assembly passed an act to reserve land in the forks of the Oconee “to make good the engagements to the Continental Soldiery and seamen and Officers of the Medical Department.” The boundary line pursuant to the 1783 Treaty of Augusta had not yet been run, however, and the extent of the reserve could only be established if commissioners extended the line several miles west of the Oconee River to a west bank tributary called Little River.

<sup>29</sup> Patrick Carr to Governor John Martin, 28 December 1782, CILTT, pt. 1:45.

<sup>30</sup> *Georgia Gazette*, 25 December 1783.

Creek resistance. State officials focused instead on lawful distribution of the Oconee lands to thwart speculators who made “pretended surveys and marked trees.”<sup>31</sup> Chief Justice George Walton of Wilkes County, the area Creeks had struck hardest in the 1770s, celebrated the cession. He declared that “the Creek Indians have consented, without trouble, to circumscribe their hunting grounds,” and he looked forward to the “speedy settlement of an extensive country” where Georgians could enjoy “the pursuit of happiness undisturbed.”<sup>32</sup> By April 1784, speculators were advertising the sale of certificates for land in the Oconee strip.<sup>33</sup>

#### IV. AFTERMATH AND RESISTANCE: THE 1783 TREATY OF AUGUSTA’S CONSEQUENCES

Some Muskogee men began to resist the cession of the Oconee’s east bank almost immediately, but their varied methods and motivations illustrate the emergence of a political conflict between those who favored talwa autonomy and those who believed Creeks must adopt a central government to defend against white encroachment. Diplomatic protestors simply urged Georgians to obey the terms of the 1783 Treaty of Augusta. Other Muskogeas repudiated the treaty and launched raids to clear Georgians from the Oconee strip. Alexander McGillivray, who ascended to leadership in Little Tallassee after Emistisigo’s death, claimed responsibility for these border patrols in a bid to assert national leadership, as Emistisigo had. Other Muskogeas insisted McGillivray and his few allies, backed by Spain, were a minority that did not represent Creek consensus. Muskogee complaints against the treaty sharpened a customary form of

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<sup>31</sup> *Georgia Gazette*, 13 November 1783.

<sup>32</sup> *Georgia Gazette*, 20 November 1783.

<sup>33</sup> *Georgia Gazette*, 1 April 1784.

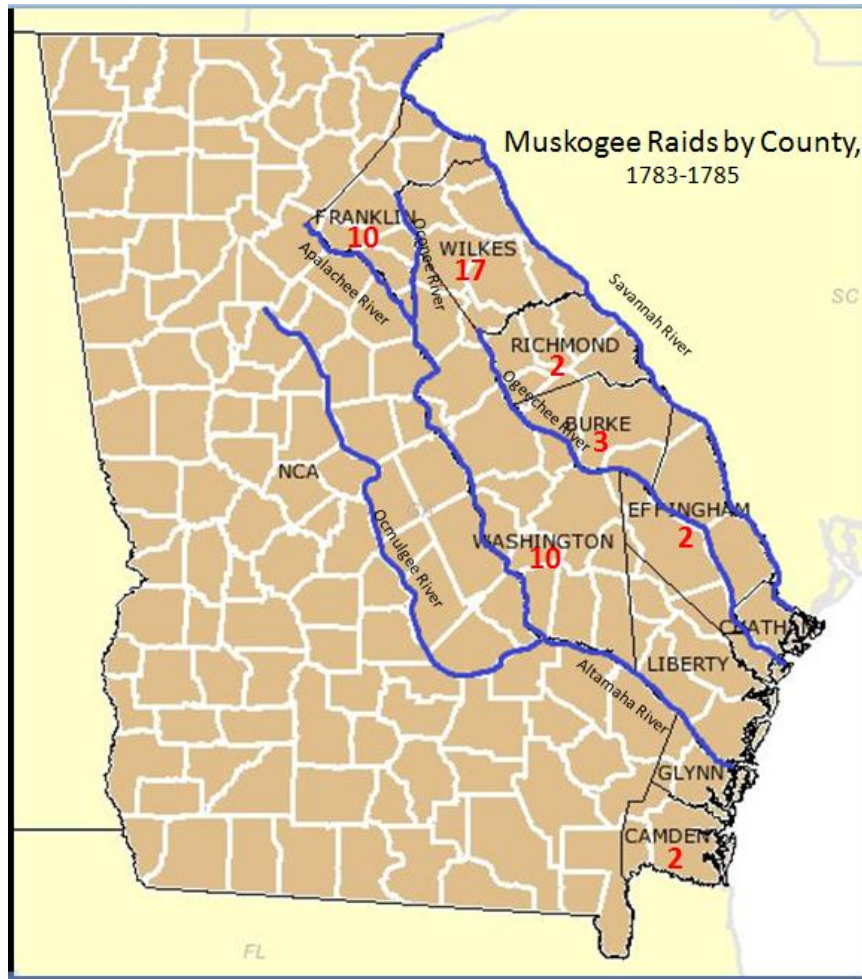
political conflict between towns based on talwa autonomy. Popular dissatisfaction with the land cession grew because of Georgians' encroachment and interference with Muskogee hunting rights, and this stoked political conflict within towns as young men resisted the persuasions of the headmen who claimed to lead them.

The two years between the 1783 Treaty of Augusta and the next major congress yielding the 1785 Treaty of Galphinton were marked by an uncommon degree of restraint on the part of Creeks. They preferred diplomacy and a non-violent form of border patrol to prevent white settlers from overrunning the Oconee valley. At least forty-six raids occurred during the two year period, but only four of them ended in bloodshed. Thirty-seven of those raids struck the Oconee valley. Georgia Governor John Houstoun issued a proclamation in 1784 forbidding white squatters from settling west of the Oconee valley in Creek country.<sup>34</sup> Creek resistance by diplomacy and border patrols brought Georgians back to the negotiating table. New talks yielded the Treaty of Galphinton in November 1785 yet failed to resolve the Oconee boundary dispute.<sup>35</sup>

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<sup>34</sup> *Georgia Gazette*, 24 June 1784.

<sup>35</sup> Debo, *The Road to Disappearance*, 40-43; Downes, "Creek-American Relations, 1782-1790," 145-151; Green, *The Politics of Indian Removal*, 34-35; Martin, *Sacred Revolt*, 81-83, 101; Braund, *Deerskins and Duffels*, 171-175; Saunt, *A New Order of Things*, 79-83, 104-108.



MAP 3.

The most important, and perhaps most divisive, development in Creek politics in the 1780s was the rise of Alexander McGillivray because he led the push toward political centralization. In doing so, he undermined talwa leaders like Hoboithle Micco. As the son of a Scottish trader and a prominent Creek woman who spent much of his youth in colonial port cities, McGillivray had only tenuous relations with common Creeks. Throughout his public career, he depended on allied talwa miccos and clan kin to support his leadership claims. Perhaps more importantly, he used literacy and experience in trade

to monopolize relations with non-Indians. For example, in January 1784, McGillivray wrote to Spanish West Florida Governor Manuel de Zéspedes to solicit a Spanish alliance in defense of Creek sovereignty and territory. He promised that “Indians will attach themselves to and serve them best who supply their necessities” through trade.<sup>36</sup> He then tried to control that trade by importing goods from Pensacola up the Alabama River to his plantation at Little Tallassee and offering his services as an Indian Affairs agent to “his Most Catholick Majesty.”<sup>37</sup> Viewed from one perspective, McGillivray was behaving as any *micco* might by securing a supply of goods to redistribute to his people. Viewed from another, he behaved in his own interest by securing trade from Florida while using Creek border patrols to stem the flow of goods from Georgia. For example, McGillivray and a pair of white Indian countrymen, Richard Bailey and Joseph Cornel, reportedly encouraged Creek warriors to raid the Georgia frontier during summer 1784.<sup>38</sup> Patrick Carr was so incensed that he advised Governor Houston to charge McGillivray and his allies with an unrelated murder so that “they may be Easily Removed or Killed on account of that woman’s Death.”<sup>39</sup>

Despite Alexander McGillivray’s apparent attempt “to Sett the Indians on,” Creeks primarily resisted the 1783 Treaty of Augusta through diplomatic channels during 1784.<sup>40</sup> Treaty signers began to protest Georgians’ interpretation of the terms, emphasizing Muskogee understandings of their territorial boundaries and retained hunting rights on the Oconee’s east bank. Georgians considered established borders as

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<sup>36</sup> Alexander McGillivray to Governor Manuel de Zéspedes of Spanish West Florida, 1 January 1784, CILTT, pt. 1:52b-52c.

<sup>37</sup> *Ibid.*; Michael Green, “Alexander McGillivray,” 42, 46-48; Saunt, *A New Order of Things*, 75-78.

<sup>38</sup> Patrick Carr to Governor John Houston, 22 August 1784, CILTT, pt. 1:63; Saunt, *A New Order of Things*, 62, 99, 196, 260-261. Joseph Cornels also owned a plantation next to Alexander McGillivray’s.

<sup>39</sup> Patrick Carr to Governor John Houston, 22 August 1784, CILTT, pt. 1:63.

<sup>40</sup> *Ibid.*

merely temporary and ran survey lines beyond the agreed-upon boundary. Hoboithle Micco and Alexander McGillivray both claimed to speak for all Creeks during 1784, yet they each presented very different protests and employed different forms of resistance. White Georgians worried that this growing rift in Creek politics would complicate their efforts to acquire land, yet they undermined Hoboithle Micco's leadership when this formerly compliant leader began to oppose Georgians' encroachment.

Hoboithle Micco and his allies met Georgians in March 1784 to urge them to abide by the Treaty of Augusta's terms, and in so doing, leaders explained the principle of talwa autonomy. Hoboithle Micco argued that he had intended to cede only the land "as far as the main stream of the Oconee River," rather than lands all the way to its southernmost branch, the Apalachee. He complained that Georgians had been surveying land as far as the Ocmulgee River, some forty miles beyond the Oconee in undisputed Creek country.<sup>41</sup> Moreover, Hoboithle Micco explained that, under the principle of talwa autonomy, town leaders like himself "could only give up their own right and the rights of the people of the towns they represented."<sup>42</sup> Recalling Emistisigo's explanation of communal land rights, Hoboithle Micco explained that "the land was not his." Muskogeas retained hunting rights on the east bank because he lacked authority "to say to a man of any town who had not ceded his right to that ground... you shall not a kill a deer on that ground."<sup>43</sup> Other influential Creeks concurred that hunters retained free access to the Oconee's east bank, and that whenever "the white and red People might meet on the

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<sup>41</sup> Memo. of the Kings Proposals and Complaints, 1 March 1784, ITCL, 117.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

Land...they should shake hands together.”<sup>44</sup> Creeks “will be suffered” to hunt the Oconee’s east bank, said one talwa leader, and if they met colonists, “they may eat out of the same Pan together.”<sup>45</sup>

Appealing to long-standing Mississippian concepts of diplomacy based on the principle of reciprocal exchange, Hoboithle Micco proposed that “a few presents should be provided and all the towns invited to a talk and that the gift of that ground should be confirmed by all the Towns in the nation.”<sup>46</sup> He requested specific prestige goods for himself to reinforce his authority, including a silver gorget and a pair of engraved silver armbands to illustrate his “indeavors for the success of the American arms.”<sup>47</sup> He also insisted on the delivery of a drum, American flag, and great coat that he had been promised during the Revolutionary War.<sup>48</sup> Hoboithle Micco needed symbols to reinforce his leadership because of the growing rivalry between divergent political and property interests in Creek country. He warned that Alexander McGillivray and long-time trader Joseph Cornel “strives to spoil” Creek-Georgia relations “Because they have a great number of stolen Negroes which they have sent and settled near Mobile [emphasis in original].”<sup>49</sup>

Georgians were increasingly aware of this growing rivalry in Creek politics. Paradoxically, they depended on the relationship with Hoboithle Micco and his allies, yet Governor Houstoun took actions that undercut their influence. Houstoun forbade Creeks

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<sup>44</sup> A Talk delivered by the Fat King, 5 April 1784, ITCL, 132.

<sup>45</sup> A Talk delivered by the Second Man of the Cussetaws, 14 July 1784, ITCL, 146.

<sup>46</sup> Memo. of the Kings Proposals and Complaints, 1 March 1784, ITCL, 117-118; Hall, *Zamumo’s Gifts*, 35, et passim.

<sup>47</sup> Memo. of the Kings Proposals and Complaints, 1 March 1784, ITCL, 117-118.

<sup>48</sup> *Ibid.*, 118.

<sup>49</sup> *Ibid.*, 119.



from hunting the Oconee's east bank, arguing that "you know you have mad people in your Nation- so have we- if these mad people meet mischief may happen."<sup>50</sup> Patrick Carr reported that Hoboithle Micco's allies were "very angry with McGilvery for attempting to send down talks without there knoledg."<sup>51</sup> Carr believed that Hoboithle Micco and his allies would comply with "every Demmand you Make of them," so Houstoun could safely ignore Alexander McGillivray's protests against the Oconee cession.<sup>52</sup>

Nearly a year after signing the Treaty of Augusta, Hoboithle Micco continued to demand its implementation on Creek terms with regard to trade and border management. In September 1784, he delivered another talk to Georgia's leaders insisting that trade must continue, and on this point, he claimed to speak for all Creeks. Speaking through a translator, the leader explained that Muskogeas preferred trade with Georgians over "the French & Spaniards...at Pensacola and Mobile" because "they deal for money, that the Indians can't deal with them." Hoboithle Micco assured Georgia's leaders that, concerning trade, his words were "the voice of the whole nation," including "all the beloved men" and "the lower sort."<sup>53</sup>

Hoboithle Micco recognized, however, that many Muskogeas had ceded no rights to the Oconee's east bank and proposed that all towns confirm the cession before Georgians settled. Appealing again to talwa autonomy, he noted that for him and his allies to give up the Oconee strip "would not be proper, but if a person was sent to the

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<sup>50</sup> A Talk deld in Council by the Govr to the Second Man of the Cussetaws, 15 July 1784, ITCL, 149.

<sup>51</sup> Patrick Carr to Governor John Houston, 22 August 1784, CILTT, pt. 1:63.

<sup>52</sup> Patrick Carr to Governor John Houston, 29 August 1784, CILTT, pt. 1:65.

<sup>53</sup> Tallassee King's Talk delivered to the Governor and Council, 22 September 1784, File II, Box 74, Folder 5, Georgia Archives.

headmen of the nation with some goods the land might be obtained.”<sup>54</sup> Hoboithle Micco suggested in particular sending a high ranking official to the prominent Upper Town of Okfuskee to request that town’s consent to the Oconee cession. If Georgia did so, he believed, “the land would be given up peaceably.”<sup>55</sup> Pointedly, Hoboithle Micco mentioned neither Alexander McGillivray nor Little Tallassee.

Hoboithle Micco rebuked Georgians for what he considered willful misinterpretation of the Oconee boundary and interference with Creek hunting rights. “When friends gather together,” he told them, “it is customary not to throw each others’ talks away.”<sup>56</sup> The leader insisted that “he never mentioned giving up the land in the forks of the Oconee & that the white people have been there marking the trees & running their lines.”<sup>57</sup> White trespassing was a sensitive issue that undermined his leadership. He warned Georgians that “some of his people...are much dissatisfied & blames him for giving away their rights.” Hoboithle Micco repeated that he “intended the first water of the Oconee for the line,” that is, the North Oconee River, rather than the Apalachee River, some thirty miles west.<sup>58</sup> Muskogeas valued the forks of the Oconee as an economic resource and, perhaps, imbued the area with spiritual significance. All the presents Georgians offered in payment “would soon be gone, but the land still continue,” Hoboithle Micco argued, and “the Trees that grows in the woods are beloved & the grass.”<sup>59</sup> In any case, he repeated that once the final border was settled, Creeks must be

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.; Pulley Hudson, *Creek Paths, Federal Roads*, 32, 186n118. Pulley Hudson has suggested that the forks of the Oconee may have held particular spiritual significance for Creeks.

allowed to travel freely among Georgians. This meant that the Oconee lands should be settled with “good white people” so that Creeks could hunt among them safely.<sup>60</sup>

Lower Towns added their voices to Hoboithle Micco’s refrain regarding the Oconee boundary, hunting rights, and talwa autonomy. A group of Lower Creek headmen informed Governor Houstoun that they would be hunting across the Oconee over the winter. As a courtesy, they asked Houstoun to notify white settlers of their intention so that they could hunt “over the hocones [Oconee] without any dread.”<sup>61</sup> Months later, Lower Creeks agreed that the situation was so muddled that it required a new congress to define the border. “As it is a matter that concerns the whole nation of us,” they declared, “we mean to have the consent of every headman in the whole nation that there may be no more after Claps or Disputes for the future.”<sup>62</sup>

An emerging conflict between the United States and Spanish Florida colored the Oconee boundary dispute, giving Creek leaders another divisive issue to consider. Georgians attributed Creek resistance to the Oconee boundary to Spanish influence rather than legitimate Muskogee concerns. One Georgian suggested that Creeks obstructed the surveying of boundaries pursuant to the 1783 Treaty of Augusta because they expected war between Georgia and Spanish Florida by the end of 1785. Georgians had expanded toward East Florida, reportedly prompting the deployment of over a thousand Spanish troops along the border.<sup>63</sup> Carr believed this situation “confuses the indins.”<sup>64</sup> While Creeks probably did avoid responding to Georgia regarding surveys, it likely resulted

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<sup>60</sup> Tallassee King’s Talk delivered to the Governor and Council, 22 September 1784, File II, Box 74, Folder 5, Georgia Archives.

<sup>61</sup> Timothy Barnard to Governor John Houstoun, 8 October 1784, LTB, 35.

<sup>62</sup> Talk from the Kings and Beloved Men of the Lower Creeks at Cussita, 5 May 1785, ITCL, 169.

<sup>63</sup> John Carr at Coweta to Mr. William Clark Merchant at Beard’s Bluff, 7 April 1785, CILTT, pt. 1:70.

<sup>64</sup> Ibid.

from internal debate and political calculation rather than confusion. Carr himself acknowledged that, regarding the Oconee border, some Creeks were “for it and others against it.”<sup>65</sup>

After Patrick Carr’s accusations that Alexander McGillivray was encouraging Muskogee warriors to attack the frontier in August 1784, the repeated diplomatic protests issued by Hoboithle Micco and others throughout fall 1784 and spring 1785, and the rumors that Creeks were waiting to see whether Georgia would wage war on Spanish Florida, Georgia focused on persuading McGillivray to withdraw his opposition to the Oconee boundary. In April 1785, however, McGillivray began working to forestall further talks. Using stern language, he insisted that “the Nation... protested in the strongest manner against your people settling over the old Boundary of Ogeechee.”<sup>66</sup> McGillivray explicitly rejected all the terms of the 1783 Treaty of Augusta and claimed to speak for all Creeks:

The Indians are extremely tenacious of their Hunting grounds of which that between Oconee & Ogeechee form a principal part & on which they generally take three thousand Deer Skins yearly. Therefore I once more repeat the wishes of the Nation & sincerely request...the Legislature to...strictly forbid encroachments over the line & enforce severe penalties on every transgressor.<sup>67</sup>

McGillivray concluded with a veiled threat, saying that only Georgia’s legislature could “remove the horrid effect of a savage war.”<sup>68</sup>

As Georgians pressed Muskogees to settle the Oconee boundary dispute, Alexander McGillivray worked to centralize power over Creek foreign affairs in his own

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<sup>65</sup> Ibid.

<sup>66</sup> Alexander McGillivray to William Clarke from Tuckabatche, 24 April 1785, CILTT, pt. 1:89-90.

<sup>67</sup> Ibid., 89.

<sup>68</sup> Ibid., 90.

hands. Interpreter and trader James Durouzeaux delivered Governor Samuel Elbert's talk calling for a new round of negotiations to McGillivray, and the ambitious leader took advantage of the situation by withholding Elbert's talk from the public. Instead of calling a meeting of all Upper Creek head men, McGillivray "had the Advise of a few that was [at] hand and has taken upon himself to Writte in the bahalfe of the upper Towns."<sup>69</sup> Durouzeaux had also presented the governor's talk in the Lower Towns, and this presumption offended McGillivray.<sup>70</sup> McGillivray argued that Elbert's letter "was an answer to a Talk wrote by him to Gov. Houston" and so was meant for his eyes only.<sup>71</sup>

Alexander McGillivray and Hoboithle Micco continued rival claims to speak for all Muskogeas, but other Creeks grew impatient and called for a resolution of the Oconee boundary dispute based on the consent of all talwas. Leaders from Cussita, for instance, insisted that all Muskogeas must agree on a boundary, but they acknowledged that the Upper Towns had chosen McGillivray "to act for them in this Matter."<sup>72</sup> Cussitas felt a sense of urgency to resolve the dispute because Georgians were trespassing west of the Oconee River in undisputed Creek country. "Thair is Several places on this side of the Oconey River been marcked out with Blased Trees," they protested, and that "has given our people a graett concern" that unauthorized leaders "should give all the Hunting Ground away."<sup>73</sup> Expressing clearly economic concerns, Cussitas feared that if Georgians

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<sup>69</sup> James Durouzeaux to Mr. William Clark at Beard's Bluff, 8 May 1785, CILTT, pt. 1:72.

<sup>70</sup> Ibid.

<sup>71</sup> William Clark to Governor Samuel Elbert, 15 May 1785, CILTT, pt. 1:74-75.

<sup>72</sup> Talk from the Kings and Beloved Men of the Lower Creeks at Cussita, 5 May 1785, ITCL, 170.

<sup>73</sup> Ibid.

continued to encroach, soon they would be unable to hunt enough “Skins to by the Goods with.”<sup>74</sup>

Hobothle Micco and his allies ignored McGillivray and informed Georgians they would meet with William Clark, a trader at Beard’s Bluff on the Altamaha River, to “Setle Every point of the Line and Boundary,” and that “the Nation has Laeft the wholle to them to act.”<sup>75</sup> Excited about the prospect, William Clark’s only concern was finding enough presents to satisfy the delegation.<sup>76</sup>

Despite the complex disagreements over the Oconee boundary, violence against white frontiersmen was far from the minds of Muskogee warriors in 1784 and 1785. James Durouzeaux reported “The Nation at this present is as Quiett as posable,” though famine had struck several towns.<sup>77</sup> A few horse theft raids had occurred, but Durouzeaux dismissed them as “villins” acting “Mutch against the consent of the Haed men.”<sup>78</sup> Acknowledging that headmen lacked the authority to command young hunters, Durouzeaux wrote that “some rascals” insisted on stealing horses “even amongst themselves,” in spite of leaders “strong talks against it.”<sup>79</sup>

Eighty percent of the forty-six recorded raids between 1783 and 1785 struck the Oconee valley, and this geographical focus on disputed lands suggests they were politically motivated rather than the opportunistic acts of rascals and villains. For example, in January 1785, Cowetas robbed John King in the forks of the Oconee,

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<sup>74</sup> Ibid.

<sup>75</sup> James Durouzeaux in Coweta to William Clark at Beard’s Bluff, 25 May 1785, CILTT, pt. 1:76-77.

<sup>76</sup> William Clark to Samuel Elbert, 15 May 1785, CILTT, pt. 1:74-75.

<sup>77</sup> James Durouzeaux to Samuel Elbert, 14 July 1785, CILTT, pt. 1:79.

<sup>78</sup> Ibid., 81.

<sup>79</sup> Ibid., 81.

designated by Georgians as Franklin County. They relieved King of a rifle, six steel traps, and a beaver skin, suggesting that King was a white hunter putting pressure on Muskogee hunting lands.<sup>80</sup> Surveyor Robert Flournoy was robbed in July 1785 while marking out the lines of Washington County near the Oconee's east bank. As a surveyor, Flournoy was the perfect human symbol of the Oconee boundary dispute, yet Muskogeese did not harm him. Instead, Flournoy camped with a group of Creek hunters until they suddenly disappeared with his horse.<sup>81</sup>

## V. 1785 TREATY OF GALPHINTON: RESULTS OF RESISTANCE

In the summer of 1785, the Confederation Congress intervened in the Oconee boundary dispute because it feared that Spain would use the conflict to strengthen its alliance with Creeks, and by proxy, its North American territorial claims. Muskogeese were initially pleased with the intervention, viewing it as the result of their diplomacy and modest border raiding. After Congress appointed commissioners to renegotiate the terms of the Treaty of Augusta, Alexander McGillivray announced that he had ordered Creek warriors to cease “predatory excursions” against Georgia settlers.<sup>82</sup> In reality, few raids had taken place since November 1783, and McGillivray was not the reason for them. He lacked both the coercive power and the persuasive influence to cause or end raiding. However, in the negotiations for what became the 1785 Treaty of Galphinton and its aftermath, Muskogee leaders became more divided as McGillivray grasped for authority to deploy border patrols.

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<sup>80</sup> Deposition of John King, 3 February 1821, DEPS, vol. 2, pt. 2:489; Deposition of Joseph McCutchen, 3 February 1821, DEPS, vol. 2, pt. 2:489.

<sup>81</sup> Deposition of Robert Flournoy, 3 September 1821, DEPS, vol. 2, pt. 2:434; Deposition of Robert Flournoy, 11 November 1802, DEPS, vol. 4:200.

<sup>82</sup> Alexander McGillivray to Andrew Pickens, 1785 September 5, *ASPIA*, 1:18.

Apparently hoping for favorable action from the Confederation Congress in the fall, Creeks expended little energy on foreign affairs during summer 1785. Alexander McGillivray continued to work for better trading terms with Panton, Leslie, and Company, an English firm operating out of Spanish Pensacola with a de facto monopoly in Creek country.<sup>83</sup> After the United States and Spain clashed over control of posts along the Mississippi River, the Spanish Governor at Pensacola summoned McGillivray for talks “to Setle an allience with them.”<sup>84</sup> Making the most of the moment, McGillivray asked for an end to Spanish export duties on deerskins and warned that Americans continued to “seduce” Creeks by offering “liberal trade.”<sup>85</sup> While McGillivray insisted that Muskogeas “will continue to Refuse” such offers, James Durouzeaux assured Georgia Governor Samuel Elbert that, while McGillivray might be able to persuade Upper Creeks to follow his lead, he had no influence in the Lower Towns.<sup>86</sup>

Lower Creeks remained more concerned about their northeastern neighbors than with those to the south. James Durouzeaux remarked that Lower Towns were “Very Letle Concerned” with the Spanish.<sup>87</sup> Despite the efforts of Escotchabe and others during the 1770s, Spanish alliance evidently held little allure. Cuban vessels still made regular visits to the Gulf Coast, but Muskogee access to Spanish goods remained problematic. Authorities were unable to provide adequate presents to renew the relationship. West Florida Governor Arturo O’Neill reportedly discouraged Creeks from visiting Pensacola because “he haed Nothing to Give them,” not even a small supply of food for their

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<sup>83</sup> Braund, *Deerskins and Duffels*, 173-174; Downes, “Creek-American Relations, 1782-1790,” 147-151.

<sup>84</sup> James Durouzeaux to Governor Samuel Elbert, 20 July 1785, CILTT, pt. 1:82.

<sup>85</sup> Alexander McGillivray to Arturo O’Neill, 24 July 1785, Caughey, *McGillivray of the Creeks*, 94; Alexander McGillivray to Arturo O’Neill, 6 July 1785, Caughey, *McGillivray of the Creeks*, 90.

<sup>86</sup> Alexander McGillivray to Estevan Miro, 25 August 1785, Caughey, *McGillivray of the Creeks*, 95; James Durouzeaux to Samuel Elbert, 20 July 1785, CILTT, pt. 1:82.

<sup>87</sup> James Durouzeaux to Samuel Elbert, 20 July 1785, CILTT, pt. 1:82.



journey home.<sup>88</sup> When he described parsimonious Spanish gifts, James Durouzeaux tactfully reminded Governor Elbert that presents were critical to maintaining any alliance with Creeks.

During late summer 1785, Creeks' diffuse, multilateral leadership structure, talwa autonomy, and communal land ownership became increasingly frustrating to Georgians as they received opposing talks from different leaders claiming to represent the prominent Lower Town of Coweta. "We the Coweitter people" sent a talk to Governor Elbert in August disavowing horse theft committed by young Muskogees yet urging him to control backcountry Georgians. They warned that, if encroachment "on our hunting ground" west of the Oconee River continued, "our peace, can Not Be Long." If Georgians impaired Creek hunting grounds, they argued, "Whaer...Shall we Get Skins to buy what Good' our traeder Shall bring?"<sup>89</sup> The talk conveyed the importance of the faltering deerskin trade and, by extension, commitment to communal land ownership and retained hunting rights on the Oconee strip. The Coweta headmen even reminded Governor Elbert that, "although it is...our hunting ground We are not all the people that hunts thaer."<sup>90</sup>

The headmen promised that, if Georgia would control its own aggressive hunters and settlers, Cowetas also would control their "young people...for the better keeping our path White and Strait."<sup>91</sup> To demonstrate their commitment, they returned to Georgians some horses recently stolen by "Maed young people."<sup>92</sup> This affirmed the Muskogee political pattern of dynamic tension between the white path of peace and persuasion

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<sup>88</sup> Ibid.

<sup>89</sup> Headmen of Cowerther [Coweta] to Samuel Elbert, 17 August 1785, CILTT, pt. 1:83-84.

<sup>90</sup> Ibid., 84.

<sup>91</sup> Ibid., 83-84.

<sup>92</sup> Ibid.

pursued by older headmen and the red path of aggression traveled by young men. Coweta headmen understood that while the young had legitimate grievances against white border jumpers, horse rustling provoked Georgians. Returning the property could preempt violent retaliation. The Coweta headmen concluded with language that further suggests they were anxious to mitigate conflict. They reminded Georgians again that many people used the hunting grounds in the border zone, and that “meney a horse is stole and brought away by Others and we baers the Blame.”<sup>93</sup>

The Coweta headmen reassured Georgians that they would not harm existing white settlements and they, too, eagerly awaited a final survey of border lines pursuant to the 1783 Treaty of Augusta. Once lines were run, however, Cowetas expected that any white people settled over the line “would obey ther Governor and move from all Sutch places.”<sup>94</sup> On the whole, then, the Coweta headmen appeared optimistic that a clearly surveyed boundary would prevent Georgians’ encroachment west of the Oconee, clarify Coweta hunting rights, and remove the aggravation that led some young men to confiscate white people’s horses.

At the same time, however, Alexander McGillivray claimed to speak for Coweta and several other towns and took a more aggressive tack. He again renounced the cession of the Oconee strip, and, in September 1785, he progressed from simply encouraging border patrols to commanding Creek warriors to sweep white settlers from the Oconee’s east bank by force. He directed his orders to men from Coweta, the Upper Town of Tuckabatchee, and others. Border patrols were to carry his written orders with them as

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid., 83.

they “move[d] off the Okonee settlers,” and McGillivray required that “The houses of such as are moved must be destroyed to prevent others coming on.”<sup>95</sup>

Yet Coweta headmen already had promulgated their own milder approach to the Oconee boundary dispute, and the manner in which McGillivray delivered his orders suggests that his command fell on deaf ears. McGillivray depended on the prestige of other headmen to motivate young warriors. Rather than delivering his talk orally in the town council house at Coweta, McGillivray wrote to white interpreter James Durouzeaux, instructing him to pass the orders on to the Hallowing King of Coweta. The Hallowing King, then, carried the burden of persuading young warriors to follow him.<sup>96</sup> From the comfort of his plantation over a hundred miles west, McGillivray, who had never led a successful raid himself, confidently instructed Durouzeaux to order the Hallowing King to “call your Worriors together and tell them this Talk.” Even then, however, McGillivray commanded warriors to “drive off from the Okonee all encroachers,” but “Not to Molest any white person or thaer property.”<sup>97</sup>

It is unlikely that McGillivray’s words carried weight with warriors because there is no correlation between reported raids and his orders. McGillivray issued his orders in September 1785, and in the following eight months, only six raids were reported. While a

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<sup>95</sup> Alexander McGillivray to James Durouzeaux, 2 September 1785, CILTT, pt. 1:86-88.

<sup>96</sup> Swanton, “Social Organization and Social Usages,” 193, 295-197; Swanton, *Creek Religion and Medicine*, 610-614; Green, *The Politics of Indian Removal*, 9. It is possible that McGillivray was following appropriate channels of leadership by calling on another man to deliver his talk. Formal oratory required specialized skills, so miccos delegated the task to one of two classes of professional speakers, *yatika* or *hothlibonaya*. This is, however, unlikely because each town had its own micco and *yatika*, usually from the same clan, and not every talwa had a *hothlibonaya*. McGillivray would have had no authority to ask the *yatika* or *hothlibonaya* of Coweta to speak for him. Moreover, there is no clear evidence that the Hallowing King was such a professional speaker, nor is there an obvious clan connection between him and McGillivray, a member of the Wind clan. The Hallowing King’s clan affiliation is unclear, but Swanton holds that eighteenth century Coweta miccos and *yaticas* were usually drawn from the Fish clan.

<sup>97</sup> Alexander McGillivray to James Durouzeaux, 2 September 1785, CILTT, pt. 1:86-88.

total of twenty-two horses were stolen, no houses were destroyed suggesting the raids were unrelated to McGillivray's commands. By comparison, in the eight months preceding September 1785, Georgians reported seven raids on white settlers in the Oconee valley. These, too, consisted of minor thefts, with neither property destruction nor violence. There was no change in the frequency, location, or nature of raids before and after McGillivray's orders.

His letters from September 1785 reveal McGillivray's discomfort with his own claims to leadership. Initially, he attributed command of border patrols to a Creek council, but later, he suggested he alone commanded them. McGillivray wrote to Confederation treaty commissioner Andrew Pickens explaining that "a meeting of the nation" had decided "to send out parties" to patrol the Oconee strip and "remove the people."<sup>98</sup> Once commissioners appointed by the Confederation Congress arrived to restrain wayward Georgians, however, McGillivray volunteered as a show of good faith to "take the necessary steps to prevent any future predatory excursions of my people, and against any of your settlements."<sup>99</sup>

Later in September, McGillivray sent yet another set of orders to James Durouzeaux ordering Lower Creek miccos to "let the parties go & remove all encroachers off the land."<sup>100</sup> Just as with his previous instructions, he conveyed his new orders via written letter to a white interpreter rather than by direct oratory to warriors. McGillivray seemed unaware or unconcerned that Durouzeaux frequently solicited a salary from Georgia's governors and swore to follow any instructions from the state's

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<sup>98</sup> Alexander McGillivray to Andrew Pickens, 5 September 1785, *ASPIA*, 1:18.

<sup>99</sup> *Ibid.*

<sup>100</sup> Alexander McGillivray to James Durouzeaux, 12 September 1785, *CILTT*, pt. 1:94.

executive. His failure to visit the talwas and speak directly to common Creeks suggests that he lacked influence among them. Instead, McGillivray named the Hallowing King as the man responsible for carrying out his wishes.<sup>101</sup>

Still, McGillivray initially succeeded in shaping the talks that led to the Treaty of Galphinton. Always an enigmatic figure, it remains unclear whether he was a Muskogee patriot or a shrewd opportunist. It is apparent, however, that he believed Confederation commissioners would be more conciliatory than their counterparts representing Georgia. He instructed James Durouzeaux to tell Lower Creek headmen that he would “accompany the chiefs” to the upcoming talks, though he counseled that “I think it best to wait for the [Confederation] Commissioners... I am led to believe that the views of the Georgians in calling such a hasty meeting is that they want to gain some point before the Commissioners are ready to meet us.”<sup>102</sup> As late as November 4, McGillivray still planned to attend the congress personally. Noting that “the talks are very good in the nation,” he appeared to expect a positive outcome.<sup>103</sup>

Yet in the week between November 4 and the completion of the treaty on November 12, Alexander McGillivray balked. He absented himself from the proceedings, but Hoboithle Micco of Tallassee, Neha Micco of Cussita, and about eighty warriors assembled at Galphinton, a former trading post and settlement on the Ogeechee River near present-day Louisville, Georgia.<sup>104</sup> Commissioners representing the Confederation Congress would not go forward without McGillivray. Thanks in part to obstruction by

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<sup>101</sup> Ibid., pt. 1:95.

<sup>102</sup> Ibid., pt. 1:94.

<sup>103</sup> Luke Mann to Governor Samuel Elbert, 4 November 1785, CILTT, pt. 1:100.

<sup>104</sup> Downes, “Creek-American Relations, 1782-1790,” 151; James Durouzeaux to Governor Samuel Elbert, 21 September 1785, CILTT, pt. 1: 96-98; Luke Mann to Governor Samuel Elbert, 4 November 1785, CILTT, pt. 1:100.

Georgia authorities, and in part to the torpid pace of communications, the Confederation commissioners had failed to draw an adequate complement of Creek leaders.

Commissioners appointed by the Confederation Congress left Galphinton because the small Creek delegation could not legitimately speak for all towns. Georgia's representatives, however, had no such qualms, and they signed the Treaty of Galphinton on November 12, 1785. Alexander McGillivray quickly rejected the new agreement and redoubled his resistance. He ordered more raids to oust settlers from the Oconee's east bank, again admonishing warriors to refrain from violence, unless in self-defense.<sup>105</sup> Just as in previous months, however, McGillivray's claim to command likely outstripped his real influence.<sup>106</sup>

## VI. 1785 TREATY OF GALPHINTON: COMPLICATIONS OF CONFLICT

Secretary of War Henry Knox reflected in 1789 that, despite Muskogee dissatisfaction with the 1783 Treaty of Augusta, "it was not until a few months after the treaty of Galphinton, that uneasiness began to be fomented in the nation, and some murders were committed."<sup>107</sup> The 1785 Treaty of Galphinton confirmed the Oconee River boundary to its "most southern branch," which Georgians defined as the Apalachee

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<sup>105</sup> Alexander McGillivray to James White, 8 April 1787, *ASPIA*, 1:18; Downes, "Creek-American Relations, 1782-1790," 152-153, 160. Downes emphasizes Spanish support of McGillivray's position, underestimating genuine Creek dissatisfaction with white encroachment and overestimating McGillivray's leadership of those dissatisfied Creeks.

<sup>106</sup> Saunt, *A New Order of Things*, 77-83, 104-108. Saunt argues that the land cession treaties of the 1780s and much of the conflict noted by Downes catalyzed an emerging tension between a rising mestizo elite invested in the expansion of European trade, the accumulation of private property, and the establishment of centralized, coercive political power—a group personified by Alexander McGillivray—and Creeks who resisted these innovations led by Hobothle Micco and others.

<sup>107</sup> Report from H. Knox, Secretary of War, to the President of the United States, 6 July 1789, *ASPIA*, 1:15.

River.<sup>108</sup> It also secured a large new cession of land in south Georgia between the Altamaha and St. Mary's Rivers.<sup>109</sup> White travelers and traders were to be granted free passage in Creek country, but Muskogee authorities retained the decisive right to evict white people who "shall attempt to settle or run any of the lands reserved to the Indians."<sup>110</sup> Moreover, the treaty sanctioned Muskogee rights to arrest Americans who committed crimes in Creek country, though any alleged white criminals must be tried under Georgia law.<sup>111</sup> These two stipulations conveyed Georgia's tacit approval of limited border patrols, though they did not condone property confiscation as John Stuart had in the 1770s.

The list of seventeen Muskogee leaders who signed the Treaty of Galphinton illuminates the depth of Creek commitment to talwa autonomy and the limits of Alexander McGillivray's influence. The towns represented by seven of the seventeen signers can be clearly identified, and they include both Upper and Lower Creek headmen.<sup>112</sup> McGillivray claimed to represent all Creeks, to especially command the Upper Towns, yet he did not attend the congress. Even some Lower Towns headmen agreed that Alexander McGillivray guided Upper Towns' decisions, yet five of the seven identifiable treaty signers represented Upper Towns, including the prominent Upper Town of Okfuskee. At the height of the Oconee border dispute, at the apex of Alexander McGillivray's claims to lead Creeks, and at the pinnacle of Georgians' and Spaniards'

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<sup>108</sup> Treaty at Galphinton with the Creek Indians, 12 November 1785, Article 11, ITCL, 173; Treaty at Augusta with the Creek Indians in 1783, ITCL, 130.

<sup>109</sup> Treaty at Galphinton with the Creek Indians, 12 November 1785, Article 11, ITCL, 173.

<sup>110</sup> Treaty at Galphinton with the Creek Indians, 12 November 1785, Article 2, ITCL, 171.

<sup>111</sup> Treaty at Galphinton with the Creek Indians, 12 November 1785, ITCL, 171-172.

<sup>112</sup> *Ibid.*, 171. The seven signers clearly representing five Upper Towns were 1) Pohilthe Oakfuskie for Okfuskee; 2) Abeco Tuskanucky for Abecooche; and 3) Hoboithle Micco and Dickson Tallicee for Tallassee; 4) Tuskia Micko for Tuskegee; and 5) Coso Micko and Cuso Micko for Coosa. The two signers clearly representing Lower Towns were 1) Inneha Micko for Cussita, and 2) Yaholo Micko for Coweta.

ascription of Creek leadership to him, evidence suggests that many Muskogeese chose the principle of talwa autonomy over centralized power. Perhaps more revealing is that, while representatives of just four towns out of approximately fifty consented to both the 1783 Treaty of Augusta and the 1785 Treaty of Galphinton, they included the two most powerful Lower Towns, Coweta and Cussita.<sup>113</sup> The Upper Towns of Tallassee and Coosa endorsed both treaties, but the absence of powerful Upper Towns like Okfuskee and Tuckabatchee is difficult to interpret. McGillivray may have swayed most Upper Towns, but they simply may have viewed the Oconee strip and Georgia as less important than Spanish Pensacola and so deferred to Coweta and Cussita.

The Georgia Assembly moved quickly to strengthen its grip on the Oconee strip, and its actions likely provoked Creeks who disagreed with the cession. The assembly arranged to survey a new city twenty miles from Galphinton to serve as “the seat of Government” in the Oconee lands.<sup>114</sup> The assembly also passed an ordinance appointing new Indian agents “to reside in the Indian Nations.”<sup>115</sup> Muskogeese like Alexander McGillivray who rejected the Treaty of Galphinton and its predecessor would have viewed organizing the disputed territory for settlement and the placement of agents in Creek country with alarm.

Even as Georgia prepared to occupy the Oconee strip systematically, McGillivray claimed victory over both Americans and his Muskogee rivals. He informed Spanish West Florida Governor Arturo O’Neill that “there was not twenty Indians in the whole”

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<sup>113</sup> The towns consenting to both treaties were 1) Cussita represented by Neha Micco, 2) Coweta represented by Cowetaw and Yaholo Micko, 3) Tallassee represented by Hoboithle Micco and others, and 4) Coosa represented by Cusa Mico and others.

<sup>114</sup> *Georgia Gazette*, 16 March 1786; *Georgia Gazette*, 9 February 1786.

<sup>115</sup> *Georgia Gazette*, 23 February 1786.



who attended the congress at Galphinton, and those who went “were not of any consequence.”<sup>116</sup> McGillivray directly insulted Hoboithle Micco, calling him a “roving beggar, going wherever he thinks he can get presents.”<sup>117</sup> He claimed that treaty commissioners appointed by the Confederation Congress had only quarreled with those representing Georgia, and “thereby rendered themselves Completely ridiculous” to Creeks.<sup>118</sup> McGillivray even took perverse pleasure in the notion that Americans intended to murder him. He gloated that Americans all agreed “it is my fault that they cant bring their Schemes to bear,” so they fixated on “Contriving...my assassination.”<sup>119</sup>

McGillivray asserted himself more fully in spring 1786, making one of his boldest claims yet as leader of all Creeks and concealing his inability to influence common Muskogees. Despite his repeated warnings against it, white Georgians continued to encroach on “our hunting lands,” illustrating that his earlier orders commanding warriors to evict white settlers had proved fruitless.<sup>120</sup> Instead of calling attention to the lack of results, however, McGillivray simply stated that he had “repeatedly warned” Georgians of “the dangers it [encroachment] might bring upon them.”<sup>121</sup> To address the ongoing threat, he arrogated the authority to call “all the Chiefs of the Nation to assemble...& adopt such measures as our occasion call for.”<sup>122</sup>

McGillivray reported three weeks later that he had, in fact, convened a meeting with “all the Chiefs” to organize new border patrols, but the moderate response hints at

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<sup>116</sup> Alexander McGillivray to Arturo O’Neill, 10 February 1786, Caughey, *McGillivray of the Creeks*, 102-103.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid., 102.

<sup>119</sup> Ibid., 103.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid., 103-104.

<sup>122</sup> Ibid., 104.

his limited influence.<sup>123</sup> Leaders determined as a group “to take arms in our defence & repel those invaders of our Lands, to drive them from their encroachments & fix them within their proper limits.”<sup>124</sup> Writing from Tuckabatchee, McGillivray ordered several men by name to undertake a patrol. The first of these, Hopoy Micco, hailed from McGillivray’s own town of Little Tallassee and, as a slaveowner and cattle rancher, Hopoy Micco stood to gain personally from raids.<sup>125</sup> The Second Man of Ouseechee and Hallowing King of Coweta both hailed from Lower Towns.<sup>126</sup> Efau Hadjo, translated as Mad Dog, represented the Upper Town of Tuckabatchee and was an ambivalent ally to McGillivray.<sup>127</sup> McGillivray reported that “it is the Mad Dog’s desire” that participating warriors meet him at Kialijee on the Upper Trading Path “that the matter may be properly

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<sup>123</sup> Alexander McGillivray to Arturo O’Neill, 28 March 1786, Caughey, *McGillivray of the Creeks*, 104. Unfortunately, McGillivray gave no information regarding attendees.

<sup>124</sup> Alexander McGillivray to Arturo O’Neill, 28 March 1786, Caughey, *McGillivray of the Creeks*, 104.

<sup>125</sup> Saunt, *A New Order of Things*, 122, 158, 174, 180, 199, 217. In the 1780s, Hopoy Micco, also known as Muclasa Hopoy or Singer, still spent several months each year as a commercial hunter in the deerskin trade, but by 1802, he had become a full time cattle rancher, slave-owning cotton planter, and speaker of the Creek National Council from 1802 to 1806. He corresponded frequently with American and Spanish leaders via literate secretaries. In the 1790s, this former border patroller became a brutal enforcer for the Creek national council’s “New Order,” burning the homes of Muskogee horse rustlers and murdering blacks in Creek country accused of stealing from white people in the border zone. As is foreshadowed, perhaps, by the events described above in April and May 1786, Cussita warriors murdered Hopoy Micco in 1806.

<sup>126</sup> Ironically, Osuchee Mathla, evidently a different leader from the Lower Town of Ouseechee, would sign the Treaty of Shoulderbone Creek a year later, demonstrating that the Oconee boundary dispute caused conflict both between towns and within them.

<sup>127</sup> Green, *Politics of Indian Removal*, 38; Saunt, *A New Order of Things*, 47-48, 87, 99-100, 105, 107-110, 122, 132, 146, 155-156, 180-181, 190-191, 198-199, 206-207, 222, 261. Initially in the 1770s, Efau Hadjo, also known as the Mad Dog, had opposed the intrusion of cattle into Creek country. In the 1780s, he allied himself briefly with Alexander McGillivray’s new order. A few months before McGillivray’s death in 1793, Efau Hadjo renounced his old ally and cast his lot with Hoboithle Micco. In yet another reversal, Efau Hadjo enthusiastically embraced the role of primary correspondent with the U.S. after McGillivray’s passing, but he was ambivalent about centralized Creek government and the accumulation of property. By 1801, Efau Hadjo owned slaves, but they produced little profit, indicating that they mostly controlled their own labor. Efau Hadjo, this border patroller of the 1780s was, by the 1790s, working without success to halt Muskogee frontier raids because they provoked overwhelming retaliation from Georgians. His efforts to centralize Creek government and assert his own leadership seem motivated more by a desire to protect Creek towns from American violence than by a desire for property and power. His claims to command all Creeks appear marginally more effective than McGillivray’s, perhaps because he influenced warriors directly as violent enforcers of national policy. He regretted the rise of plow agriculture and the decline of women’s farming, believing it would result in famine.

conducted,” suggesting that Efau Hadjo led the actual patrol.<sup>128</sup> At least two modest raids followed resulting in the theft of fourteen horses and the destruction of some buildings in Franklin County between the Apalachee and Oconee Rivers.<sup>129</sup> Despite McGillivray’s claim to have convened “all the Chiefs” and sent his commands “all over this country,” only two raids resulted directly.<sup>130</sup>

The headmen of Cussita and Buzzard’s Roost, a daughter town of Coweta, however, quickly informed Georgians that they rejected Alexander McGillivray’s claim to leadership and had no involvement whatsoever in border patrols. Their talk revealed ongoing political conflict between towns and growing conflict within them. They acknowledged that “Some of the mad people” from Upper Towns conducted raids “by Mr. McGillivreyes orders” during which they plundered and burned houses on the Oconee’s “big shoals” in Franklin County. Those raids, however, were “unknown to us your friends.”<sup>131</sup> Cussitas were so concerned that they actually chased down the patrol, “took all we could find with them wich consist of two rifle guns and a great many Cloaths,” and returned the property via trader and translator Timothy Barnard.<sup>132</sup> Coweta sent a talk to Cussita disavowing McGillivray’s border patrol, assuring Cussitas they “would not interfeare and that they mean to remain in friendship with the white people.”<sup>133</sup> This disavowal suggests, McGillivray’s orders notwithstanding, the Hallowing King and common Cowetas may have ignored the call to action. Moreover, Cussitas pledged that

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<sup>128</sup> Alexander McGillivray to Hallowing King, 14 April 1786, CILTT, pt. 1:101.

<sup>129</sup> Deposition of Thomas Page, 1 November 1803, DEPS, vol. 2, pt. 3:745; Talk from Head Men Cussetaus & Buzzard Roost Indians to Edward Telfair, 2 May 1786, LTB, 51.

<sup>130</sup> Alexander McGillivray to Arturo O’Neill, 28 March 1786, Caughey, *McGillivray of the Creeks*, 104; Alexander McGillivray to Hallowing King, 14 April 1786, CILTT, pt. 1:101.

<sup>131</sup> Talk from Head Men Cussetaus & Buzzard Roost Indians to Edward Telfair, 2 May 1786, LTB, 51.

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

any stolen horses brought into town “shall all be taken and Delivered to there owners at Augusta.”<sup>134</sup> The Cussita headmen noted that no violence had yet occurred, and they were working to reassert their influence over any young men tempted to participate in McGillivray’s border patrols. They hoped to restrain their warriors “withoutte spilling of Blood.”<sup>135</sup>

Cussitas perhaps expected that curbing border patrols before any bloodshed occurred would be a relatively easy task because so few men had participated and because even Alexander McGillivray had prohibited violence. McGillivray ordered patrols “not to kill no one but to burn houses bring of[f] Every thing they find on their lands and drive the people of[f].”<sup>136</sup> This tactic conformed with long-standing practice. Escotchabe, the Young Lieutenant of Coweta, had been warning illegal settlers since 1767 that Creeks would evict them and burn their homes and had conducted non-violent patrols of his own after the bloodshed of the White-Sherrill affair.<sup>137</sup> When John Trice and other members of his Greene County household reported the border patrol raid that struck them in May 1786, all acknowledged that no violence was committed. By contrast, they provided a detailed account of damaged and stolen property, including the two rifles that Cussitas later confiscated from raiders and returned.<sup>138</sup> Two women were present in the Trice home when raiders struck, and they reported that the party “seemed to be entirely in quest to plunder, having made little or no attempt to kill or otherwise injure

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<sup>134</sup> Ibid., 52.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Braund, *Deerskins and Duffels*, 157-158.

<sup>138</sup> Commissioner John A. Cuthbert’s Approval of the Claim of the Estate of John Trice, 28 May 1835, DEPS, vol. 2, pt. 1:30-31.

any of the family.”<sup>139</sup> Instead, Muskogeese allowed the women to flee before they burned the house. The raid on the Trice home shows that even those few Muskogeese involved in McGillivray’s border patrols in spring 1786 intended to evict settlers by confiscating or destroying their property rather than harming them.

The identities of these few border patrollers clarify the narrow limits of McGillivray’s drive to centralize. The Cussita headmen reported that three of the five men who “Burnt the house on the Ocones” were from “his own house.”<sup>140</sup> Emphasizing their own town’s autonomy, Cussitas advised that if McGillivray claimed “all the town has taken his talk in this affair...that it is not the case.” They assured Georgians that “it is only a few towns about himself.”<sup>141</sup> McGillivray pushed for centralized authority to harass settlers in the Oconee valley, but he failed to gain the support of Coweta and Cussita, the two most prominent Lower Towns. He influenced only a minority of Upper Towns, and from that minority, he convinced only a handful of warriors to patrol the Oconee boundary.

Cussita headmen affirmed their friendship with Georgians in a characteristically Muskogean manner that demonstrated their political commitment to talwa autonomy as well as their cultural distance from McGillivray’s centralization project. They renewed friendship using a custom that had been documented by Europeans since the 1500s.<sup>142</sup> In keeping with Muskogean color symbolism in which white denoted peaceful alliance and feathers conveyed spiritual power drawn from the upper world, Cussitas presented “as full token of our friendship...a white wing,” and, they hoped, “when you see this with our

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<sup>139</sup> Depositions of Francis Moran and Tabitha Hoskins, 3 November 1821, DEPS, vol. 2, pt. 1:29.

<sup>140</sup> Talk from Head Men Cussetaus & Buzzard Roost Indians to Edward Telfair, 2 May 1786, LTB, 52.

<sup>141</sup> Ibid.

<sup>142</sup> Hall, *Zamumo’s Gifts*, 1-2, 11-14.

talk that you will be fully convinced that we are not madmen.”<sup>143</sup> McGillivray lived in a world where negotiations took place via written correspondence and treaties were concluded by drawing maps, signing documents, and negotiating duty rates on imports and exports. Many Creeks like the Cussitas conducted politics by other means. They believed that negotiations were best conducted through ritualistic oratory and that treaties should be struck thru the reciprocal exchange of objects charged with supernatural energy. When McGillivray attempted to discredit Hoboithle Micco by calling him a beggar who sought presents, there was a kernel of truth in that criticism. Hoboithle Micco combined older forms of ritual gift exchange with newer forms of commercial trade. By the 1780s, southeastern Indians had been combining indigenous and European forms of exchange to create alliances for two centuries, but they had been doing it as representatives of autonomous talwas.<sup>144</sup> Muskogee leaders’ behavior from 1783 to 1786 suggests that they continued to prefer this older form of governance, despite Alexander McGillivray’s attempt to centralize political authority.

## VII. CONCLUSION

One might expect violence to have increased between the 1783 Treaty of Augusta and the 1785 Treaty of Galphinton, but it did not. Heated rhetoric, tense diplomacy, and a few raids targeting property took place throughout 1784 and much of 1785. The Treaty of Galphinton simply confirmed the Creek border as the southernmost branch of the Oconee River with no mention of retained Muskogee hunting rights to the east bank. The new treaty secured an additional land cession further south yet acknowledged Muskogee

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<sup>143</sup> Talk from Head Men Cussetaus & Buzzard Roost Indians to Edward Telfair, 2 May 1786, LTB, 53.

<sup>144</sup> Hall, *Zamumo’s Gifts*, 1-3, 29-31, 95-96, 100-105, 137-142.

rights to arrest Georgians trespassing in Creek country.<sup>145</sup> In the years between the treaties, Georgians accused Muskogeese of just four violent incidents, a marked decline from the Revolutionary War years. During the same period, white men murdered at least two white Georgians and one Muskogee in frontier counties, and grand juries constantly complained about the theft and violence of non-Indian criminal gangs, suggesting that settlers had as much to fear from one another as they did from Muskogeese.<sup>146</sup>

The contested treaties of 1783 and 1785 produced little frontier violence, but they sharpened the outlines of internal Creek political conflict. Alexander McGillivray and his allies led a drive to centralize Creek government, but Muskogeese behavior illustrates that they remained committed to independent talwa governments. Several translated talks from talwa leaders show that men like Hoboithle Micco and headmen from Coweta and Cussita were willing to allow settlers to remain on the Oconee's east bank. They criticized Georgians, however, for willfully misinterpreting treaty terms by claiming land west to the Apalachee River, brazenly trespassing as far west as the Ocmulgee, and inhibiting Creek hunting on the Oconee's east bank. McGillivray's more voluminous written correspondence features sharper rhetoric, and his modest border patrols made an impression on Georgians. He repeatedly commanded Muskogee warriors to evict settlers whom he considered illegal immigrants, yet evidence shows that few men followed his lead.

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<sup>145</sup> Downes, "Creek-American Relations, 1782-1790," 152; *ASPIA*, 1:17.

<sup>146</sup> Randolph Roth, "Homicide among Adults in Georgia and South Carolina, 1785-1900," Historical Violence Database of Ohio State University's Criminal Justice Research Center, October 2009 version, <http://cjrc.osu.edu/researchprojects/hvd/usa/georgia/>; Randolph Roth, *American Homicide* (Cambridge: The Belknap Press of Harvard University Press, 2009), 161-171. For Georgia between 1760 and 1814, Roth estimates a homicide rate "of 25 to 30 per 100,000 per year for white adults in areas where county governments had been established." (162)

The Treaty of Galphinton did little to resolve the dispute over the Oconee boundary, and given McGillivray's threats against white squatters, one might expect violence to skyrocket during 1786, but it did not. Georgians reported eight Indian attacks resulting in the deaths of six to nine white people between the 1785 Treaty of Galphinton and a new round of formal negotiations in November 1786—a modest increase over previous years.

The rhetoric that appeared in the *Georgia Gazette*, by contrast, reached epic proportions by September 1786, and Georgians' violence against Creeks increased. In four raids, Georgians killed fifteen Muskogee men. One report stated flatly that there was "little or no room for doubt of a war taking place immediately."<sup>147</sup> A Chatham County man insisted that a Creek invasion of Savannah was imminent. He excoriated his fellow citizens for their failure to raise a common guard, fearing that at any moment, "our houses will be set on fire, our wives and daughters violated, and our children dashed in pieces before us...All alike will fall victims to their never satiated appetite for blood."<sup>148</sup> The following chapter examines the paucity of Muskogee violence in 1786, the narrative Georgians crafted to exaggerate that violence, and the Oconee boundary dispute's paradoxical effect on Creek politics.

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<sup>147</sup> *Georgia Gazette*, 14 September 1786.

<sup>148</sup> *Georgia Gazette*, 28 September 1786.



## CHAPTER 5 – A PAUCITY OF VIOLENCE, GEORGIA’S NARRATIVE OF THE MUSKOGEE THREAT, AND THE 1786 TREATY OF SHOULDERBONE CREEK: THE TURNING POINT

### I. INTRODUCTION

The year 1786 was a turning point for Creeks committed to governance by talwa autonomy. The Treaty of Galphinton did little to restrain Georgians’ encroachment, and 1786 witnessed a small but significant increase in border raids, a few of which ended in violence. Alexander McGillivray claimed responsibility for these raids, but a diverse group of talwa leaders rejected his claim to leadership and disavowed the patrols. Young men raided Georgia settlers for a variety of reasons, often without support from McGillivray or their talwa leaders. Georgians, however, found it politically expedient to view McGillivray as a dominant force in Creek country who intended to invade the state and destroy Oconee valley counties. Georgians crafted a political narrative about the Creek threat that they used, along with intimidation and hollow promises to restrain settlers, to gain concessions from Creeks in the 1786 Treaty of Shoulderbone Creek.<sup>1</sup> The controversies of 1786 and the unsatisfying agreement at Shoulderbone forced talwa leaders to recognize that negotiating with Georgia as independent towns had failed, yet they continued to resent Alexander McGillivray’s attempt to centralize Creek government. The turmoil of 1786—a few violent raids, young men’s rejection of

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<sup>1</sup> Martin, *Sacred Revolt*, 153. In a similar argument, Joel Martin suggested that Americans during the Redstick War eagerly provoked Muskogee violence so they would have “a pretext to crush the Muskogees and absorb greater portions of their land.”

headmen's authority, Alexander McGillivray's arrogation of foreign policy power, and Georgia's disingenuous narrative about the Muskogee threat—left Muskogees committed to talwa autonomy adrift, grasping for a new solution.

Despite Georgians' depiction of Muskogee border patrols, Creeks did not commit substantial bloodshed in 1786, though raiding did increase. In the two years between the November 1783 Treaty of Augusta and the November 1785 Treaty of Galphinton, Georgians reported forty-nine Creek raids, yet thirty-two raids occurred in the single year of 1786. As in previous years, the raids in 1786 focused geographically on the Oconee River valley and usually resulted in horse theft. In eight violent raids, Creeks killed six to nine white Georgians, though two were in retaliation for unprovoked killings of Creeks.<sup>2</sup> Settlers lashed out with violent raids of their own, killing fifteen Creek men during the same period.<sup>3</sup> The numbers show that Creeks had more to fear from white Georgians in 1786 than the reverse. Under constant threat of violence from the east, many Muskogee leaders called for peace and eventually signed the Treaty of Shoulderbone Creek in November 1786.

In the months leading up to Shoulderbone, Alexander McGillivray and his allies continued their drive to centralize Creek government, leading Georgians to believe they had the power to launch a full scale war. Other miccos argued that McGillivray had no authority and must be ignored. Over the course of 1786, however, some headmen determined that the system of talwa autonomy was not effective in dealing with Georgia. In response, some talwa leaders claimed to represent multiple towns during the talks at

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<sup>2</sup> Georgians themselves reported the total casualties as six in the Journal of the Treaty of Shoulderbone Creek, but my review of depredations claims shows that the number should be nine if one includes killings of Georgians attributed to Creeks but occurring in Tennessee and Cherokee country.

<sup>3</sup> Timothy Barnard to Edward Telfair, 1786, LTB, 55; James Durouzeaux to Timothy Barnard, Talk to the Upper & Lower Creek Nation by the Commissioners, 13 June 1786, CILTT, pt. 1:116-117.

Shoulderbone in a limited move toward centralization. The punitive terms of the Treaty of Shoulderbone Creek, however, alienated many Muskogeans.



MAP 4.

## II. A FEW VIOLENT INCIDENTS

A few violent incidents occurred in May and June of 1786 as Muskogean dissatisfaction with the Oconee cession continued. Violent raids elicited dramatically exaggerated responses from Georgians, and for that reason, some talwa leaders

disavowed them. The raids themselves involved men from several different Upper and Lower Towns, suggesting widespread disagreement between young hunters and talwa leaders. Georgians' responses began with rhetoric but escalated quickly.

The process began in early May when a Muskogee border patrol killed and scalped one white Georgian near the Oconee River in Washington County. Militia Colonel Jonathan Clements of Burke County, just west of Washington, wrote to Governor Edward Telfair requesting ammunition so he could march to the neighboring county's aid.<sup>4</sup> Overstating the Muskogee threat, Clements declared that, "unless the people of Washington County get a reinforcement it will be Impossible for them to withstand the enemy."<sup>5</sup> A few days later, Clements repeated that intelligence indicated "the Hostile Intention of the Creeks and I expect every day to hear more people being killed by them."<sup>6</sup>

John Galphin provided Colonel Clements with his information. Galphin was son of the late Coweta trader and Revolutionary-era Indian Affairs agent, George Galphin, and a Muskogee woman of the Wind clan. Galphin's testimony suggests that resistance to the Oconee cession was growing even among men from towns whose leaders had signed the Treaties of Augusta and Galphinton. The group of thirteen to fourteen border patrollers who had struck Washington County included men from the Upper Town of Tuckabatchee as well as warriors from the Lower Towns of Cheaha, Eufaula, and Yuchi.<sup>7</sup> Efau Hadjo of Tuckabatchee had answered Alexander McGillivray's call for border

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<sup>4</sup> Johnathan Clements to Edward Telfair, 6 May 1786, CILTT, pt. 1:103.

<sup>5</sup> Ibid.

<sup>6</sup> Johnathan Clements to Edward Telfair, 14 May 1786, CILTT, pt. 1:106.

<sup>7</sup> Deposition of John Galphin sworn before Jonathan Clements, 6 May 1786, CILTT, pt. 1:104; Johnathan Clements to Edward Telfair, 6 May 1786, CILTT, pt. 1:103.

patrols earlier that spring, so continued support from that town is unsurprising.<sup>8</sup> A representative from Eufaula, however, signed the Treaty of Galphinton, so the participation of Eufaula warriors suggests that some residents regretted the choice.<sup>9</sup> The patrollers told John Galphin that they would “drive all the cattle and horses they could find and kill all the people they could find in Washington county,” contrary to Alexander McGillivray’s orders to evict settlers and burn their homes without bloodshed.<sup>10</sup> These conditions show that the warriors were acting independently of their own talwa leaders and Alexander McGillivray. Ironically, John Galphin continued to collaborate with Georgia by providing information and interpreting in 1786, but a few short years later, he himself would become a notorious border raider.

Rather than responding to Alexander McGillivray’s call for border raids, the Lower Creeks whom Galphin encountered likely were influenced by their neighbor, Neha Micco of Cussita, also known as the Fat King. Neha Micco was one of the most influential men in the Lower Towns. He had been a part of every negotiation with Georgians in the 1780s, and he had signed both the Treaty of Augusta and the Treaty of Galphinton. But on May 14, shortly after Galphin’s deposition about the border patrol he encountered, one Georgian reported witnessing Neha Micco encouraging young men to raid the Oconee valley, “Drive the inhabitants, and take their property.”<sup>11</sup> The informant also reported that Creeks recently had fired at Georgians while patrolling Oconee River tributaries in Greene and Washington Counties.<sup>12</sup> Neha Micco’s promotion of border

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<sup>8</sup> Alexander McGillivray to Hallowing King, 14 April 1786, CILTT, pt. 1:101.

<sup>9</sup> Treaty of Galphinton with the Creek Indians, 12 November 1785, ITCL, 173. Ineehana Ufollies signed the Treaty of Galphinton.

<sup>10</sup> Deposition of John Galphin sworn before Jonathan Clements, 6 May 1786, CILTT, pt. 1:104.

<sup>11</sup> Arthur Fort to Edward Telfair, 14 May 1786, CILTT, pt. 1:105.

<sup>12</sup> *Ibid.*

patrols confirms that by late spring 1786, even some Muskogeese who had signed the treaties of the 1780s were frustrated with Georgia's failure to abide by the boundary and respect Creek hunting rights on the east bank.

When Creeks suffered death at the hands of white settlers, Georgia's justice system usually failed to provide satisfaction. When this happened, Muskogeese carried out justice on Creek terms by committing retributive murders to balance the deaths of clan members. It is likely that many Muskogeese supported this practice, but it also widened divisions between hunters and talwa leaders. In May 1786, for example, white men at Beard's Bluff on the Altamaha River in Washington County murdered two Cheaha "men of note," all but guaranteeing their clan kin would kill Georgians to balance their deaths.<sup>13</sup> Indeed, headmen from Cussita and Buzzard's Roost soon reported that "some of the mad people has Spilt Blood on the land by killing two white people."<sup>14</sup> Cussitas' feared backlash from Georgia. Just days earlier, Neha Micco of Cussita had encouraged theft raids, but a group of Cussita headmen hurriedly informed Governor Edward Telfair that the recent bloodshed was the responsibility of "but a few men oute of five towns." They insisted that "the other towns have scolded them so much...that they doe not intend to goe oute any more."<sup>15</sup>

The Cussita headmen may have disavowed the actions of their young men, but they also tried to protect the culprits, hinting that retribution killings enjoyed some support. They acknowledged that the Treaty of Galphinton called for "Satisfaction" in the event of murders committed by "mad people," but murders had been occurred on both

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<sup>13</sup> Timothy Barnard to Edward Telfair, undated, 1786-1787, LTB, 55.

<sup>14</sup> Talk from Head Men of Cussetaus & Buzzard Roost to Governor of Ga., T. Barnard Interpreter, 27 May 1786, LTB, 56.

<sup>15</sup> Ibid.

sides.<sup>16</sup> This met the Muskogee standard of justice, but it left Georgians frustrated. Cussitas initially volunteered to provide satisfaction by killing one of the leaders “of all this mischief,” but they reminded Georgians that “two of our people is likewise fell,” suggesting they considered the matter settled.<sup>17</sup> Superintendent of Indian Affairs Daniel McMurphy confirmed it would be impossible to apprehend the Muskogee killers until Georgians captured the white men who had murdered Cheahas.<sup>18</sup>

American agents struggled to understand Alexander McGillivray’s role in resistance to land cessions through raiding. Timothy Barnard suggested that McGillivray had far less influence in Creek country than he claimed. Barnard reported to Governor Telfair that “the whole nation I hear seems to be offended with Mr. McGillivray,” and the majority of Creeks desired peace.<sup>19</sup> By contrast, as trader and interpreter James Durouzeaux and Daniel McMurphy prepared for a general council of all towns to discuss surveying the ceded lands, Durouzeaux learned that that McGillivray had convinced Upper Creeks to protest “all the grants.”<sup>20</sup> The interpreter believed that Lower Creeks had accepted the cessions despite both McGillivray’s protests and recent border patrols encouraged by Neha Micco and anchored by Lower Creek warriors.

Muskogee behavior makes clear that young men raided the Oconee River border of their own volition, often in opposition to the wishes of headmen, and with potentially disastrous consequences. McGillivray declared a cessation of border patrols in June after having ordered them out in May. Some Creeks, however, followed the tradition of talwa autonomy and continued striking settlers. In June 1786, McGillivray cautioned warriors

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<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Daniel McMurphy to unnamed correspondent, likely Edward Telfair, 30 May 1786, CILTT, pt. 1:113.

<sup>19</sup> Timothy Barnard to Edward Telfair, undated, LTB, 55.

<sup>20</sup> James Durouzeaux to Edward Telfair, 5 June 1786, CILTT, pt. 1:114.

“to be Stil & mind Nothing but thaer planting & hunting.” Men from the Lower Town of Yuchi, however, travelled to “the frontaers to Comitt Murder.”<sup>21</sup> The outcome of this Yuchi raid is unclear, but Georgians responded to the rumor with indiscriminate violence. Lower Creek hunters soon discovered the bodies of nine of their people murdered by Georgians. During this period, town sizes varied in size and composition, but the average talwa population included between seventy and 110 adult men. The deaths of nine men could be a proportionally staggering loss—eight to thirteen percent of the adult males.<sup>22</sup> Georgia’s violence alienated the Lower Towns, putting “the whole of the Lower [Creeks] in fright.”<sup>23</sup> Indeed, the loss of Muskogee life may have been greater than initially reported because several hunters remained missing after the bodies of the first nine victims were discovered.<sup>24</sup>

In late June, Georgians accused Creeks of the murder and scalping of a white girl. A group of Lower Creek headmen disavowed responsibility, and their effort to dissociate themselves from raiders illustrates that appeals to talwa autonomy increased along with violent raids. Headmen from Cheaha, Ocmulgee, Ouseechee, and Hitchiti insisted that they must not be held accountable for any raids because “Our Young Warriors are inclineable to go to their hunting Grounds in peace, and expect to be dealt with as friends.”<sup>25</sup> Far from protesting land cessions, these leaders invited Georgians who had abandoned their farms to “return to their respective habitations in peace.” “Upon the

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<sup>21</sup> James Durouzeaux to Timothy Barnard, Talk to the Upper & Lower Creek Nation by the Commissioners, 13 June 1786, CILTT, pt. 1:116; a duplicate appears in LTB, 57-58.

<sup>22</sup> Wood, “The Changing Population of the Colonial South,” 84-86. The average town population is based on estimates of total adult male population figures of 3,500-5,500 and an estimated fifty talwas.

<sup>23</sup> James Durouzeaux to Timothy Barnard, Talk to the Upper & Lower Creek Nation by the Commissioners, 13 June 1786, CILTT, pt. 1:116.

<sup>24</sup> Ibid.

<sup>25</sup> Letter from the Cheehaw, Oakmulgey, Ouseechee, & Hitcheta Towns of the Creek nation signed John Harvard, 28 June 1786, CILTT, pt. 1:124.



Alatamaha and that course,” the headmen assured settlers, “is the Cheehaws hunting Ground and they will not molest the White Inhabitants.”<sup>26</sup> Further distancing themselves from the killing, the headmen suggested that Seminoles urged on by white trader James Burgess were responsible for the white girl’s death.<sup>27</sup>

### III. MCGILLIVRAY’S GAMBIT

White Indian countrymen like James Burgess frequently allied with Alexander McGillivray in his drive to centralize Muskogee government, and their economic influence deepened Creek political conflict. Miccos deeply resented the challenge to talwa autonomy, regardless of where it came from. Indian countryman Richard Bailey, for example, had allied with McGillivray in encouraging Creek border patrols into the Oconee valley since 1784, and he continued to do so in 1786.<sup>28</sup> Muskogee headmen blamed Indian countrymen for causing violent raids, and they later marked Bailey for death by name along with McGillivray and trader John Francis.<sup>29</sup> Georgia tried to control white traders by licensing them, but Daniel McMurphy reported that when he demanded Lower Town traders present their licenses, they “produced their Licence from McGilvery.” Perhaps because their livelihoods were tied as closely to deerskin as Creek hunters, “all the Traiders present said that if the people did not move off the Oconey

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.; Saunt, *A New Order of Things*, 100-101.

<sup>28</sup> Patrick Carr to Governor John Houston, 22 August 1784, CILTT, pt. 1:63; Daniel McMurphy to unknown correspondent, 13 June 1786, CILTT, pt. 1:118; Daniel McMurphy to unknown correspondent, likely Alexander McGillivray, 29 June 1786, CILTT, pt. 1:125.

<sup>29</sup> A Talk Delivered by the King, Headmen, and Warriors of the Creek Nation, to the Commissioners for Holding a Conference Treaty with the said Indians by the General Assembly of the State of Georgia near the Mouth of Shoulderbone Creek on the Oconee River, 22 October 1786, Journal of the Treaty of Shoulderbone, Indian Claims (Treaties and Spoilations), RG 1-1-25, Location RMSS #4, Georgia Archives, 70-71 (hereafter cited as Shoulderbone Journal).

River there would be a war.”<sup>30</sup> McGillivray himself was then in Pensacola, traders reported, collecting gunpowder for the campaign.

Other white people in Creek country, however, worked to undermine McGillivray and his allies by encouraging Georgia’s agents. In July 1786, Daniel McMurphy visited Tallassee where he insisted that Hoboithle Micco call “all the Indians of the different Towns to meet” so he could remind them that they had ceded the Oconee strip with “the consent of the whole Nation,” and to threaten that, if border patrols continued, Georgia was prepared for war.<sup>31</sup> Trader James McQueen, however, reassured McMurphy that McGillivray and his allies lacked the power to invade the Oconee valley. McQueen believed that Muskogeas would ignore McGillivray because Georgians had retaliated with such ferocity, killing at least nine Lower Creeks. McGillivray had claimed that he would “drive the People off the Oconey” even if it meant the “Ruin of the Whole Nation,” but McQueen dismissed such bravado.<sup>32</sup> “McGilvery was much mistaken,” the trader opined, “for he could never get the whole nation to take his talk.”<sup>33</sup> McQueen’s words may have comforted McMurphy, but a Creek warrior identified as “The Colo.” cautioned the Superintendent that, “if the Georgians were for war,” McGillivray “was Ready for them” with rum and gunpowder to encourage young warriors.<sup>34</sup>

Groping for strategic alliances to bolster his arrogation of the power to govern, McGillivray attempted to exploit the political conflict between Georgia and the Confederation Congress. “The Commissioners of Congress,” Georgians fretted, “had wrote him [McGillivray] that Congress will not allow the Georgians to hold any Lands of

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<sup>30</sup> Daniel McMurphy to Edward Telfair, 30 July 1786, CILTT, pt. 1:129.

<sup>31</sup> *Ibid.*, 130.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*, 129-132.

the Indians without the consent of the whole nation.”<sup>35</sup> Since McGillivray insisted that the Treaties of Augusta and Galphinton were illegitimate because only a few headmen signed them, this put Georgia’s expansionist ambitions at odds with the central government’s policy. McGillivray used that breach to insist that “if the Georgians wanted peace, to move off all settlers” from the Oconee strip.<sup>36</sup> Paradoxically, McGillivray’s bid for leadership and hardline resistance ultimately would serve Georgia’s interests by giving its leaders an enemy on which to focus.

In maneuvering for control of the Creek polity, Alexander McGillivray appealed to Spain as well as the Confederation Congress. In mid-August, trader and interpreter Timothy Barnard warned Georgia’s governor that McGillivray was again promoting border patrols backed by Spanish powder and ball. McGillivray reportedly intended to issue a final ultimatum to Georgia settlers: “the people are to be all Ordered off the Oconee land and if that is done the Indians are all to lay quiet, if not when the limited time is expired which is til the last of September then they are to fall on the White People.”<sup>37</sup> Barnard viewed this as a credible threat because McGillivray had a virtually inexhaustible supply of Spanish gunpowder, not because he possessed the authority to command Creek warriors.

Timothy Barnard believed that McGillivray’s claims to leadership could be undermined by taking advantage of the long-standing principles of talwa autonomy and leadership by persuasion. Essentially, Georgia should throw its weight behind other Muskogee leaders. Surprisingly, Barnard recommended supporting John Galphin rather than leaders such as Hoboithle Micco who had long asserted their own power. Barnard

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Timothy Barnard to Edward Telfair, 14 August 1786, LTB, 59.

believed that Galphin, “if he was properly encouraged,” and if he had “any sharp person to back him, could do a great deal towards settling matters in the Nation.”<sup>38</sup> Barnard believed Galphin was ideal because “he is an Indian as well as Mr. Gillvrey and can attack him with his own weapons.”<sup>39</sup> Perhaps more to the point, John Galphin possessed many of the bicultural skills such as language and literacy on which McGillivray relied, as well as membership in the same powerful clan as McGillivray. He was the son of a woman from the Wind clan, giving him an equal claim on the loyalty of the clan’s members. Galphin’s father was the successful trader George Galphin, and John grew up working in his father’s business, just as McGillivray had. John also could hunt and fight like a Creek man and was fluent in the Muskogee language, skills McGillivray lacked. If Galphin failed to undermine McGillivray, Barnard brooded, “there is no other way to manage him, except by having a War.”<sup>40</sup> The Spanish were prepared to build a fort near McGillivray’s plantation on the Alabama River near present day Montgomery. From there, they could provide McGillivray’s allies with cannon and ammunition by water transport from Mobile.<sup>41</sup> Heavy armaments, Barnard implied, might render Creeks capable of permanently reclaiming the Oconee strip.

Undeterred by Timothy Barnard’s concerns, Georgians began simultaneously preparing to negotiate peace and wage war with Alexander McGillivray. They fixated on the few instances of Muskogee violence that had occurred in May and June while discounting their own vicious retaliation. From Georgia’s perspective, Creek raiders “did fall upon several peaceable Inhabitants and cruelly and barbarously murder to the number

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<sup>38</sup> Ibid., 60.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

of six, besides burning and destroying divers houses and buildings, and stealing and carrying off a number of Horses.”<sup>42</sup> In a response out of proportion to the scale and conduct of border patrol raids, and ignoring the fact that most Creek towns had neither participated nor condoned the raids, Georgians interpreted the actions of the minority as the leading edge of a unified Muskogee invasion. Violent raids, Georgians concluded, “were done by the authority of the major part of that people,” and Creeks “were resolved upon a general attack...from whose savage warfare even innocent women & helpless Children are the least secure.”<sup>43</sup> Georgia rejected legitimate Creek concerns and their right to territorial self-defense to justify military mobilization in expectation of “an Indian War.”<sup>44</sup>

#### IV. GEORGIA’S NARRATIVE

In August, the Georgia Assembly authorized 1,500 militiamen to accompany nine treaty commissioners to Shoulderbone Creek on the Oconee River just below Greensboro to negotiate a new agreement with Muskogees.<sup>45</sup> The few violent incidents early in 1786 shaped each side’s negotiating position. Correspondence from white Georgians illustrated their assumption that Muskogees had no right to use the Oconee’s east bank and depicted Creek border patrols as an unprovoked invasion that threatened to destroy every county in the Oconee valley. This discourse constituted a political narrative depicting Creeks as stateless people who demonstrated through theft and violence that they possessed neither a credible government nor a polity’s right to territorial integrity. When treaty talks began

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<sup>42</sup> Report of the Committee on Indian Affairs, 3 August 1786, Shoulderbone Journal, 1.

<sup>43</sup> *Ibid.*, 2.

<sup>44</sup> *Ibid.*, 3.

<sup>45</sup> *Ibid.*, 4.

in October 1786, Georgians based their negotiating position on this narrative, and for that reason, it bears some exploration.

During the Shoulderbone talks throughout October, Georgians concentrated on six reported deaths, and Alexander McGillivray acknowledged them. However, he insisted that throughout the months following the fraudulent Treaty of Galphinton, only mild violence had occurred, and even those few incidents were forced on Creeks by truculent white squatters. He wrote that Creeks had met “in general convention” in spring 1786 “to deliberate upon what measures we should adopt” to resist Georgia surveying parties who “uniformly attacked any of our people who chanced to fall in their way, although peaceably hunting game on our own grounds.” Far from committing unprovoked acts of savagery, Creeks reacted with “humanity.” McGillivray sent warriors “to drive from off our Oconee lands all intruders,” and he prohibited those border patrols from using violence except in self defense. As a result, “only six persons lost their lives on the part of the Georgians, and these fell victims to their own temerity.” McGillivray bluntly accused Georgians of using inflammatory rhetoric to exaggerate the bloodshed. “This affair, which their iniquitous proceedings had drawn upon them,” he wrote, “has been held forth by the Georgians as the most violent unprovoked outrage that was ever committed, and for which nothing can atone but my life, and the lives of a number of our Chiefs.”<sup>46</sup>

Georgians characterized the deaths of the six white settlers very differently. Treaty commissioners fixated on them, referenced them repeatedly, and demanded satisfaction in the form of a land cession, indemnity for property confiscated by border patrols, and the execution of the killers. Georgia’s Committee on Indian Affairs

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<sup>46</sup> *Georgia Gazette*, 26 April 1787.

confessed that this move to make a new treaty could be construed as baseless land taking, but they persuaded the Confederation Congress that “we have undertaken these measures not from a desire of making any addition to our settled Territory, but altogether on principles of self defence.” From the Georgia perspective, the Oconee strip was “indisputably our own and voluntarily relinquished by the Indians whatever may now be pretended to the contrary.”<sup>47</sup>

Throughout 1786, leaders from Oconee valley counties issued importunate demands for state assistance to meet an expected Muskogee invasion. Robert Middleton, who would soon represent Greene County in Georgia’s Assembly, wrote that “the people are all alarmed with the Indians burning several houses and plundering the people.” Many settlers were fleeing, and Middleton was sure the county “will intierly brake with out Sum incoragement.”<sup>48</sup> Middleton’s letter communicates a sense of shock and desperation, yet he described precisely the sort of non-violent tactics that border patrols had been using for years and that Alexander McGillivray had openly advocated for months. Leaders like Hoboithle Micco who had encouraged white settlers to remain on the Oconee’s east bank still insisted that Creeks retained the right to hunt there. Middleton’s implication that Muskogee raids were random, unprovoked, or surprising then, was disingenuous, but he was not alone in communicating that message.

Militia officers from Franklin County in the forks of the Apalachee and North Oconee Rivers despaired that “Our people is much alarmed at the late hostilities acted by the Creeks on the Oconee and expect every Moment when it Will be our unhappy fate.”<sup>49</sup>

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<sup>47</sup> Report of the Committee on Indian Affairs, 3 August 1786, *Shoulderbone Journal*, 9.

<sup>48</sup> Robert Middleton to Governor Edward Telfair, 1 May 1786, DEPS, vol. 1, pt. 1:46.

<sup>49</sup> Benjamin Cleveland, Jesse Walton, and John Cleveland to Edward Telfair, 15 May 1786, CILTT, pt. 1:107.

They were convinced that they soon would face an overwhelming Muskogee invasion. “The Consequence Will certainly be Desperate,” they wrote, because, “Our Settlement at this time is Verry Weak not consisting of more than 45 men.”<sup>50</sup> Ironically, forty-five was a number greater than double the size of any recorded Creek border patrol since the White-Sherrill affair a dozen years earlier. Still, militia leaders reported that settlers fled the frontier county just as border patrols intended, and the Franklin County militiamen were “Doubtfull we Shall be Able to Stand through Weakness and Scarcity of Provisions.”<sup>51</sup> Captain Joshua Inman struggled to articulate the combination of fear, aggression, and disgust for Creeks that many frontier Georgians felt:

we have grate alarms hear and the people drove off from their small farms the Indians said to be very sassy. I have not taken my gun in my hand yet...I am partly shore that there will be a war...they have been with[in] ten miles of me...I shall be glad to heare from your Honnour befor I take up my gun but cannot suffer them [to] come much near this farm.<sup>52</sup>

Militia officers in eastern counties began raising units to be deployed to the Oconee valley counties “in case of any approaching invasion.”<sup>53</sup> No faction in Creek country had threatened an invasion, but viewing non-violent border patrols as an army of conquest served Georgia’s political interests. General John Twiggs organized deployment, and Colonel Elijah Clarke based in Wilkes County on the North Oconee was available to respond to emergencies. From Washington County, stretching along more than eighty miles of the Oconee’s east bank, a panicky Captain William Thompson

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<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Joshua Inman to the Gov. of Ga., 23 May 1786, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 1, HAR.

<sup>53</sup> Edward Telfair to Benjamin Cleveland, Jesse Walton, and John Cleveland, 19 May 1786, CILTT, pt. 1:109.



requested arms and ammunition, reporting that “there was an alarm given on Sunday last which broke all inhabitation south of Ogechee.”<sup>54</sup> So terrifying was the volume and repetition of invasion rumors that Governor Edward Telfair wrote the governor of Virginia in June informing him that Georgia had declared war on Creek Indians. He requested that Virginia send five hundred muskets and swords to arm Georgia’s cavalry.<sup>55</sup>

Ironically, in the early months of the year, even experienced Indian fighter Colonel Elijah Clarke had admitted that there was little reason to fear Creek raids. As an example, he noted that twenty Muskogees had evicted a settler from Greene County and burned his house, but otherwise there was “little news.”<sup>56</sup> By contrast, the *Georgia Gazette* reported about the same time that “an Indian war seems to be inevitable. Several people in the upper counties have been lately murdered.”<sup>57</sup> Taking no chances, Clarke requested additional arms, ammunition, and men because “I am of the opinion more mischief is intended.”<sup>58</sup> Creeks themselves, by contrast, had much to fear. They risked their lives when they attempted to clear settlers from disputed land. For example, as militia officers fretted about the threat of Muskogee invasion, the *Gazette* celebrated Elijah Clarke’s attack on a retreating border patrol in which his small party killed two Muskogee men. The *Gazette* boasted that Clarke had “put a stop to their murders, and prevented their again entering the frontier settlements.”<sup>59</sup> Indeed, Clarke’s “Gall and

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<sup>54</sup> William Thompson to Edward Telfair, 17 May 1786, CILTT, pt. 1:108.

<sup>55</sup> Joseph Martin to Edward Telfair, 3 July 1786, CILTT, pt. 1:127.

<sup>56</sup> Elijah Clarke to Edward Telfair, 23 May 1786, CILTT, pt. 1:112.

<sup>57</sup> *Georgia Gazette*, 25 May 1786.

<sup>58</sup> Elijah Clarke to Edward Telfair, 23 May 1786, CILTT, pt. 1:112.

<sup>59</sup> *Georgia Gazette*, 1 June 1786; Gov. of Ga. to Joshua Inman, 23 May 1786, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 2, HAR. The governor reports questionable intelligence that “four or five” Georgians had been killed.

brave conduct” in assaulting Creeks would later be praised as the only thing that had saved Georgia’s frontier.<sup>60</sup>

Georgians’ specious and occasionally contradictory discourse heralding total war with Creeks was, in part, simple dismissal of Muskogee sovereignty and territorial rights. For months, Georgians had insisted that total war with Creeks loomed despite Muskogee rhetoric and action focused on the more modest goals of removing settlers from disputed land. Even Alexander McGillivray, the most aggressive advocate of border raiding, did not view such raids as an invasion, nor did he desire war with Georgia. From Georgia’s perspective, however, the Treaties of Augusta and Galphinton constituted binding conveyance of all rights of use and ownership to the Oconee’s east bank. Any attempt on the part of any Muskogee to use those lands, and any assertion of Creek sovereignty within them, was tantamount to an act of war. In September 1786, the *Georgia Gazette* displayed this perspective by equating Muskogee assertion of rights to the Oconee strip with warfare. “The Creek Indians have lately received large supplies of ammunitions from Pensacola,” the story read, “which, with their having warned the settlers to remove from the Oconee lands by the first of October, next, leaves little or no room for doubt of a war taking place immediately.”<sup>61</sup>

Citizens of Georgia’s eastern counties sometimes proved resistant to the narrative portending all out Creek war because they had less economic interest in frontier expansion. Their resistance suggests some Georgians recognized that their neighbors in Oconee valley counties exaggerated the Creek threat and dismissed Creek rights for political effect. Some Chatham County residents, for example, opposed a law raising a

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<sup>60</sup> John Sevier to George Matthews, 3 March 1787, CILTT, pt. 1:147.

<sup>61</sup> *Georgia Gazette*, 14 September 1786.

militia to defend Savannah against Creek invasion. One outraged Savannah resident using bombastic language contended that failure to raise a militia would “risk the existence, not only of ourselves, but our wives and our little ones, with the loss of all our properties.”<sup>62</sup> He insisted that Alexander McGillivray’s threat “of making his first breach in the heart of Savannah” must be taken seriously.<sup>63</sup> “God forbid my eyes should behold the scene,” he inveighed, “but I fear the time when our houses will be set on fire, our wives and daughters violated, and our children dashed in pieces before us, as preparative for the dreadful fate that will await ourselves.”<sup>64</sup> Rape was not a typical tactic in Native American warfare, and Creeks presented little threat to the city of Savannah. The author’s theatrical rhetoric was meant to evoke fear and aggression and thereby garner support for the new militia law. Descriptions of Muskogees’ “rage of barbarity” and their “savage... appetite for blood” masked Georgians’ violations of Muskogee sovereignty and territorial integrity.<sup>65</sup> Georgians in eastern counties, however, did not always buy the pitch. They voted with their feet by ignoring the call for militia muster because their economic interests were tied to coastal plantations and commerce rather than frontier expansion.<sup>66</sup>

Frontier rumors contributed to Georgians’ irrational fear of Creek invasion.<sup>67</sup>

Joseph Martin demonstrated the power rumors could wield, especially when mixed with

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<sup>62</sup> *Georgia Gazette*, 28 September 1786.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> Jennison, *Cultivating Race*, 3-4, 92-99.

<sup>67</sup> Gregory Evans Dowd, “The Panic of 1751: The Significance of Rumors on the South Carolina-Cherokee Frontier,” *The William and Mary Quarterly*, Third Series, 53, no. 3 (July 1996): 527-560, see especially 528-531, 547-556. Dowd describes a similar situation in which rumors led Cherokees and South Carolinians to the brink of war, and he challenges historians to analyze rumors themselves for the insights they reveal about groups’ “uncertainties and ambivalences about each other,” as well as their utility as “diagnostic probes and diplomatic devices.” (556, 552)

elements of truth. Martin reported to Governor Telfair second-hand news of Alexander McGillivray's September trip to Pensacola. McGillivray hired Joseph Syers, an experienced packhorseman, to assist with a packhorse train bringing a shipment of arms and ammunition from the Spanish port into Creek country.<sup>68</sup> While Syers waited in Pensacola as McGillivray took a side trip to New Orleans, the packhorseman witnessed several Muskogees directly receiving "Arms & Ammunition to go to war against the Georgians."<sup>69</sup> He claimed that "the Creek Indians have Unanimously agreed to strike on our Frontiers this fall," with the exceptions of Hoboithle Micco's Tallassee, Neha Micco's Cussita, and Timothy Barnard's town.<sup>70</sup> Multiple reports confirm that McGillivray was importing Spanish weapons and thousands of pounds of ammunition, but it is unlikely that Creeks were unanimous about anything. If true, Syers' report would indicate that McGillivray had tremendous influence over thousands of Creek warriors in almost fifty towns, but the pattern of raiding over preceding years gave no such indication. Syers also contradicted months of talks from Lower Creek leaders and several white traders and agents living in Creek country. The fact that Muskogee men were accepting Spanish guns and ammunition could simply indicate that they were gearing up for extended winter hunts by taking advantage of readily available supplies. Their acceptance of ammunition need not have indicated their disposition for war, but Georgians had conditioned themselves to expect the worst.

Other frontier rumors also reinforced Georgia's expectation of Creek war. An anonymous correspondent from the state of Franklin warned a friend in Savannah that

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<sup>68</sup> Joseph Martin to Edward Telfair, 7 September 1786, CILTT, pt. 1:137-138.

<sup>69</sup> Joseph Martin to Edward Telfair, 7 September 1786, CILTT, pt. 1:137-138.

<sup>70</sup> Ibid.

Georgia was in perpetual danger of Muskogee attack.<sup>71</sup> He wrote that during spring 1786, “Creeks were unanimously determined to destroy the upper part of Georgia,” but one greedy war party foiled the invasion when it plundered the region early, putting settlers on their guard. A year later in spring 1787, Franklin Governor John Sevier relayed a rumor from “the Grand Chief of the Chactaws” that Creeks again planned to invade Georgia.<sup>72</sup> Sevier’s endorsement elevated the rumor to the status of fact. Intelligence like this, though dubious, reinforced Georgians’ attitudes toward Creeks.

Georgians’ chose to embrace rumors that reinforced their narrative about Creek theft and violence even though they were privy to contradictory intelligence. White agents in Creek country determined that many Muskogees accepted earlier treaties, and, while they resented settlers’ violation of those treaties, they preferred a diplomatic solution to raiding. James Durouzeaux informed John Habersham, Georgia’s Chairman of the Board of Commissioners of Indian Affairs, that Lower Creeks eagerly accepted an invitation to the Shoulderbone talks in September.<sup>73</sup> The Lower Town of Coweta accepted gunpowder and lead in Pensacola, but, along with Palachicolas, they disdained McGillivray’s call for border raids.<sup>74</sup> Even some Upper Creeks planned to attend the talks, though McGillivray intended to prevent them.<sup>75</sup>

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<sup>71</sup> John Sevier to George Matthews, 3 March 1787, CILTT, pt. 1:147; Kevin T. Barksdale, *The Lost State of Franklin: America’s First Secession* (Lexington: University of Kentucky Press, 2009). Citizens of Franklin in the Tennessee River valley, like Georgians in the Oconee valley, expanded with no regard for Native American sovereignty or territorial integrity and touched off years of theft and violence while simultaneously challenging the central government’s authority in Indian affairs.

<sup>72</sup> *Georgia Gazette*, 5 April 1787; John Sevier to George Matthews, 3 March 1787, CILTT, pt. 1:147.

<sup>73</sup> James Durouzeaux to John Habersham, 23 September 1786, CILTT, pt. 1:139.

<sup>74</sup> *Ibid.*; James Durouzeaux to John Habersham, 23 September 1786, *Shoulderbone Journal*, 46; *Georgia Gazette*, 12 October 1786. Three versions of Durouzeaux’s letter differ slightly. The one that appears in the *Shoulderbone Journal*, while apparently transcribed by an unidentified secretary, appears to be the most accurate and records that Cowetas and Palachicolas rejected McGillivray’s talks. The version that appears in CILTT holds that Cussitas and Palachicolas rejected McGillivray’s talks. The version of the letter as it appears in the *Georgia Gazette* is damaged and illegible.

<sup>75</sup> James Durouzeaux to John Habersham, 23 September 1786, CILTT, pt. 1:139.

Throughout 1786, Alexander McGillivray's leadership was more apparent than real. The volume of his communications made his role appear to Georgians more substantial than it was, despite contrary intelligence from white agents and opposing talks from other Creeks. Georgians seemed eager to accept McGillivray's claims to leadership when it was convenient to do so. Positioning McGillivray as an all-powerful and hostile leader allowed Georgians to justify retaliatory violence and push for larger concessions at Shoulderbone. For years McGillivray had claimed to speak for a majority of Creeks, and for months, he professed that his majority would conduct border raids.<sup>76</sup> He repeated this assertion in October, demanding again that Georgia's leaders remove settlers from both sides of the Oconee River. "It is the wish of the nation," he proclaimed, "to see the settlements on the Oconee lands abandoned. Those are the principal grounds for quarrel and differences, and when they see it accomplished, they will then become steady and sincere friends with you."<sup>77</sup>

As the date for the Shoulderbone talks approached, new rumors held that McGillivray planned to thwart the congress by attacking Georgia's treaty commissioners and their militia escort of 1,500 men. Spies reported the unlikely rumor that "the Creeks were waiting for the army, which they seemed determined to attack."<sup>78</sup> However, even the relatively reliable James Drouzeaux had confirmed that Alexander McGillivray received thousands of pounds of ammunition from Pensacola, perhaps lending the attack rumor some credence in Georgians' minds.<sup>79</sup> Spies warned ominously, "the Spanish at

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<sup>76</sup> Alexander McGillivray to His Honor the Governor and the other beloved men of the state of Georgia, 3 August 1786, *Shoulderbone Journal*, 38-40; Alexander McGillivray to John Habersham, 16 September 1786 (Tuckabatchee), *Shoulderbone Journal*, 43-45.

<sup>77</sup> Alexander McGillivray to John Habersham, 16 September 1786, *Georgia Gazette*, 12 October 1786.

<sup>78</sup> *Georgia Gazette*, 26 October 1786.

<sup>79</sup> James Drouzeaux to John Habersham, 23 September 1786, *Georgia Gazette*, 12 October 1786.

Pensacola have assured the Creeks that they shall not want arms and ammunition to carry on the war against Georgia.”<sup>80</sup>

## V. THE TREATY OF SHOULDERBONE CREEK

The October 1786 talks that yielded the Treaty of Shoulderbone Creek illustrated Georgians’ dismissal of Muskogee sovereignty and territorial rights and left Creeks questioning the efficacy of negotiating with Georgia as independent towns. Concentrating on a few acts of violence, Georgians demanded punitive terms that exacerbated internal Creek political conflict. Alexander McGillivray consistently declared that he spoke for all Creeks. He repudiated the treaties of Augusta and Galphinton, and he threatened to clear settlers from the Oconee valley by force, if necessary. Sensing that Georgians had no intention of restoring the Oconee strip, McGillivray ultimately declined to attend the talks at Shoulderbone. Other leaders claimed to speak for the majority of Creeks at Shoulderbone. A surprising number of them chose to sign the Treaty of Shoulderbone Creek, motivated by a combination of hope, fear, and perhaps, a lack of alternatives. They repudiated McGillivray, even calling for his death, yet some of them claimed to represent multiple towns in their own limited move toward more centralized government. Leadership by persuasion and *talwa* autonomy remained key principles in Creek governance, yet Georgia’s rigid posture seemed to persuade some headmen that dealing with the state required a new approach.

Despite clear evidence that Creek people had more to fear from settlers than the reverse, Georgians exaggerated the level of Muskogee violence to justify their demands. It suited their expansionist interests to characterize Alexander McGillivray’s promotion

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<sup>80</sup> *Georgia Gazette*, 26 October 1786.

of border patrols and his support from Spanish Florida as the opening gambit in a full-scale war. By October 1786, Georgians had latched on to a few instances violence, some theft, and rumors of invasion to craft a narrative of victimization at the hands of a villainous Alexander McGillivray. The state assembly appointed commissioners to negotiate peace, but they were also authorized “to take eventual measures of defence.”<sup>81</sup> Georgia’s negotiators coupled their narrative with the credible threat of 1,500 militiamen and hollow promises to govern white border jumpers to coerce Muskogeans into another punitive treaty. Governor Telfair had assured Creeks that “no further encroachments will be suffered,” though similar proclamations and acts of the assembly had been ineffective in preceding years.<sup>82</sup> The treaty itself empowered Creeks to detain anyone found surveying indisputably Muskogean lands, but such border jumpers must be turned over to Georgia authorities for prosecution. The treaty also acknowledged Creek rights to detain any white people who harmed Muskogeans or stole their property. Those offenders, too, must be turned over to Georgia, virtually guaranteeing they would face no consequences. The treaty restored trade, but it left Muskogeans little recourse to challenge unethical trading practices.<sup>83</sup> The Treaty of Shoulderbone Creek’s failure to address Muskogean concerns in a meaningful way alienated those who had ceded the Oconee strip and further outraged those who had never accepted that cession.

The treaty offered Creeks little, and Georgians demanded several concessions as recompense for Muskogean violence. Georgia’s commissioners ignored the bloodshed and

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<sup>81</sup> Report of a Committee of the Georgia House of Assembly on Relations with the Creek Indians, 23 October 1787, *ASPIA*, 1:24.

<sup>82</sup> Edward Telfair to James Durouzeaux, 20 May 1786, CILTT, pt. 1:111; By the Honourable Lyman Hall, Governor...A Proclamation, in *Georgia Gazette*, 26 June 1783; House of Assembly, 19 July 1783, in *Georgia Gazette*, 22 April 1784; By the Honourable John Houstoun, Governor...A Proclamation, in *Georgia Gazette*, 24 June 1784; A Talk Delivered by the Governor and Council to Tallassee and Fat Kings at Augusta, 24 September 1784, File II, Box 76, Folder 8, Georgia Archives.

<sup>83</sup> Treaty at Shoulder-bone, ITCL, 183-188.



other provocation committed by white settlers and declared only that, “acts of hostility have been committed by parties of the Indians on the Inhabitants of the said state, in violation of the said treaty [of Galphinton].”<sup>84</sup> One Georgian later declared that Creeks, “under the command of McGilbry their Chief,” first attacked white settlers in 1786 and “continued their depredations from the year 1786 up to the year 1793.”<sup>85</sup> Like its predecessors, the treaty required that all white captives and stolen property be returned.<sup>86</sup> Perhaps most egregiously for those who had supported earlier treaties, Shoulderbone explicitly prohibited Muskogeans from hunting the Oconee’s east bank for the first time. In fact, both Creeks and Georgians would now be prohibited from crossing the border without a “special license” issued to Creeks by Georgia’s Indian Affairs agents in Creek country and to white people by the governor.<sup>87</sup> The provision clearly intended to give Georgians authority to keep Creek hunters out of the Oconee strip. Commissioners pressured Creeks to acknowledge that the deaths of six Georgians in 1786 violated the Treaty Galphinton, though they made no mention of the fifteen Muskogeans killed that year.<sup>88</sup> In an uncompromising exercise of power, the treaty specifically required that six of the Creek border patrollers responsible for Georgians’ deaths be executed, but it made no attempt to satisfy Creeks for indiscriminate murders committed by Georgians. The

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<sup>84</sup> *Ibid.*, 183.

<sup>85</sup> Deposition of Nathan Sparks on behalf of the Estate of Matthew Sparks, decd, 23 September 1828, DEPS, vol. 2, pt. 1:216.

<sup>86</sup> Treaty of Shoulderbone, 3 November 1786, *Shoulderbone Journal*, 92a, 93b.

<sup>87</sup> Treaty at Shoulder-bone, ITCL, 186.

<sup>88</sup> A Talk delivered by the Commissioners appointed by the General Assembly of the State of Georgia to the Kings, Head Men, and Warriors of the Creek Nation on Shoulder Bone Creek near the Oconee River, the 21st October 1786, *Shoulderbone Journal*, 67; A Talk Delivered by the King, Headmen, and Warriors of the Creek Nation, to the Commissioners for Holding a Conference Treaty with the said Indians by the General Assembly of the State of Georgia near the Mouth of Shoulderbone Creek on the Oconee River, 22 October 1786, *Shoulderbone Journal*, 70-71; A Talk Delivered by the Commissioners appointed by the General Assembly of the State of Georgia to the Kings, Head men, and Warriors of the Creek nation, On Shoulder Bone, near the Oconee River, 23 October 1786, *Shoulderbone Journal*, 77; Resolution of the Board of Commissioners on Shoulder Bone Creek, 2 November 1786, *Shoulderbone Journal*, 91.

treaty also directed that the white Indian countrymen whom Muskogee headmen blamed for provoking the violence of 1786 be expelled from Muskogee towns.<sup>89</sup> Georgia commissioners instructed their agent, Daniel McMurphy, that he should witness the execution of the condemned border patrollers, or at least “obtain the clearest and most indisputable evidence” of their deaths.<sup>90</sup> Georgians took five Creek hostages to guarantee that Muskogees would abide by the terms of this newest treaty.<sup>91</sup>

Despite lopsided terms, the treaty of Shoulderbone appeared to have the support of several Creek leaders, yet it held little promise of resolving the exasperating situation because Georgians entered the talks assuming that they would demand and receive any concession they desired from Muskogee leaders as just compensation for Creek violence. Georgians expected submission, not reciprocity. Governor Telfair directed James Durouzeaux personally to invite Alexander McGillivray to Shoulderbone with the intention of intimidating him into capitulation using his fifteen hundred militiamen. Telfair dismissed McGillivray’s alliance with Spanish Florida as “absurd.”<sup>92</sup> This contempt suggests the governor understood that concerns about a Muskogee invasion were exaggerated. He did not see Muskogees as a genuine threat to the state’s expansion, let alone its survival, but the narrative about the Creek threat was politically useful. Telfair wanted only “a few of the principle men” to attend treaty talks, but he insisted that McGillivray be among them. The Creek leader even accused Telfair of planning to have him arrested or assassinated during the talks.<sup>93</sup>

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<sup>89</sup> Treaty of Shoulderbone, 3 November 1786, *Shoulderbone Journal*, 93b.

<sup>90</sup> Board of Commissioners of Shoulderbone Creek Treaty to Daniel McMurphy, 3 November 1786, *Shoulderbone Journal*, 102.

<sup>91</sup> Treaty of Shoulderbone, 3 November 1786, *Shoulderbone Journal*, 92a-101; Report from H. Knox, Secretary of War, to the President of the United States, 6 July 1789, *ASPIA*, 1:15.

<sup>92</sup> Edward Telfair to James Durouzeaux, 20 May 1786, *CILTT*, pt. 1:111.

<sup>93</sup> Alexander McGillivray, 10 January 1787, in *Georgia Gazette*, 26 April 1787.

Georgians were well aware of internal Creek political divisions and vocal dissent against the Oconee boundary during the Shoulderbone talks.<sup>94</sup> In the end, Alexander McGillivray chose not to attend the congress at Shoulderbone. After it was completed, he characteristically declared the Treaty of Shoulderbone Creek invalid, just as he had dismissed the treaties that preceded it. He claimed that it was gained through the intimidation and abuse of a minority of Creek representatives.<sup>95</sup> Fifty-eight Muskogeese representing at least a dozen Upper and Lower Towns signed the treaty. Leaders from six towns signed the Treaty of Augusta and eight towns approved the Treaty of Galphinton, so the dozen towns represented at Shoulderbone represented an improvement.<sup>96</sup> Still, they constituted a fraction of the fifty to sixty talwas in Creek country. A talk delivered primarily Lower Creeks bluntly repudiated McGillivray's professed authority. They instructed Georgians to disregard the man: "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, and to suit his private purposes."<sup>97</sup> Indeed, they observed that McGillivray must be banished, flee to Spanish Florida, "or else he must also be killed."<sup>98</sup>

Some Muskogeese at Shoulderbone appeared frustrated with their inability to resolve the Oconee boundary dispute acting as representatives of independent towns. They began to assert authority beyond their talwas in a limited push for more centralized

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<sup>94</sup> Timothy Barnard to the Georgia Board of Commissioners of Indian Affairs at Shoulderbone Creek, 17 October 1786, *Shoulderbone Journal*, 61-64; James Durouzeaux to John Habersham, 23 September 1786, *Shoulderbone Journal*, 45-46; A Talk delivered by the Commissioners appointed by the General Assembly of the State of Georgia to the Kings, Head Men, and Warriors of the Creek Nation on Shoulder Bone Creek near the Oconee River, the 21st October 1786, *Shoulderbone Journal*, 68-69.

<sup>95</sup> Alexander McGillivray to Thomas Pinckney, 26 February 1789, *ASPIA*, 1:20.

<sup>96</sup> Fourteen Creeks signed the 1783 Treaty of Augusta, seventeen Creeks signed the Treaty of Galphinton, and fifty-eight Creeks signed the Treaty of Shoulderbone Creek. Some of the signers' towns could not be identified confidently.

<sup>97</sup> A Talk Delivered by the King, Headmen, and Warriors of the Creek Nation, to the Commissioners for Holding a Conference Treaty with the said Indians by the General Assembly of the State of Georgia near the Mouth of Shoulderbone Creek on the Oconee River, 22 October 1786, *Shoulderbone Journal*, 71.

<sup>98</sup> *Ibid.*

government. Lower Creek representatives appear to have dominated the Shoulderbone talks, asserting authority over the Oconee valley superior to that of Upper Towns. Lower Creeks explained that the political situation was “well known to those present who are from the Upper Creeks,” implying that, with the obvious exception of Alexander McGillivray’s Little Tallassee, Upper Creeks deferred to the Lower regarding the northeastern border.<sup>99</sup> John Habersham reported that representatives from fifteen Muskogee towns signed the treaty, including headmen from three Upper Towns. A review of the fifty-eight signers, however, suggests that leaders from at least five Upper Towns and five Lower Towns endorsed the final document.<sup>100</sup> Several of the Lower Creek representatives, however, claimed “to speak for other Towns, than those they immediately represented, and that such Towns would consequently be bound by what ever was concluded upon.”<sup>101</sup>

Despite such assurances that many Muskogees assented to the terms, after the November 1786 Treaty of Shoulderbone Creek, Creek border patrols skyrocketed to a thirty-year peak. The dramatic increase in patrols after November 1786 suggests that the unsatisfying Treaty of Shoulderbone Creek and Georgia’s expansionism had begun to produce a widespread backlash in Creek country. White Georgians’ melodramatic narrative of Creek violence became a self-fulfilling prophecy as Muskogees, pushed to

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<sup>99</sup> Ibid.

<sup>100</sup> Treaty of Shoulderbone, 3 November 1786, *Shoulderbone Journal*, 92, 93a-101. Following the principal that headmen’s names indicate their towns when their towns are not otherwise noted, the following signers and towns ratified the Treaty of Shoulderbone. The five Lower Towns included 1) Coweta represented by Yaholo Micko; 2) Cussita represented by Cussitas Mico and Enea Mico also known as the Fat King; 3) Eufaula represented by Eufalla Tustonoky; 4) Hitchiti represented by Hitcheta Mico; and 5) Ousichee represented by Osuchee Mathla. The seven Upper Towns were 1) Coosa led by Cousa Tustonoke and two additional men, both of whom signed as “Cusa mico”; 2) Fusatchee led by Fousachee Mico; 3) Tuskegee led by Tusikia Mico and Tusikia Mico junior; 4) Tallassee led by Hoboithle Micco; and 5) Atasi led by Hottesy Mico

<sup>101</sup> John Habersham to Edward Telfair, 8 November 1786, *Shoulderbone Journal*, 110-111.

the brink, began to push back. In the four years between 1783 and 1786, there were eighty Creek raids. Over the subsequent four years, the number increased by a factor of five. The *Georgia Gazette's* reporting on frontier violence increased in 1787, but stories often celebrated Georgians' violence against Indians rather than denouncing Muskogee ferocity. For example, the *Gazette* described a September 1787 incident in which Georgians trespassing in Creek territory met a band of Muskogeans, and "nine of the savages were killed."<sup>102</sup> A month later, in response to the murder of four white settlers, General Elijah Clarke invaded Creek country and reportedly killed twenty-five to fifty Indians.<sup>103</sup>

At first blush, it is unclear why the Treaty of Shoulderbone Creek should represent a turning point in Creek-Georgia relations, yet it clearly did. Like its predecessors, Shoulderbone fixed the Oconee River border between Creek country and Georgia. It was ratified over the objections of some Creek leaders and without the consent of the Confederation Congress. The punitive treaties of the 1780s constantly aggravated internal Creek political conflict. Alexander McGillivray led a small opposition group that wholly rejected the treaties and represented a rising elite invested in the expansion of Euroamerican trade, the accumulation of private property, and the establishment of centralized, state-like government. Muskogee leaders like Hoboithle Micco, Neha Micco, Cusa Mico, and Hitcheto Warrior, signed the treaties and represented common Creeks who resisted such innovations. They preferred the long-standing principle of talwa autonomy, diplomacy that hinged on reciprocal exchange, and

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<sup>102</sup> *Georgia Gazette*, 13 September 1787.

<sup>103</sup> COPY of a Letter from Gen. CLARKE to his Honour the GOVERNOR. Long Creek, 24 September 1787, *Georgia Gazette*, 4 October 1787.

economic reliance on the commercial deerskin trade.<sup>104</sup> Yet even treaty signers recognized the limitations of talwa autonomy in a new era of very dangerous external threats, leading them to assert the authority to represent additional towns. Signatories like Hoboithle Micco and Neha Micco exerted diplomatic pressure when Georgians failed to recognize Creek hunting rights and trespassed beyond agreed upon boundaries, requiring new rounds of negotiations.<sup>105</sup> Following the Treaty of Shoulderbone Creek, even leaders like Hoboithle Micco who had given Georgians every opportunity to settle matters on reasonable terms were forced to recognize that Georgia's leaders were unable or unwilling to control white settlers who harassed Creek hunters and encroached west of the Oconee River. The following chapter argues that, in view of the contested treaties of the 1780s, the pattern of increased raiding after Shoulderbone should be viewed from the Muskogee perspective not merely as border patrol, but as a nation-building exercise that harnessed a powerful spirit of unity behind the desire to defend Creeks' communal land rights and political sovereignty. As diplomatic efforts visibly and consistently failed, border patrol as a form of resistance gained popularity with profound implications for the struggle for leadership in Creek country.

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<sup>104</sup> Saunt, *A New Order of Things*, 77-83, 104-108; Braund, *Deerskins and Duffels*, 171-173; Downes, "Creek-American Relations, 1782-1790," 142-184.

<sup>105</sup> Tallassee King's Talk delivered to the Governor and Council, 22 September 1784, File II, Box 74, Folder 5, Georgia Archives.

## CHAPTER 6 – AN UNCOMMON DEGREE OF FEROCITY: BORDER PATROLS AND PEAK VIOLENCE, 1787-1790

### I. INTRO: AFTERMATH OF THE TREATY OF SHOULDERBONE CREEK

Hundreds of depredations claims filed by Georgians confirm a kernel of truth in Commissioner James P. Preston’s 1822 statement that Muskogees raided the Oconee valley with an “uncommon degree of ferocity” in the late 1780s.<sup>1</sup> In the aftermath of the Treaty of Shoulderbone Creek from 1787 to 1790, Creek raiding surged. From a total of eighty raids in the four previous years, 1783 to 1786, the number leapt to over 460 raids in the next four years, an increase of almost 600%. Of those 460 raids, some eighty ended in bloodshed. Greene County in the upper Oconee River valley was the most active zone of conflict in those years. Over 160 raids struck Greene County, and fifteen of those resulted in bloodshed, making it the most violent county in Georgia. This peak in violence, however, must be put into a larger context. Greene County was home to 5,405 non-Indians.<sup>2</sup> During the four most violent years of the 1780s in Georgia’s most violent frontier county with a population well over five thousand, Creek raiders killed only thirty-one people—that is, slightly more than one half of one percent. Proportionally,

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<sup>1</sup> James P. Preston to John C. Calhoun, 15 March 1822, DEPS, vol. 2, pt. 1:4.

<sup>2</sup> *Return of the Whole Number of Persons within the Several Districts of the United States*, 55. The population of Greene County comprised 4,020 white people, eight “other free persons,” and 1,377 slaves for a total of 5,405 people. Greene County also had a more concentrated population with a larger white majority compared with other frontier counties. For example, Franklin County immediately north of Greene, contained 885 white people and 156 slaves. Washington County down the Oconee River boasted 3,856 white people, two “other free persons,” and 694 slaves, for a total of 4,552, yet was quadruple the size of Greene County. Liberty, at the southern end of the frontier between the Altamaha River and the Atlantic Coast was home to just 1,303 white people, twenty-seven “other free persons,” and an astonishing black majority of 4,025 slaves for a total of 5,355.

Georgians likely would have felt this as a stunning loss, but Creeks were dying in larger numbers. Muskogees reportedly lost ninety-one people killed during the same period, and likely many more that went unrecorded. That is, while Georgians lost one half of one percent of the people in a single county, Creeks lost one half of one percent of their entire population. This peak in border patrol raiding is a striking phenomenon that requires explanation.

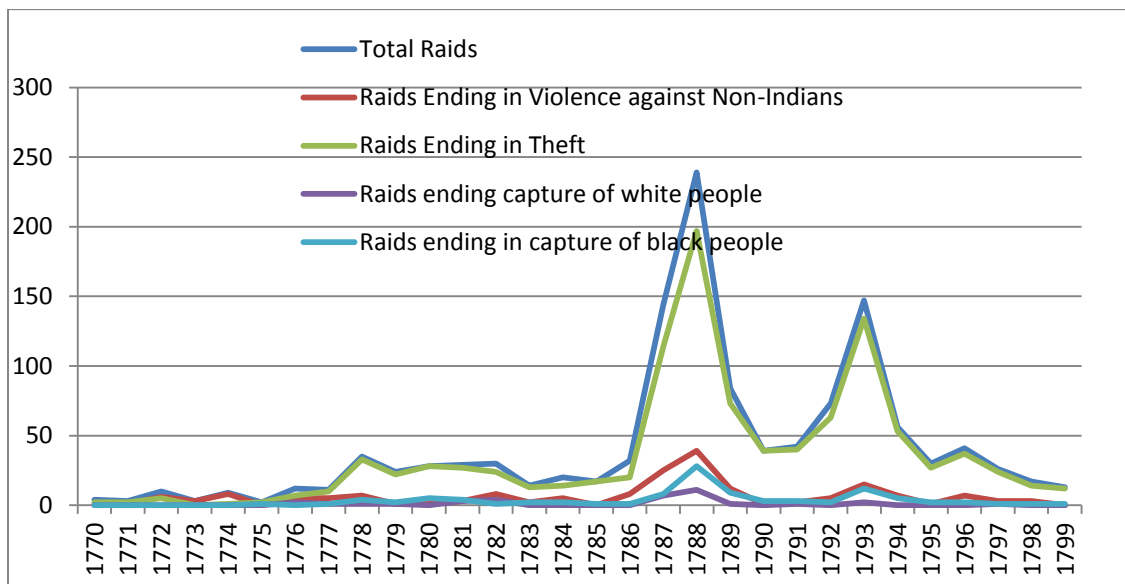


TABLE 3.

Muskogees committed the majority of their violent raids after the Treaty of Shoulderbone Creek, indicating increasingly widespread resistance to Georgians' encroachment into the Oconee valley. This unity of feeling, however, resulted from Georgia's increasing pressure rather than from an acceptance of Alexander McGillivray's drive to centralize Creek government. In the series of illegitimate treaties following the Revolutionary War, Georgians had demanded punitive land cessions because they



categorized Muskogeese as a conquered people lacking sovereignty and territorial rights. Creeks experienced the repeated failure of their pre-war style of diplomacy that combined a Mississippian legacy of reciprocal exchange and commercial exchange. A few Creeks resisted Georgia's demands through border patrol raids because they had been effective in the 1770s when diplomacy foundered. After the treaty of Shoulderbone Creek, border patrols skyrocketed because Georgians had dismissed Creek concerns as those of a defeated, stateless people, not a sovereign polity. While bloodshed remained a last resort, border patrols became more violent between 1787 and 1790 as growing numbers of Creeks stepped forward to defend the Oconee boundary.

The death toll by 1788 led Georgia authorities to assert that the state's very survival was threatened, but they almost certainly knew that was not the case. Georgia's Executive Department calculated that between 1787 and 1789, Muskogeese killed seventy-two white people and ten black people out of a regional non-Indian population of nearly 83,000.<sup>3</sup> A review of depredations claims combined with reports from other sources suggests a higher number—ninety-six white people and twenty black people killed—though this discrepancy may simply be a result of duplicate reporting in multiple sources. Georgia's Executive Council informed the Confederation Congress in 1788 that “the settlements of four of the exterior counties are almost entirely broken up.”<sup>4</sup> Population numbers, however, show a very different reality. Georgia's population exploded from approximately 23,000 non-Indians in 1775 to more than 82,000 by 1790.

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<sup>3</sup> J. Meriwether, Secretary of the Executive Department, “A Return of Persons killed Wounded and taken prisoners together with Property taken and destroyed by the Creek Indians from the 1st Jany 1787 untill 1789 – Inclusively,”

File II, Box 74, Folder 5, Georgia Archives; *Return of the Whole Number of Persons within the Several Districts of the United States*, 3, 55, Wood, “The Changing Population of the Colonial South,” 60. By 1790, Wood estimates that there were 52,900 whites and 29,700 blacks in the region roughly comprising the present day states of Alabama and Georgia and then comprising the expanse of Creek country.

<sup>4</sup> Quoted in Downes, “Creek-American Relations, 1782-1790,” 170.

Of those, nearly 11,000 people occupied the Oconee River valley counties of Franklin, Greene, and Washington. Such rapid growth must have deeply threatened the Muskogee population that totaled only 15,000 to 17,000 people. The majority of Creeks—nearly 9,000—lived in Upper Towns along the Coosa and Tallapoosa Rivers, hundreds of miles from the Oconee border. Around 6,000 people in some twenty-five Lower Towns lived far closer and felt Georgia’s threat more keenly.<sup>5</sup> Perhaps because of that proximity, after the peak violence of 1787 and 1788, Lower Creek leaders redoubled diplomatic efforts to end the bloodshed and resolve the Oconee boundary dispute.

Arguing that Creek ferocity threatened the state’s existence, Georgians called for state-sponsored violence against Muskogeans, and, in doing so, they challenged the central government’s authority in Indian Affairs. James White, the Superintendent of Indian Affairs appointed by the Confederation Congress, returned from “the Creek Nation” in May 1787 where he claimed he had “appeased the minds of the Indians.”<sup>6</sup> Just a few months later in October, however, the Georgia Assembly announced that Creeks had committed several murders, settlers had retaliated, and “a war, by the savages, is now raging with all its horrors.”<sup>7</sup> The Assembly insisted that, far from securing peace, James White had convinced Creek warriors that if they attacked Oconee valley settlers, the United States would intercede on their behalf and restore the east bank to their possession. This was almost certainly not true. Instead, Creek raids were more likely a response to continued encroachment and the harsh terms of the Shoulderbone treaty,

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<sup>5</sup> Wood, “The Changing Population of the Colonial South,” 86. Wood cites an estimate from 1780 of 17,280 Muskogeans that included some 1,500 Seminoles. Of those, “5,860 were said to be gunmen.” Wood also cites Spanish sources from 1793 that reported “8,715 people in thirty-one Upper Creek Towns and 6,445 persons in twenty-five Lower Creek towns, for a total of 15,160 within the Creek Nation, roughly double the number that had lived there eighty years before.”

<sup>6</sup> *Georgia Gazette*, 24 May 1787.

<sup>7</sup> Report of a Committee of the Georgia House of Assembly on Relations with the Creek Indians, 23 October 1787, *ASPIA*, 1:24.

including the taking of hostages from Lower Towns. Georgians preferred that the United States refrain from directly intervening in the conflict and simply provide funding for “the most vigorous and decisive measures...for suppressing the bloody violences of the Indians.”<sup>8</sup>

The frequency of Muskogee border patrols protesting Shoulderbone quickly increased in the spring of 1787, spiked in 1788, and steadily declined over the course of 1789 and 1790. Raiders continued to display an overwhelming preference for horse theft over bloodshed. When violence occurred, it was often opportunistic, rather than the primary intent. For Creeks, confiscating the horses of settlers was an easy and relatively safe way to protest white encroachment, while violence was certain to provoke retaliation. Horse rustling also allowed young men to gain prestige as warriors and potentially improve their economic standing.<sup>9</sup> Occasionally, Muskogee border patrols eschewed theft and simply destroyed Oconee valley settlers’ property. As a system of border patrol, few actions could have sent a clearer message than burning squatters’ homes. Burning buildings obviously held no economic value for warriors, yet driving settlers out of the valley was a political statement and an act of border defense from which one might gain war honors. Such raids show that Muskogee border patrols targeted Oconee valley settlements because of their location rather than simply the potential spoils.

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<sup>8</sup> Ibid.; Ford, *Settler Sovereignty*, 96. Ford argues that Georgians’ constant calls for state-sponsored violence against Creeks contained “nascent aspirations of territorial sovereignty over Indian country” and explicit threats to take the law into their own hands.

<sup>9</sup> Carson, “Horses and the Economy and Culture of the Choctaw Indians, 1690-1840,” 500-502.

## II. INTERNAL CREEK POLITICAL CONFLICT: UNITY OF FEELING, DIVIDED LEADERS

Dissatisfaction with the Treaty of Shoulderbone Creek resulted in unified opposition to white settlement in the Oconee River valley. Many leaders, however, remained committed to the principle of talwa autonomy, acting independently even as Alexander McGillivray continued to assert total command and control over all Creeks. Headmen such as Hoboithle Micco and Neha Micco, for example, grew resentful of the treaties they had signed and spoke out against them.

A talk from the headmen of Buzzard's Roost and Cussita illuminates the reasons for this growing unity of feeling in spring 1787. The headmen affirmed their consent to the terms of Shoulderbone and swore to assist with the return of any stolen property and the surveying of boundary lines, but they insisted that the hostages Georgia had taken at Shoulderbone were "your friends" rather than men who objected to the Oconee boundary.<sup>10</sup> "Detaining them," the headmen cautioned, "is only distressing your friends" but would do nothing to prevent raids by "the Bad inclined people of the upper Towns."<sup>11</sup> On the contrary, if any accidental harm befell the hostages, they warned, it "may be attended with very Bad consequences."<sup>12</sup> The headmen demanded that the hostages be released to John Galphin, who would escort them to their homes. Georgia's rigidity and failure to recognize legitimate Muskogee grievances slowly pushed Creeks toward consensus on abrogating Shoulderbone.

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<sup>10</sup> A Talk from the head men of the Buzzard roust and Cussetas to the Governor of Georgia, 1 May 1787, CILTT, pt. 1:155.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

Superintendent of Indian Affairs James White toured Creek country in spring 1787 trying to understand Muskogee attitudes on the Oconee boundary dispute. Alexander McGillivray and a minority of Upper Towns had spearheaded resistance to the treaties of the 1780s while several Upper and Lower Towns had consented to them. After his tour, White determined that Lower Creeks also resented Georgia's encroachment and vowed to repel settlers "by force." Frustrated, White grumbled that "the very Indians" who consented to land cessions accused Georgia of "having extorted land from them."<sup>13</sup> Hoboithle Micco offered Governor George Matthews "a white wing" to confirm peace and alliance, yet James White believed the gesture insincere. White observed that, the previous day, Hoboithle Micco had addressed a Creek council and accused Georgia "of many ungenerous practices" by which it "had wrested from him pretended grants of land, & hostages."<sup>14</sup> White's indignation, however, was unwarranted. Hoboithle Micco openly criticized Georgians' failure to abide by the treaties of the 1780s, yet he remained steadfast in his willingness to meet with Georgians and resolve issues diplomatically.

By the end of his tour, James White feared Georgia was under threat of "immediate invasion," though he credited Alexander McGillivray with preventing such an onslaught for the moment.<sup>15</sup> As with Hoboithle Micco's gift of a white wing to the governor, White misinterpreted what he saw. When he visited Creek towns, he witnessed Muskogees whom accepted the Oconee boundary but were growing increasingly concerned that Georgians respected neither their remaining territory nor their sovereignty.

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<sup>13</sup> James White to Henry Knox, 24 May 1787, *ASPIA*, 1:21.

<sup>14</sup> James White to George Matthews, 23 April 1787, *CILTT*, pt. 1:153.

<sup>15</sup> James White to Henry Knox, 24 May 1787, *ASPIA*, 1:21.

James White believed that Alexander McGillivray was responsible for a truce which McGillivray declared would end in April unless Georgia withdrew from the Oconee valley.<sup>16</sup> McGillivray appeared confident that he had consolidated his leadership of all Muskogees, and he intended to order new border patrol raids to hurl Georgians back from the Oconee to the Ogeechee River. He boasted to West Florida Governor Arturo O'Neill in Pensacola that, at a recent meeting in the Lower Towns, "I had the Satisfaction to find the whole Nation Now Unanimous," including Cussita and Tallassee.<sup>17</sup> These towns were home to Neha Micco and Hoboithle Micco, the two men who had done the most to broker the treaties of 1780s. If those leaders admitted the failure of diplomacy, there would be few indeed who could still believe in a purely diplomatic solution. The dramatic surge in border patrol raids over the course of 1787 and 1788 seems to confirm McGillivray's claims to leadership, yet it is likely that he misrepresented his level of command and control in order to convince O'Neill to provide ammunition.<sup>18</sup>

### III. THE ANATOMY OF BORDER PATROL VIOLENCE

It is true that Georgians' exaggerated Creek violence in the 1780s, but it is equally true that border patrol violence surged between 1787 and 1790. Clandestine theft of horses and slaves and more aggressive destruction of property skyrocketed in those years. Such non-violent tactics could easily escalate to bloodshed, but seldom was it a primary

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<sup>16</sup> Alexander McGillivray, Little Talassee, Upper Creeks, 10th January 1787, in *Georgia Gazette*, 26 April 1787.

<sup>17</sup> Alexander McGillivray to Arturo O'Neill, 18 April 1787, Caughey, *McGillivray of the Creeks*, 149-151; Green, "Alexander McGillivray," 53. Green takes McGillivray at his word, arguing that Neha Micco "joined the McGillivray faction."

<sup>18</sup> Alexander McGillivray to Arturo O'Neill, 18 April 1787, Caughey, *McGillivray of the Creeks*, 149-151.

goal. Occasional violence was part of the pattern of Muskogee resistance to Georgia's settlement of not just the Oconee, but also of the Altamaha, Satilla, and St. Marys River valleys. Creek warriors also killed to restore cosmic balance following the death of clan kin and to achieve war honors. On the relatively rare occasions when Muskogee border patrols killed people, it most often resulted from botched raids in which Georgians pursued Creeks to reclaim their property. The resulting combat did not necessarily violate Creek rules of war, but it could be so vicious that it terrified and enraged Georgians who excused their own brutality. Their terror contributed both to exaggerations of Muskogee ferocity and overwhelmingly violent retaliation. Georgians deployed more troops to the Oconee valley, increased sorties into Muskogee territory, and provoked intense clashes with Creek warriors.

Raiders' intentions and identities grow clearer upon analyzing the frequency and types of raids between 1787 and 1790. Creek theft was rampant both in northern and southern frontier counties. Horse thieves focused on the northern frontier counties of Greene, Franklin, Wilkes, and Washington in the upper Oconee Valley. Some raiders preferred to steal and aid in the escape of black people from the southern frontier counties of Liberty, Glynn, and Camden between the Altamaha and the St. Marys. Theft raids and occasional violence occurred more commonly in the northern counties, yet in both regions, Muskogees displayed a mix of economic and political motivations. On the rare occasions when Georgians identified Creek raiders, they typically blamed men from Lower Towns, suggesting that resistance to settlers' encroachment was increasingly the province of Lower Creeks unassociated with Alexander McGillivray and his allies. Lower Towns had the strongest claim to the Oconee lands, and they were closest to the

boundary, so they had the most to fear from Georgia's relentless westward advance. Border patrols in the late 1780s often originated from towns that had initially supported a diplomatic solution to the Oconee boundary dispute via the treaties of the 1780s. When diplomacy failed, former treaty supporters adopted a different mode of resistance.



MAP 5.



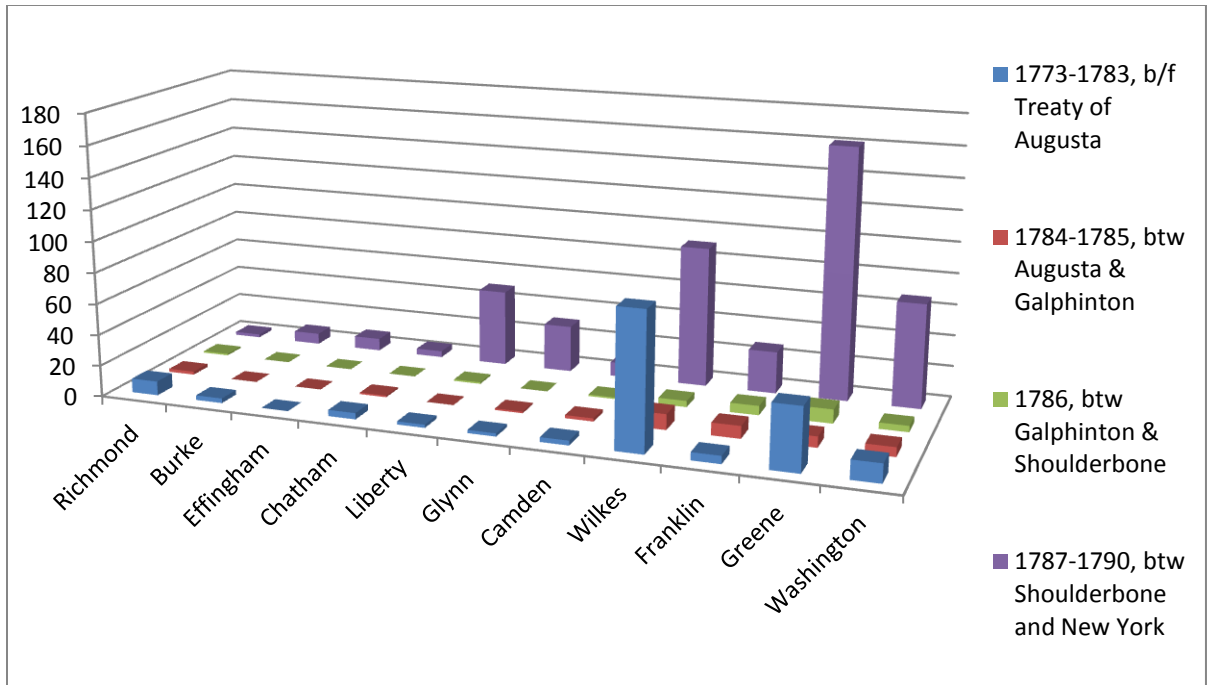


TABLE 4.

Between 1787 and 1790, the Greene County stretch of the upper Oconee River valley was the most violent zone of conflict between Creeks and Georgians. This statement, however, could be misleading. Of the 161 deprecations reported in Greene County between 1787 and 1790, only fifteen included lethal violence—that is, less than 10% of raids ended in killings. Of those fifteen violent raids, Muskogeas killed twenty-nine white people and two black slaves. Thirty percent of the white casualties and 27% of the ninety-one reported Muskogean casualties during the period actually occurred in a single incident across the border in Creek country following a raid on Greene County.<sup>19</sup> This event, remembered by Georgians as the Battle of Jack’s Creek, accounted for the deaths of nine white Georgians and twenty-five Muskogeas, more than double the number of casualties that occurred in any other Greene County incident. This implies that

<sup>19</sup> *Georgia Gazette*, 4 October 1787.

a few extremely violent episodes helped Georgians craft their narrative of Muskogee ferocity.

Muskogees raided for a variety of reasons, but only rarely did men set out merely for the purpose of killing. Instead, raids that began as slave or horse theft sometimes ended in violence. For instance, the theft of John Long's female slave from his Greene County residence in May 1787 led to murder.<sup>20</sup> Long's neighbor, Ezekiel McMichael, reported the theft to his own family. A short while later, they heard the report of three rifles followed quickly by the return of Ezekiel's horse without its rider.<sup>21</sup> Worried for Ezekiel's safety, John McMichael gathered some men and searched for the source of the gunshots. What they found confirmed their worst suspicions, both of Ezekiel's fate and of the Creek Indians whom they despised. About four miles east of the Oconee River in land ceded to Georgia, they found Ezekiel "wantonly and Barbrously Murthered and Scalped By the Indians."<sup>22</sup> They tracked the raiders to the Oconee River's edge where they found "3 guns 5 shotbags & 4 pairs of Mocasons."<sup>23</sup> "In one of the shot bags," they reported, "was found 2 scalps which was proved to be taken off the head of the Decest Ezekiel McMichael by putting the same scalps on his head."<sup>24</sup>

The Creek warriors appear to have opportunistically attacked McMichael after having made off with the enslaved woman. Georgians considered these acts a general declaration of war, prompting an unauthorized militia invasion of Creek country. The intensity of this type of violence, rather than its frequency, seems to have inflamed

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<sup>20</sup> Based on the similarities of the cases, I believe that John Long and John Lang are the same person and that the discrepancy in spelling is the result of minimal literacy on the part of the documents' authors or an error in transcribing the original documents from manuscript to typescript.

<sup>21</sup> Deposition of John McMichael, 2 July 1787, DEPS, vol. 1, pt. 1:104.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., 104-105.

<sup>24</sup> Ibid., 105.

Georgians, leading to disproportionate reprisals. A small group of warriors ambushed an individual and scalped him, a mutilation that Georgians avowedly found wanton and barbarous. Yet from the Muskogee perspective, the border patrol seemed eager to avoid further bloodshed.<sup>25</sup> When they were discovered at the river's edge, the Indians retreated so quickly that they abandoned rifles, ammunition, footwear, and the scalps that would have brought them war honors at home. After Ezekiel McMichael's murder, the *Georgia Gazette* interpreted the slaying as a more general announcement of "renewed hostilities."<sup>26</sup> A local militia captain named Alexander responded, without orders, by invading Creek country as far as the Ocmulgee River and killing eight Muskogeese.<sup>27</sup> In the weeks that followed, Creek leaders berated Georgians, explaining that Alexander's victims had not been involved in McMichael's death.<sup>28</sup> The *Gazette* likely panicked Georgians further when it published an unconfirmed rumor that fifty Muskogee warriors had set out to avenge Captain Alexander's brutality.<sup>29</sup> Two weeks later, the *Gazette* reported that white settlers had killed thirty-five Indians, and three hundred Georgians had crossed the border. The column concluded that a "general war is thought to be unavoidable."<sup>30</sup>

Creek raiders struck Greene County repeatedly throughout spring 1787. On May 31, the same day that Ezekiel McMichael died, Muskogeese also murdered, scalped, and mutilated William Anderson Jones in another incident that apparently resulted from a raid gone wrong, yet vehemently declared Creek claim to the Oconee valley. Jones drifted

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<sup>25</sup> Wayne E. Lee, "Peace Chiefs and Blood Revenge: Patterns of Restraint in Native American Warfare, 1500–1800," *Journal of Military History* 71 (July 2007): 718-726.

<sup>26</sup> *Georgia Gazette*, 14 June 1787.

<sup>27</sup> *Ibid.*; John Habersham to Lachlan McIntosh, 30 June 1787, Felix Hargrett Papers, HAR DLG.

<sup>28</sup> Talk of the Fat King to his Honour Governor Mathews and the Council, &c., In a Meeting of the Lower Creeks held in the Cussetahs 27<sup>th</sup> July 1787, in *Georgia Gazette*, 16 August 1787.

<sup>29</sup> *Georgia Gazette*, 14 June 1787; *Georgia Gazette*, 5 July 1787.

<sup>30</sup> *Georgia Gazette*, 28 June 1787.

from his farm in search of a stray horse, and, shortly thereafter, his neighbors heard gunshots. They searched fruitlessly for the source but found only the horse Jones had ridden toward the Oconee in search of the stray.<sup>31</sup> The neighbors searched for Jones for three days. When they found his body, he had been “Barbarously Killed and scalped and stripped naked and a Large Bayonet stuck through his Body which pin’d him to the ground.”<sup>32</sup> The apparent torture and humiliation that Jones endured was consistent with long standing modes of southeastern Indian violence. Moreover, cloth was the most popular trade item in Creek country, so raiders frequently stole clothing.

The intensity of the murder, scalping, and pinning of William Anderson Jones announced that Muskogee hunters continued to claim the right to use the Oconee River’s east bank. Creeks customarily mutilated the bodies of slain enemies as a way of capturing “a portion of the dead individual’s spirit or soul,” suggests one scholar.<sup>33</sup> Any white people hostile to Muskogee travelers or hunters on the Oconee’s east bank or in Creek country proper might well suffer this same fate. Collecting scalps to present to their towns continued to be a path to prestige and leadership positions for Creek men.<sup>34</sup> Muskogee leaders protested to Georgians that such torture and murder were the acts of a few bad apples, but Creek communities often admired recklessness in young men. Their raids against Georgia settlements demonstrated customary tension between the brashness of youth and the moderation of age. Indeed, theft raids alone could earn Creek men prestige.<sup>35</sup>

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<sup>31</sup> Deposition of David McMichael, 2 July 1787, DEPS, vol. 1, pt. 1:105.

<sup>32</sup> Ibid.

<sup>33</sup> Snyder, *Slavery in Indian Country*, 82-83.

<sup>34</sup> Saunt, *A New Order of Things*, 100; Snyder, *Slavery in Indian Country*, 84-85, 87, 91, 97-98.

<sup>35</sup> Saunt, *A New Order of Things*, 98-101. Explaining the raiding activities of John Galphin, Saunt writes, “Robbery and pillaging took the place of war as a means of displaying bravery.” (101)

Raids in which Creeks killed black people also suggest that violence could be an unintentional result of bungled theft. A Greene County raid in 1787 with the apparent motive of theft ended in the death of an enslaved boy named Tom. The claimant reported that raiders killed Tom, “a negro boy...about Sixteen years old” worth \$450, during the theft of a horse valued at fifty dollars.<sup>36</sup> Tom may well have been attempting to resist capture or protect the horse. If, as the horse theft connotes, the raid was intended primarily as property crime, the warriors would likely have attempted to steal Tom, whom Georgians considered by far the single most valuable item available during the raid.

Black slaves also fell victim to more clearly politically motivated attacks. In August 1787 in Franklin County, the area between the Apalachee and North Oconee Rivers, Muskogees attacked the plantation of Samuel Knox. They killed two black slaves, a man and a woman in their twenties, and captured a two-year-old girl, presumably their daughter. The raiders then burned Knox’s remaining property including three buildings, a wagon, and grain stores. The combination of killing, captive taking, and property destruction suggests a range of motives, but what followed indicates that theft was the lowest priority. They may have killed the enslaved man and woman unintentionally while trying to capture them, and they were careless with the child they abducted. Astonishingly, the enslaved toddler somehow escaped her captors and found her way to the fort where Knox was staying. She informed Knox of the attack, and when he arrived at the scene, he chillingly reported that he found “the House & other property smoking,” including “the bodys of the negroes burning.”<sup>37</sup> The attack on Knox’s plantation, then,

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<sup>36</sup> Deposition of Richard Bradley, 3 August 1802, DEPS, vol. 1, pt. 1:77.

<sup>37</sup> Deposition of Samuel Knox, 3 September 1821, DEPS, vol. 2, pt. 3:708-09.

appears designed to destroy the settler's ability to remain on the disputed land. By no choice of their own, the enslaved people were part of Knox's economic capacity.

Raids usually were simpler affairs in which Creeks, bent on taking horses, briefly exchanged fire with white men reluctant to give up their property.<sup>38</sup> For example, in a November 1787 episode in Greene County, a party of Creeks fired on James Woods and his father while they were camped near the Oconee. The white men returned fire, but they fled after James was wounded.<sup>39</sup> Once they were gone, Creeks stole their horses. In a similar attack in 1789, John Chandler was camping on Richland Creek, an Oconee tributary near Shoulderbone, when he was "fired on and wounded and forced to fly for his life."<sup>40</sup> Chandler lost his horse, saddle and tack, his blanket, and three coats. Chandler's companion, Joel Mabry, lost a rifle worth ten pounds sterling, two pair of saddle bags, one blanket, and three coats.<sup>41</sup> Woods, his father, Chandler, and Mabry all escaped with their lives and a fresh awareness of Creeks' ongoing claims to the Oconee strip. Incidents such as this help explain why Georgians tended to conflate theft and warfare.

Georgians sometimes pursued Muskogee rustlers deep into Creek country with disastrous results for both sides. One such incursion took place in spring 1787, touching off bitter correspondence and threats that lasted for years. After Muskogees stole a number of horses from several Greene County homes and reportedly committed "some murders," a local militia leader named William Melton raised a party and chased the

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<sup>38</sup> Snyder, *Slavery in Indian Country*, 85-86. Snyder argues that by the 1720s, southeastern Indians had adopted this style of "cutoff warfare" in which "the goal was to isolate a segment of the enemy group (ideally by surprise, kill or capture them, take war spoils, and withdraw with minimal losses."

<sup>39</sup> Deposition of James Woods, 20 September 1821, DEPS, vol. 2, pt. 1:304.

<sup>40</sup> Deposition of John Chandler, 24 January 1803, DEPS, vol. 2, pt. 1:192b.

<sup>41</sup> Deposition of Joel Mabry, 26 October 1802, DEPS, vol. 2, pt. 1:193-194.

Creeks across the Oconee River.<sup>42</sup> Melton pursued them thirty to forty miles southwest to the Ocmulgee River where he “overtook a party of Creek Indians, and killed some of them but did not recover any of the stolen property.”<sup>43</sup> This foray demonstrates that Georgians ignored the Oconee boundary as it suited them. The militia’s attack was ostensibly retaliation, but their failure to recover any stolen property indicated that the victims were innocents uninvolved with the initial theft, a fact Creeks soon pointed out.

The raids into Greene County that led to William Melton’s incursion may appear random, but they were not. They were a targeted, meaningful response to settler violence in keeping with the Muskogee practice of restitution killing to restore cosmic balance after the slaying of clan kin. Neha Micco of Cussita explained that men from the Upper Town of Oakchoy had specifically attacked Greene County and intentionally killed only two white people to balance the deaths of two Oakchoy men killed by Greene Countians the previous summer.<sup>44</sup> Melton’s victims were not the Oakchoy raiders, he said, but “our people, your real friends.”<sup>45</sup> Turning Georgia’s most frequent reproach of Muskogee warriors against them, the headman chided, “‘Tis not we that have forgot the talk at Shoulder Bone, but you.”<sup>46</sup>

Viewed individually, violent raids appear as isolated, almost random incidents. Creeks occasionally committed targeted killings to exact clan justice, but many occurred during botched thefts. Perhaps the most salient feature of border patrol violence is that it was rarely the sole, or even the primary, intent of a raid. In aggregate, however,

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<sup>42</sup> Deposition of William Ramsey, 3 September 1821, DEPS, vol. 1, pt. 1:63; Deposition of William Melton, 3 September 1821, DEPS, vol. 1, pt. 1:64.

<sup>43</sup> Deposition of William Ramsey, 3 September 1821, DEPS, vol. 1, pt. 1:63; Deposition of William Melton, 3 September 1821, DEPS, vol. 1, pt. 1:64.

<sup>44</sup> A Talk of the Fat King to his Honour Governor Matthews and the Council, 27 July 1787, *ASPIA*, 1:33.

<sup>45</sup> Talk of the Fat King to his Honour Governor Mathews and the Council, &c., 27 July 1787, in *Georgia Gazette*, 16 August 1787.

<sup>46</sup> *Ibid.*

Georgians perceived a pattern of violence that they interpreted as a concerted attack. They believed themselves to be in a state of war with unpredictable savages. While the hundreds of Creek raids taken together constitute a pattern of economic opportunism and political resistance to encroachment, the low level of violence indicates that Muskogees did not consider themselves to be at war but instead to be involved in a border dispute with an unrelenting neighbor.

#### IV. GEORGIA'S PERCEPTION AND RESPONSE

The surge in Muskogee border patrols in early 1787, though predominantly non-violent, elicited from Georgians a curious mixture of fear, devastating retaliation, and elision of theft's prevalence. Georgians exaggerated the violent acts of some Creeks as the harbinger of total war, and they used this perceived threat to justify their own disproportionate acts of violence.<sup>47</sup> Georgians had fantasized about the agricultural potential of the Oconee River valley since the 1770s. Utterly denying Muskogees' right to defend their territory validated the violence Georgians would use to dispossess them.<sup>48</sup>

Georgians' actions seem almost calculated to broaden the scope of the Oconee boundary conflict, rendering their fear of Creek violence a self-fulfilling prophecy that would later be called the Oconee War. For example, William Melton's retaliatory raid on

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<sup>47</sup> Martin, *Sacred Revolt*, 8; Kathryn Holland Braund, "Reflections on 'Shee Coocys' and the Motherless Child: Creek Women in a Time of War," *Alabama Review* 64, no. 4 (October 2011): 272, 267-272. Martin describes the situation bluntly: Georgians adopted "a policy of unlimited indiscriminate terror." Braund describes a similar phenomenon nearly two decades later during the Redstick War when, following the Battle of Fort Mims in 1813, Americans fixated on Creeks' violence against women. Creek warriors, however, "were retaliating against their enemies with a form of violence common to the frontier and practiced by their enemies as well." On the brutality of colonial warfare focused against Native American civilians, see John Grenier, *The First Way of War: American War Making on the Frontier, 1607-1814* (Cambridge: Cambridge University Press, 2005).

<sup>48</sup> Martin, *Sacred Revolt*, 89-92; Rothman, *Slave Country*, chap. 1. Anglo-Americans justified this denial via what Martin called the "gaze of development." (92) Adam Rothman phrases this zeitgeist as "Jefferson's Horizon." By the 1840s, Americans would refer to it as Manifest Destiny.



Creek country was more devastating than he acknowledged. In fact, after Oakchoy men killed and scalped two Greene County men, captured one black slave and fourteen horses, Melton's men invaded Creek country where they ambushed and killed twelve Cussitas uninvolved in the Oakchoy raid.<sup>49</sup> The eager militiamen disregarded the state boundary and were dangerously ignorant of their intended adversaries.

Lower Towns represented by the Hallowing King of Coweta and Neha Micco of Cussita were outraged yet inclined to forego balancing these deaths with satisfaction killings. A few weeks after Melton's attack, they sent a talk to Georgia declaring that peace long had existed between Lower Towns and settlers, and they reprimanded Melton's men for their failure to recognize their "friends." They insisted that Georgians had killed Lower Creeks purposely for "what other bad people did," because Melton's men "could not think that it was any of the lower towns did you any mischief, when we were at your houses and living with you in a manner that you might be sure it was not us."<sup>50</sup>

Contrary to the customary Creek practice of balancing the death of clan kin through retribution killing, the Hallowing King and Neha Micco consented to wait for Georgia's justice before taking any action. They noted grudgingly that "It is not the rule of the Indians to acquaint you of this, but to take satisfaction."<sup>51</sup> Instead, they would abide by Article 4 of the Treaty of Shoulderbone: "The Punishing of innocent persons under the idea of retaliation shall not be practiced on either side."<sup>52</sup> The Lower Town

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<sup>49</sup> Georgia Governor George Matthews to the Commissioners of the United States for Indian Affairs, in the Southern Department, 9 August 1787, *ASPIA*, 1:31.

<sup>50</sup> Hallowing King and Fat King to Governor George Matthews, 14 June 1787, *ASPIA*, 1:32.

<sup>51</sup> *Ibid.*

<sup>52</sup> Treaty of Shoulderbone, 3 November 1786, *Shoulderbone Journal*, 93b, 94.

miccos shamed Georgia's leaders for their failures, reminding them that "You always promised that the innocent should not suffer for the guilty."<sup>53</sup>

Instead of punishing William Melton, however, Georgians justified the attack by portraying settlers as guiltless victims engaging in self-defense.<sup>54</sup> The Upper Town of Oakchoy and not Lower Towns conducted the attack that provoked Melton's militia, yet Georgia's leaders dismissed the context of the Oakchoy attack and placed equal blame on all Creeks. Instead of acknowledging settlers' murder of two Oakchoys as the catalyst for the events, Georgians accused all Creeks generally of having "entered into the most solemn engagements" with white settlers and then having "as often violated them." "What had our people to expect," Georgians demanded, "when they saw their peaceable countrymen murdered?"<sup>55</sup> After justifying Melton's attack, Georgia consoled the victims, assuring them that now they could "rest satisfied that we consider you, the Lower Towns, as our best friends and brothers."<sup>56</sup> For good measure, Governor George Mathews threatened the friends and families of Melton's victims that, if they contemplated retaliation, "we will not hesitate to do ourselves ample justice, of carrying war into your country, burning your towns, and staining your land with blood."<sup>57</sup>

The Hallowing King and Neha Micco may have been inclined to let Melton's attack pass, but Alexander McGillivray called a meeting at Cussita and convinced other Lower Creeks to demand satisfaction on a life for life basis. Following this affair, one historian claimed that "a more general war began in which the Creeks ravaged with

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<sup>53</sup> Hallowing King and Fat King to Governor George Matthews, 14 June 1787, *ASPIA*, 1:32.

<sup>54</sup> Ford, *Settler Sovereignty*, 115-117. It was a common, accepted expedient in the 1780s and 1790s for militias to wage unauthorized wars of their own in Indian country. State government considered it a legitimate practice, and the national government rarely intervened.

<sup>55</sup> A Talk from Georgia to the Head-men and Warriors of the Lower Creeks, 29 June 1787, *ASPIA*, 1:32.

<sup>56</sup> *Ibid.*, 33.

<sup>57</sup> "HIS Honour the Governor...To the Fat King, and other head men of the Lower Creek Nation," *Georgia Gazette*, 16 August 1787.

impunity the Georgia frontiers” throughout the remainder of 1787.<sup>58</sup> Ironically, Georgia had no funds to wage this war of their own making. Superintendent James White, hoping to defuse the situation and assert the primacy of the central government in Indian affairs, wrote to Alexander McGillivray that, “among the herd of white people” there were many who wished to provoke war with Creeks, but “To restrain this temper, is the duty of more sober reflection.”<sup>59</sup>

Though war was never officially declared, the constant violence of late 1787 and early 1788 merits the appellation, the Oconee War, that early Georgia historians gave it.<sup>60</sup> The frequency of violent events and the death toll rose to an unprecedented level. For example, 1786 had witnessed twenty-eight raids with eight ending in violence. The number quintupled to 138 raids in 1787 with twenty-four resulting in bloodshed. The number of raids almost doubled again to 239 in 1788 with thirty-nine ending violence. Georgians’ perceptions of themselves as the victims of ungoverned savages were critical to justifying their indiscriminate responses to Muskogee raids.

What Georgians would later refer to as the Battle of Jack’s Creek was the largest single episode of violence during the Oconee War, and it exemplifies the importance of both Muskogee border patrols and Georgians’ perception of them. In September 1787, General Elijah Clarke raised 160 volunteers to pursue, he claimed, a party of “50 or 60 Indians.”<sup>61</sup> Several days earlier, Muskogee border patrollers had killed three Georgia militiamen from “a small reconnoitering party of eight” that had crossed the Oconee

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<sup>58</sup> Downes, “Creek-American Relations, 1782-1790,” 162.

<sup>59</sup> James White to Alexander McGillivray, 4 April 1787, *ASPIA*, 1:21.

<sup>60</sup> *ASPIA*, 1:31-33; Chappell, “Chapter I. The Oconee War,” “Chapter II. The Oconee War Continued,” *Miscellanies of Georgia*, 5-14.

<sup>61</sup> General Elijah Clarke to his Honour the Governor, 24 September 1787, in *Georgia Gazette*, 4 October 1787.

River into undisputed Creek country under a Lieutenant Colonel Barber.<sup>62</sup> Barber reported that “about 40” had ambushed his men as they travelled near Big Shoals on the Apalachee River. After Clarke’s army found the three militiamen “mangled in a shocking manner,” his volunteers pursued the Muskogeese some fifty miles or more into Creek country all the way to the south fork of the Ocmulgee.<sup>63</sup>

After reaching the Ocmulgee, however, Clarke gave up the chase for the culprits and returned to the Apalachee River where he discovered the trail of a different, uninvolved group of Muskogeese. On September 21, he caught them “encamped and cooking” at Jack’s Creek, a western tributary of the Apalachee, well inside Creek country.<sup>64</sup> Clarke ambushed the innocent campers and later boasted to have “totally defeated” them after a three hour firefight in which the Muskogeese largely hid in a canebrake.<sup>65</sup> Clarke withdrew after losing six men killed and eleven wounded, and he claimed to have killed “not less than 25 Indians.”<sup>66</sup> He insisted that, had he remained, his troops would have found “40 or 50 dead of their wounds by the morning.”<sup>67</sup> When Clarke’s men plundered the Creek campground they found one hundred halters and bridles which they presented as proof that the Muskogeese were a horse rustling expedition.

Elijah Clarke failed to identify his victims as members of Upper or Lower Towns, but his attacks show that he considered all Creeks culpable. In October and November, eight more raids struck Greene County. Two of them ended in bloodshed, but in keeping

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<sup>62</sup> *Georgia Gazette*, 4 October 1787.

<sup>63</sup> General Elijah Clarke to his Honour the Governor, 24 September 1787, *Georgia Gazette*, 4 October 1787.

<sup>64</sup> *Ibid.*

<sup>65</sup> Downes, “Creek-American Relations, 1782-1790,” 163.

<sup>66</sup> General Elijah Clarke to his Honour the Governor, 24 September 1787, *Georgia Gazette*, 4 October 1787.

<sup>67</sup> *Ibid.*

with the larger pattern, most resulted in livestock theft and property destruction.<sup>68</sup> Less than a week after Clarke's attack, Creeks raided the home of David and Charley Furlow stealing six horses. They burned the family's house, outbuildings, furniture, and flax crop, as well as several nearby houses.<sup>69</sup> The *Georgia Gazette* reported that Muskogees had stolen some thirty horses, burned several forts, fences, and houses, in addition to cutting down "a very considerable quantity of corn" and destroying a number of hogs.<sup>70</sup>

Two additional raids followed Clarke's attack on Muskogees at Jack's Creek, again provoking devastating responses. Creeks and Georgians exchanged gunfire at a frontier fort called Scull Shoals Station in Greene County near present-day Athens. After wounding three Georgians, the Muskogees fled back into Creek country.<sup>71</sup> Creeks also killed "two or three men" on Shoulderbone Creek shortly after the Battle of Jack's Creek.<sup>72</sup> Elijah Clarke responded to these raids by collaborating with another militia commander to invade Creek country with some five hundred men.<sup>73</sup>

The *Georgia Gazette* confirmed that the border area was becoming a more dangerous place. Creeks continued their patrols, but it was clearly they who needed to worry about an uncommon degree of ferocity. When Creeks found a group of white ranchers ranging the Muskogee side of the Oconee River in September 1787, they attempted to remove the trespassers. The white frontiersmen responded by killing "nine of the savages."<sup>74</sup>

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<sup>68</sup> *Georgia Gazette*, 4 October 1787.

<sup>69</sup> Deposition of David and Charles Furlow, 3 September 1821, DEPS, vol. 1, pt. 1:56-57.

<sup>70</sup> *Georgia Gazette*, 25 October 1787.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Georgia Gazette*, 4 October 1787.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Georgia Gazette*, 13 September 1787.

Rumors also contributed to Georgians' outsized retaliation. False reports of additional murders flew but were only occasionally corrected. In October 1787, for example, the *Georgia Gazette* conceded that a report of three men having been killed by Muskogees on Canoochee Creek near Savannah was "is entirely groundless."<sup>75</sup> A correspondent in Greene County reported that there were no Creek raiders on the Georgia side of the river, but that he was "induced to believe, from the frequent firing of guns...that they are in large bodies on the south bank of the Oconee."<sup>76</sup> Even the report of Creek people hunting within undisputed Muskogee territory was enough to convince Georgians of impending invasion.

By late October 1787, Georgians had whipped themselves into such a frenzy that the city of Savannah passed an ordinance requiring all inhabitants to provide slaves for the construction of defensive works around the city due to the "approaching mischief of an Indian war."<sup>77</sup> While the theft and violence of the Oconee War represented a genuine threat in the Oconee valley, only two raids touched the county around Savannah between 1787 and 1790, and neither included violence. The grand juries for the state and county offered their sympathies to Oconee valley settlers because of "the present hostilities with the Indians."<sup>78</sup>

Muskogees demonstrated that they were capable of the large scale raids that Georgians feared, but, as ever, they focused on the disputed east bank of the Oconee River. In November, Creeks responded vigorously to the invasions of Elijah Clarke and William Melton, as well as other white attacks, when they fell on the Greene County seat

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<sup>75</sup> *Georgia Gazette*, 14 September 1786.

<sup>76</sup> *Georgia Gazette*, 25 October 1787.

<sup>77</sup> *Georgia Gazette*, 11 October 1787.

<sup>78</sup> *Georgia Gazette*, 18 October 1787.

at Greenesborough, burning the courthouse and several other buildings. While it seems likely that the razing of Greenesborough involved bloodshed, there is no definitive evidence of fatalities.<sup>79</sup> It is unclear which Muskogeans were responsible for this ambitious attack, though one deponent later suggested that after “Greenesborough was sacked and burnt,” there were several signs including “some writing in French left by one Cornells” and “marks left on Trees” to claim responsibility.<sup>80</sup> The attribution to Cornells likely referred to Indian countryman Joseph Cornells, Alexander McGillivray’s interpreter, or his brother George, his son James, or his nephew, Alexander, all of whom lived among Upper Creeks.

As the situation worsened in fall 1787, the Georgia legislature passed “An Act for suppressing the violence of the Indians,” called for 3,000 militiamen, and appealed to the Confederation Congress for funding, since the state could not support the proposed force.<sup>81</sup> Congress took a two-pronged approach by simultaneously preparing to negotiate and wage war, much as Georgia had prior to the Shoulderbone talks. After the Battle of Jack’s Creek and subsequent raids, Georgia’s delegates convinced the Confederation Congress that “their country is in danger of an invasion.”<sup>82</sup> The Secretary of War was prompted to deliver three hundred pistols, 150 swords, and a handful of small artillery pieces with gunpowder and grape shot.<sup>83</sup> Congress also organized a new treaty commission under Confederation authority while Superintendent James White worked to convince Alexander McGillivray and others to formally accept the cession of the Oconee

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<sup>79</sup> George Matthews to James White, 15 November 1787, *ASPIA*, 1:23; Downes, “Creek-American Relations, 1782-1790,” 163; Thaddeus Brockett Rice, *History of Greene County, Georgia, 1786-1886* (Macon, Georgia: The J.W. Burke Company, 1961), 6, 23.

<sup>80</sup> Deposition of Robert Corry, 3 September 1821, DEPS, vol. 1, pt. 1:52.

<sup>81</sup> *Georgia Gazette*, 8 November 1787; George Matthews to James White, 15 November 1787, *ASPIA*, 1:23.

<sup>82</sup> *Georgia Gazette*, 25 October 1787.

<sup>83</sup> *Ibid.*

strip once and for all.<sup>84</sup> McGillivray signaled that he would abandon Creek claims to the Oconee lands if the Confederation Congress would guarantee Muskogee possession of lands south of the Altamaha River. Superintendent White, however, resisted this bargain because he felt it would violate Georgia's sovereign claim to those lands.<sup>85</sup>

Confederation government officials were likely frustrated by Georgians' exercise of authority yet supported the state because they found Georgia's narrative about Creek ferocity compelling. The Articles of Confederation government explicitly claimed the "sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the states."<sup>86</sup> James White, as Superintendent of Indian Affairs for the Southern Department, had been appointed to conduct all relations with natives, from licensing traders to distributing presents and conducting treaties between native people and the states that claimed their lands.<sup>87</sup> White's reports, however, echoed Georgians' characterization of Creeks as a stateless people who nevertheless posed a potent military threat. He claimed that Creeks could field "6,000 gun-men, mostly well armed with rifles."<sup>88</sup> Based in part on White's report, Henry Knox later concluded that "hostilities still rage" between Georgians and Creeks, and "the cause of the war is an utter denial, on the part of the Creeks, of the validity of the three treaties, stated to have been made by them with the State of Georgia."<sup>89</sup> His assessment was only partially correct. Some leaders like Alexander McGillivray had rejected the treaties from the beginning. Others, like Neha Micco and Hoboithle Micco, had signed the treaties in good faith to

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<sup>84</sup> *Georgia Gazette*, 29 November 1787.

<sup>85</sup> Downes, "Creek-American Relations, 1782-1790," 167-168.

<sup>86</sup> *Georgia Gazette*, 14 September 1786; Articles of Confederation, Article IX, [www.ourdocuments.gov](http://www.ourdocuments.gov).

<sup>87</sup> *Ibid.*

<sup>88</sup> James White to Henry Knox, 24 May 1787, *ASPIA*, 1:21.

<sup>89</sup> *ASPIA*, 1:16.



establish firm borders and protect Creek hunting rights on the Oconee's east bank. They only gradually came to reject the treaties because Georgians failed to abide by them.

Other Confederation government agents reinforced the narrative about the Creek menace and overestimated Alexander McGillivray's influence. Amidst repeated proclamations of outrageous Indian violence, there were occasional reports suggesting that both Georgians and Confederation officials were aware that property theft was the more prevalent threat. A trio of commissioners appointed by the Confederation Congress received a list from Governor Mathews in 1788 enumerating recent losses to Creek border patrols. It noted some thirty slaves and eighty-three horses stolen but only one person reported killed and one person wounded, illustrating that Georgians exaggerated the threat of Muskogee violence while deemphasizing the real problem of theft.<sup>90</sup>

## V. PEAKS AND VALLEYS: THE ROAD TO NEW YORK, 1788-1790

Late in 1787, Governor George Mathews declared that "the State never can have a secure and lasting peace with that perfidious nation, until they have severely felt the effects of war."<sup>91</sup> The state deployed more troops, built more forts, sent out more militia patrols, and each action provoked Muskogees, escalating the Oconee War. Over the next year, 1788, theft and violence on the frontier peaked with some 239 raids reported, thirty-nine of which ended in violence. Then, over the course of 1789 and spring 1790, the United States operating under the newly-ratified Constitution urged Creeks back to the negotiating table. After the Treaty of New York in August 1790, raiding declined until by the end of the year, rates were almost as low as they had been prior to the Treaty of

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<sup>90</sup> Richard Winn, Andrew Pickens, and George Matthews to Alexander McGillivray, 28 November 1788, *ASPIA*, 1:30.

<sup>91</sup> George Matthews to James White, 15 November 1787, *ASPIA*, 1:23.

Shoulderbone Creek. Indeed, only two violent raids occurred in 1790. During the peak year of the Oconee War in 1788, the pattern of violence intensified. Botched raids more frequently ended in horrific violence, and armed clashes increased with Georgia militiamen who assumed all Muskogees were enemies of the state.

The more militia commanders patrolled and built border forts and blockhouses, the more they incited Muskogees. In February 1788, Muskogees again clashed with Georgians near Scull Shoals on the Oconee, resulting in the death of one militiaman. Elijah Clarke sent an agitated letter to Governor George Handley demanding arms and ammunition with the warning that he expected “the Indians will be troublesome.”<sup>92</sup> At the same time, some fifty miles east of the Oconee valley within a day’s travel of Savannah, Creeks allegedly stabbed and scalped a white boy on Canoochee Creek. Like Elijah Clarke, Israel Bird insisted on military aid and angrily wondered whether the “government has or intendes doing anything for the defence of the fruntiers or whether they mean making a sacrafise of all exposed.”<sup>93</sup>

Throughout winter and spring 1788, Georgians continued ramping up militia activity with predictable results. In February, Elijah Clarke insisted that Muskogees were “in force” just west of the Oconee River, necessitating a standing army, ammunition, and more firearms.<sup>94</sup> Governor Handley ordered state troops to the coastal counties of Glynn, Camden, Liberty, and Chatham.<sup>95</sup> State troops patrolled the Oconee’s east bank regularly, and in February, Creeks killed the militia captain at Scull Shoals, John Autrey.<sup>96</sup> Scull Shoals and other locations along the upper Oconee saw repeated action in 1788. In March

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<sup>92</sup> Elijah Clarke to George Handley, 8 February 1788, CILTT, pt. 1:166.

<sup>93</sup> Israel Bird to James Jackson, 14 February 1788, CILTT, pt. 1:168.

<sup>94</sup> Elijah Clarke to George Handley, 2 February 1788, CILTT, pt. 1:164.

<sup>95</sup> *Georgia Gazette*, 6 March 1788.

<sup>96</sup> Elijah Clarke to George Handley, 8 February 1788, CILTT, pt. 1:166.

in Washington County, a Captain Wood was out with a handful of state troops and some militiamen when he discovered evidence of a Muskogee party of about thirty-five. He and his men made for a nearby fort, but Creeks ambushed them, killing one man. Captain Wood went missing during the fray, but his horse turned up later, “very much bloody,” leading his men to conclude he was “either killed or taken.”<sup>97</sup> The *Georgia Gazette* reported that “the savages” burned three houses and slaughtered cattle and hogs at Irwin’s Fort, also in Washington County.<sup>98</sup> Similar incidents were occurring near forts further upriver. Captain John Fielder and others were out from the Scull Shoals fort gathering fodder when “they were attacked by a parcel of Creek Indians” who stole Fielder’s horse, saddle and tack, firearm, and clothes.<sup>99</sup> Creeks wounded two other militiamen. This was only the beginning for Fielder. He spent five years fortified at Scull Shoals, marched with Elijah Clarke on most of his sorties, and spent much of his time as a spy trespassing over the border into Muskogee territory.<sup>100</sup>

March 1788 witnessed the single most violent episode of the year when Creeks raided a settler’s farm on Williamson’s Swamp, a tributary of the Ogeechee River in Washington County twenty to thirty miles east of the Oconee River. The raid on the home of David Jackson seems to have been a botched theft that ended with the deaths of

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<sup>97</sup> *Georgia Gazette*, 10 April 1788; Robert McLeod to Colonel James Armstrong, 5 April 1788, CILTT, pt. 1:177-178.

<sup>98</sup> *Georgia Gazette*, 10 April 1788.

<sup>99</sup> Deposition of David Ray, 21 July 1823, DEPS, vol. 2, pt. 3:849; Deposition of John Fielder, 1 September 1821, DEPS, vol. 2, pt. 2:385; Deposition of John Fielder, 7 August 1802, vol. 2, pt. 2:386; Robert M. Echols to Wilson Lumpkin, 22 May 1835, DEPS, vol. 2, pt. 2:387; Deposition of John Fielder, 4 October 1821, DEPS, vol. 2, pt. 2: 671; Deposition of Sarah Fielder, 4 October 1821, DEPS, vol. 2, pt. 2:671; Commissioner John A. Cuthbert’s Approval of the Claim of John Fielder, 27 March 1835, DEPS, vol. 2, pt. 2:672; Deposition of John Fielder, 25 July 1823, DEPS, vol. 4:33-34.

<sup>100</sup> Deposition of John Fielder, 1 September 1821, DEPS, vol. 2, pt. 2:385; Deposition of John Fielder, 7 August 1802, vol. 2, pt. 2:386; Robert M. Echols to Wilson Lumpkin, 22 May 1835, DEPS, vol. 2, pt. 2:387; Deposition of John Fielder, 4 October 1821, DEPS, vol. 2, pt. 2: 671; Deposition of Sarah Fielder, 4 October 1821, DEPS, vol. 2, pt. 2:671; Commissioner John A. Cuthbert’s Approval of the Claim of John Fielder, 27 March 1835, DEPS, vol. 2, pt. 2:672; Deposition of John Fielder, 25 July 1823, DEPS, vol. 4:33-34.

at least six non-Indians, including several of Jackson's children. Muskogee raiders apparently intended to steal two slaves, a forty year old woman and a twelve year old girl, presumably her daughter. Instead, the adult woman was killed and raiders made away with the girl, a rifle, clothing, and furniture. Two of Jackson's neighbors arrived at the house shortly afterward and found the slain and scalped bodies of Jackson's wife, "five or six of his children," and the enslaved woman.<sup>101</sup>

As the violence peaked in early 1788, the U.S. Congress authorized a treaty commission under James White with members appointed by Georgia, North Carolina, and South Carolina. Former governor George Mathews would serve for Georgia.<sup>102</sup> This peace commission, however, was similar to Georgia's earlier efforts in that its members assumed Creeks possessed neither sovereignty nor the right to defend their territory. Instead, the commission initiated talks in April by threatening that, "in future it will be considered a war of the Union" if Creeks rejected the commission's "pacifick proposal" by continuing to harass settlers in the Oconee strip.<sup>103</sup> To prepare for that possibility, the Confederation Congress ordered the Secretary of War to prepare an invasion plan. By mid-June, some Muskogees had agreed to a new round of talks to be held in September under Richard Winn, James White's replacement as Superintendent of Indian Affairs for the Southern Department.<sup>104</sup>

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<sup>101</sup> Deposition of Diocletian Davis and Moses Sinuefield, 3 September 1821, DEPS, vol. 1, pt. 2:363-364; *Georgia Gazette*, 10 April 1788. The *Georgia Gazette* reported the incident somewhat differently, holding that "they killed Mr. David Jackson's family, consisting of his wife and four children, his brother and two negroes, and scalped another young girl."

<sup>102</sup> *Georgia Gazette*, 7 February 1788.

<sup>103</sup> *Georgia Gazette*, 10 April 1788; By the United States in Congress Assembled, 15 July 1788, *Georgia Gazette*, 16 April 1789.

<sup>104</sup> By the Honorable GEORGE HANDLEY...A PROCLAMATION, *Georgia Gazette*, 26 June 1788; *Georgia Gazette*, 19 June 1788; *Georgia Gazette*, 26 June 1788.

Alexander McGillivray, however, argued as early as August that negotiation was moot because commissioners appointed by the Confederation Congress had declared that the restoration of the Oconee's east bank and the eviction of all white settlers was off the table.<sup>105</sup> Still, Governor George Handley officially called a truce in August until the conclusion of the September talks.<sup>106</sup> Some Georgians, too, believed that peace was impossible, that Muskogees could not be "kept in harmony" because of "their great success in the present war" and their "growing lust after property," so easily stolen along the border.<sup>107</sup> One Georgian, writing under the pen name, Gracchus, urged his fellow citizens to view the Oconee War as an opportunity rather than a threat, and fight "not to conquer but to destroy." "The period has now arrived," Gracchus insisted, "when forbearance becomes criminal."<sup>108</sup>

Attacks like those led by Elijah Clarke and William Melton suggest that there had been little forbearance, and Georgians needed little encouragement to unrestrained violence. By 1788, Georgians had reported killing ninety-one Creeks. Alexander McGillivray observed early in 1788 that, in border conflicts following the American Revolution, Georgians "warred with an exterminating spirit," often targeting Creek civilians. Native women were "flayed when partly alive," and "pregnant women were ripped open the men's privates cut off and put in the women's mouths with other monstrosities of the like nature." White men murdered women and children, leaving their bodies "so mangled that they couldn't be know by Relations." McGillivray argued that,

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<sup>105</sup> Alexander McGillivray to George Whitefield, 12 August 1788, *Georgia Gazette*, 25 September 1788.

<sup>106</sup> *Georgia Gazette*, 14 August 1788.

<sup>107</sup> *Georgia Gazette*, 4 September 1788.

<sup>108</sup> *Georgia Gazette*, 4 September 1788.

beyond simple border jumping, “It is such abominable actions as these that has stimulated the Indians to many cruel but just Retaliations.”<sup>109</sup>

After the peak violence in the first half of 1788, however, both theft and violence declined quickly over the course of 1789 and 1790 as both sides worked at negotiations. The treaty talks initially planned for September 15, 1788, were postponed until spring 1789 and the ceasefire was extended in part to allow the U.S. Congress under the newly ratified constitution to assume its duties.<sup>110</sup> Still, newspaper reports led Secretary of War Henry Knox to conclude in July 1789 that Creeks were still “making inroads into Georgia, and that the outrages committed by them have excited an alarm, which has extended itself to Savannah.”<sup>111</sup>

Postponing talks, however, may have worked in Georgians’ favor. Public opinion outside the state previously had held Georgia as the aggressor and favored a restoration of the Oconee lands, but continual emphasis on the violence of Creek border patrols could be persuasive. The Georgia editorialist writing as Gracchus acknowledged that “it is the fashion of the day...to believe Georgia to be in the wrong, and to have provoked by unwarrantable proceedings in respect to land, the present quarrel.”<sup>112</sup> Another unnamed correspondent writing in the *Georgia Gazette* observed that Georgia “is reprobated for her conduct with the Creek Nation,” but “the first blood drawn, from every reasonable presumption, was by the Indians.”<sup>113</sup> Gracchus agreed that, not only had Creeks “certainly spilt the first blood,” but they had “pushed their ravages” with the goal of

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<sup>109</sup> Quoted in Kathryn E. Holland Braund, “Reflections on ‘Shee Coocys,’” 272.

<sup>110</sup> *Georgia Gazette*, 25 September 1788; Richard Winn, Andrew Pickens, and George Matthews to Alexander McGillivray, 28 August 1788, *Georgia Gazette*, 4 December 1788.

<sup>111</sup> Report from H. Knox, Secretary of War, to the President of the United States, 6 July 1789, *ASPIA*, 1:16.

<sup>112</sup> *Georgia Gazette*, 4 September 1788.

<sup>113</sup> *Georgia Gazette*, 25 September 1788.

“absolute destruction, and not a vindication of their pretended rights.”<sup>114</sup> Contributors to the *Gazette* insisted that if the public knew about “the cruel ravages of the Indians,” Americans would support Georgia.<sup>115</sup> During the cease fire, planters complained that slave thefts in particular continued.<sup>116</sup> For his part, Alexander McGillivray accused settlers of ignoring the truce by attacking and plundering Creek hunting camps.<sup>117</sup> Muskogees, he warned, would respond in kind.

In October 1788, Alexander McGillivray of Little Tallassee, Efau Hadjo of Tuckabatchee, the Hallowing King of Coweta, and some Cussita headmen all urged their fellow talwa leaders to meet with commissioners from the central government. In no mood to capitulate, they appeared to believe that the unity of feeling underpinning the recent peak raiding mandated reassertion of Creek rights to the Oconee strip. When George Whitefield, an agent appointed by the Confederation Congress, met with Lower Creeks, Cussitas demanded satisfaction for the twelve Cussitas killed by William Melton’s militia in 1787.<sup>118</sup> A second meeting occurred seventy miles northwest at the Upper Town of Tuckabatchee, but the conference was rocky because the interpreter was drunk and McGillivray did not speak the Muskogee language well enough to make a public presentation.<sup>119</sup> Whitefield noted McGillivray’s pleasure that “The Massacre of the Cussitaw [Cussita] people accomplished an end Mr. McGillivray had much at heart, uniting the whole nation.”<sup>120</sup> Creeks “only contend for their rights,” insisted the

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<sup>114</sup> *Georgia Gazette*, 4 September 1788.

<sup>115</sup> *Ibid.*; *Georgia Gazette*, 25 September 1788.

<sup>116</sup> The Memorial of a Large Number of the Principal Planters and other Inhabitants of Liberty County to Governor George Handley and the Executive Council, 12 October 1788, DEPS, vol. 1, pt. 1:251-255.

<sup>117</sup> Alexander McGillivray to Richard Winn, Andrew Pickens, and George Mathews, 15 September 1788, *Georgia Gazette*, 4 December 1788.

<sup>118</sup> George Whitefield, Esq. to his Honour the Governor, in *Georgia Gazette*, 2 October 1788.

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

Hallowing King, repeating his call to “have the Georgians removed from the land.”<sup>121</sup>

Efau Hadjo agreed, declaring that Creeks “were all one people” on the question. This unity, however, was fragile in a populace still devoted to the principle of talwa autonomy.

During 1789 and 1790, negotiators on both sides increased their correspondence, yet the Oconee boundary dispute remained intractable. Congress warned McGillivray that if Creeks refused to treat, they would face the U.S. Army.<sup>122</sup> McGillivray continued to reject the land cessions of the 1780s, but recognizing his dependence on Spanish weapons, he began to waver.<sup>123</sup> A precarious truce prevailed in 1789 and 1790, though violations on both sides continued.

Treaty talks were scheduled for June 8, 1789, at Rock Landing on the Oconee River, a few miles below present-day Milledgeville. As the spring stirred, however, some Creeks demonstrated their continuing commitment to talwa autonomy by stealing from Georgia’s frontiers.<sup>124</sup> Four violent attacks occurred, though one later was attributed to white criminals rather than Muskogees.<sup>125</sup> Elijah Clarke accused McGillivray of ordering the attacks with a single goal in mind: “to break up the new counties at all events, by

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<sup>121</sup> TALKS delivered to Mr. George Whitefield by the Hollowing King of the Cowetaws and the Mad Dog of the Tuckabatchies, *Georgia Gazette*, 2 October 1788; Hollowing King, Worseter Square, 26 May 1788, *Georgia Gazette*, 2 October 1788; Mad Dog, Tuckabatchee, 31 May 1788, *Georgia Gazette*, 2 October 1788.

<sup>122</sup> Downes, “Creek-American Relations, 1782-1790,” 168-169.

<sup>123</sup> Alexander McGillivray to Estevan Miro, 26 May 1789, in Caughey, *McGillivray of the Creeks*, 235; Alexander McGillivray to William Panton, 10 August 1789, Caughey, *McGillivray of the Creeks*, 246. McGillivray later complained that he was “miserably disappointed” in the Spanish guns he received, declaring them “unfit either for the purpose of hunting or War.”

<sup>124</sup> A Proclamation Notifying the 8th June 1789 the times for holding a treaty with the Creek Indians, File II, Box 74, Folder 1, Georgia Archives; Alexander McGillivray to Estevan Miro, 9 June 1789, Caughey, *McGillivray of the Creeks*, 236.

<sup>125</sup> *Georgia Gazette*, 30 April 1789; Extract of a letter from Col. Maxwell to Lieut. Col. Fishbourn, 24 May 1789, *Georgia Gazette*, 28 May 1789; Deposition of John Chandler, 24 January 1803, DEPS, vol. 2, pt. 1:192b; *Georgia Gazette*, 4 June 1789; Alexander McGillivray to Estevan Miro, 24 June 1789, Caughey, *McGillivray of the Creeks*, 238.



burning houses.”<sup>126</sup> McGillivray denied this, arguing that leaders could not always prevent “disorderly actions.”<sup>127</sup> Moreover, Clarke underestimated McGillivray.

McGillivray and some two to three thousand Creeks intended to appear at the scheduled Rock Landing talks. McGillivray’s goals included establishing firm borders, but they were more ambitious.<sup>128</sup> He wanted Americans to acknowledge “the independency of my Nation.”<sup>129</sup>

The planned talks at Rock Landing, however, were again postponed because Creeks feared that, after recent violent raids, they could not travel safely so close to the border.<sup>130</sup> A new date was set for September, and the unreliable truce was again guaranteed by “Mr. McGillivray, and all the Chiefs and headmen of the Nation.”<sup>131</sup> McGillivray knew that boundaries and trade with Georgia would be key issues. He anticipated that securing Creek trade was the bigger issue for Georgia and hoped that, with Spanish backing, he could regain the Oconee strip.<sup>132</sup> Georgia’s assembly extended trade regulations to prevent white settlers from trading with Creeks outside their towns away from the talwa leaders’ supervision, but Georgians continued trespassing west of the Oconee River and disturbing Creek hunters.<sup>133</sup> As Muskogee border patrols dwindled and the Rock Landing talks approached, Georgians’ hopes swelled, yet some leaders

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<sup>126</sup> Copy of a Letter from Brigadier General Carke to his Honour the Governour, 29 May 1789, *Georgia Gazette*, 4 June 1789.

<sup>127</sup> Alexander McGillivray to Estevan Miro, 9 June 1789, Caughey, *McGillivray of the Creeks*, 236.

<sup>128</sup> *Georgia Gazette*, 11 June 1789; Elijah Clarke to Benjamin Cleveland, 24 June 1789, HAR DLG; *Georgia Gazette*, 2 July 1789.

<sup>129</sup> Alexander McGillivray to William Panton, 10 August 1789, Caughey, *McGillivray of the Creeks*, 246.

<sup>130</sup> Alexander McGillivray to Estevan Miro, 24 June 1789, Caughey, *McGillivray of the Creeks*, 238.

<sup>131</sup> *Georgia Gazette*, 9 July 1789; Andrew Pickens and H. Osborne to George Walton, 23 June 1789, *Georgia Gazette*, 9 July 1789; John Galphin to George Walton, 16 June 1789, *Georgia Gazette*, 9 July 1789.

<sup>132</sup> Alexander McGillivray to Estevan Miro, 10 August 1789, Caughey, *McGillivray of the Creeks*, 245; Alexander McGillivray to Estevan Miro, 15 August 1789, Caughey, *McGillivray of the Creeks*, 250.

<sup>133</sup> A Proclamation by His Excellency Edward Telfair, Governor . . . , 19 July 1790, CILTT, pt. 1:222; *Georgia Gazette*, 13 August 1789; John Galphin to Henry Osborne, 1 August 1789, Hays, CILTT, pt. 1:217.

hedged their bets. In Congress, Georgia representative James Jackson proposed that an army be raised to invade Creek country should Muskogees refuse American terms. The motion failed.<sup>134</sup>

The U.S. treaty commissioners, General Benjamin Lincoln, Cyrus Griffin, and David Humphreys, arrived in Augusta in September 1789, yet by October they had left Rock Landing without a treaty.<sup>135</sup> McGillivray attended, but he found U.S. commissioners “too agreeable” to Georgia’s desire for land.<sup>136</sup> True to his goal of gaining U.S. acknowledgement of Creek independence, he also balked at a provision that would have prohibited Creeks from making treaties with any other nation.<sup>137</sup> McGillivray worked hard to maintain Creek unity during the negotiations, and he saw the talks as an effective presentation of national sovereignty.<sup>138</sup> Some reports suggested, however, that many Muskogee leaders disagreed with McGillivray’s rejection of the American proposal and only grudgingly followed his lead.<sup>139</sup> Horse theft and property destruction in the Oconee valley resumed almost immediately after the failed Rock Landing talks, yet Governor George Walton seemed surprised by this.<sup>140</sup> He had understood from the Commissioners that while no agreement had been reached, Muskogees had agreed to

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<sup>134</sup> Extract of a letter from one of the Commissioners to his friend in Augusta, 6 August 1789, *Georgia Gazette*, 20 August 1789; *Georgia Gazette*, 27 August 1789.

<sup>135</sup> *Georgia Gazette*, 1 October 1789.

<sup>136</sup> Alexander McGillivray to Estevan Miro, 24 June 1789, Caughey, *McGillivray of the Creeks*, 238; *Georgia Gazette*, 8 October 1789.

<sup>137</sup> Alexander McGillivray to William Panton, 8 October 1789, Caughey, *McGillivray of the Creeks*, 251-254.

<sup>138</sup> Estevan Miro to Alexander McGillivray, 22 July 1789, Caughey, *McGillivray of the Creeks*, 243; Alexander McGillivray to William Panton, 10 August 1789, Caughey, *McGillivray of the Creeks*, 246; Downes, “Creek-American Relations, 1782-1790,” 178-179.

<sup>139</sup> *Georgia Gazette*, 3 December 1789.

<sup>140</sup> Caleb Howell to George Walton, 4 October 1789, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 4, HAR; Jared Irwin to George Walton, Augusta, 12 October 1789, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 5, HAR.

extend the shaky truce pending yet another round of talks.<sup>141</sup> Georgia's leaders had agreed to the truce, "taking measures to prevent aggressions or provocations" on the part of backcountry Georgians.<sup>142</sup>

Governing Georgia's white settlers, however, proved more challenging than limiting Muskogee border patrols in 1790. In June, two white men fired on a Cussita headman near the Oconee River. In July, white raiders attacked a Muskogee camp on the Oconee, killing one man, breaking a second man's arm, and stealing the Creeks' guns, horses, and forty deerskins. The three hunters reportedly were nephews of the same Cussita leader who had been attacked two weeks earlier. Some suspected that the same two white men were responsible for both attacks. In response, Governor Edward Telfair proclaimed it "a measure of the highest concern to suppress...acts of violence or outrage." He charged all officers with arresting the white offenders and offered a reward of 150 pounds sterling.<sup>143</sup> In keeping with its efforts to exert increasing control over Indian affairs, the United States also deployed federal troops to frontier outposts on the Oconee River at Rock Landing, on the Altamaha at Beard's Bluff, and on the St. Marys near Cumberland Island.<sup>144</sup> Telfair claimed this measure actually increased Georgians' fears because the federal forces were so inadequate to the task of guarding the border.<sup>145</sup>

By contrast with white Georgia's lawlessness, Governor Telfair observed that Creeks had "preserved the most amicable disposition towards the citizens of this state

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<sup>141</sup> George Walton to Jacob Irwin, 13 October 1789, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 6, HAR; *Georgia Gazette*, 19 November 1789.

<sup>142</sup> *Georgia Gazette*, 3 December 1789.

<sup>143</sup> *Georgia Gazette*, 15 July 1790; *Georgia Gazette*, 22 July 1790; *Georgia Gazette*, 29 July 1790. See another version of the proclamation with slightly different language, A Proclamation by His Excellency Edward Telfair, Governor, and Commander in Chief in and over the State aforesaid, 19 July 1790, CILTT, pt. 1:222.

<sup>144</sup> *Georgia Gazette*, 6 May 1790; *Georgia Gazette*, 17 June 1790.

<sup>145</sup> *Georgia Gazette*, 17 June 1790.

ever since I have had the honour to preside.”<sup>146</sup> Creek border patrols declined, and the diplomatic conversation increasingly controlled by Alexander McGillivray and U.S. representatives took precedence. As the spring of 1790 turned to summer, the United States dispatched Colonel Marinus Willet to Georgia to resume peace talks, beginning a process that broke the stalemate in the Oconee boundary dispute. Willet bore a letter to McGillivray from Benjamin Hawkins threatening to destroy Creeks and summoning McGillivray to talks in New York to prevent it.<sup>147</sup> Despite McGillivray’s claim to lead a unified, sovereign polity, Hawkins recognized that talwa autonomy undercut McGillivray’s authority. The leader from Little Tallassee possessed only “feeble restraints,” so he could not “prevent partial hostilities.”<sup>148</sup> If Muskogee border patrols struck, Hawkins warned, the United States “*must punish*...the result must be ruin to the Creeks.”<sup>149</sup>

Alexander McGillivray traveled to the new American capital in August to conduct talks that resulted in the 1790 Treaty of New York. After the treaty, one historian has argued, the United States considered Creeks to be under “U.S. domination.” Natives could be considered “spoiled children” and Georgians could consider themselves “justified in taking the Muskogeese’ ‘vacant’ lands.”<sup>150</sup> The 1790 Treaty of New York, portrayed as having ended the Oconee boundary dispute, in fact only exacerbated the conflict leading to another spike in border patrol activity in 1793. The following chapters will briefly sketch the terms of this often cited treaty, examine the causes and

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<sup>146</sup> *Georgia Gazette*, 17 June 1790.

<sup>147</sup> Benjamin Hawkins to Alexander McGillivray, 6 March 1790, Caughey, *McGillivray of the Creeks*, 257.

<sup>148</sup> *Ibid.*

<sup>149</sup> *Ibid.*

<sup>150</sup> Martin, *Sacred Revolt*, 84.

consequences of the border patrols that followed, and the dramatic decline of those patrols after 1793.

## CHAPTER 7 – THE DECLINE AND REVITALIZATION OF BORDER PATROLS, 1790-1793

### I. INTRODUCTION

The three years immediately following the 1790 Treaty of New York witnessed a slow, uneven decline of Muskogee border patrols and the astonishing rise of state and federal troops in Creek country. Both Muskogees and Georgians disliked the Treaty of New York's terms. Still, the treaty confirmed Georgia's claim to the Oconee's east bank, and Georgians responded with a massive fort-building project throughout the valley. The forts were quickly garrisoned, and militia horsemen frequently patrolled west of the Oconee River dozens of miles into Creek country. Georgians provoked Creeks with such intrusions, and Muskogees renewed border raids, some of which turned deadly. Creeks cited their discontent with the Oconee border as the reason for their aggression and external influences excited them to bolder action. Alexander McGillivray passed away in 1793, and his absence seems to have opened a political crisis that threatened government by talwa autonomy. Creeks had come to acknowledge the value of a highly skilled executive figurehead who could represent Creeks as a unified nation, yet they were reluctant to give up town independence. Muskogees were particularly intent on retaining the rights to hunt, trade, raid, and commit retribution killings to balance the deaths of loved ones. Georgians cited Creek raiding to justify further military buildup and more hostile behavior toward Indians. As violence threatened to spiral out of control, a

majority of Muskogeese slowly submitted to a central government with monopoly control of border patrols in hopes of mounting an effective defense against Georgia's harassment.

## II. THE TREATY OF NEW YORK AND ALEXANDER MCGILLIVRAY'S LEADERSHIP

In the months before and after the August 1790 Treaty of New York, neither Alexander McGillivray nor the United States could control the aggressive impulses of their people, and McGillivray continued to play an uncertain role in Creek politics. Men from many talwas attacked Georgians who encroached on Creek territory.<sup>1</sup> Georgians regularly attacked Muskogee hunters, and when Creeks demanded satisfaction, they received none.<sup>2</sup> This failure of his executive power irritated McGillivray, yet he tacitly accepted that Muskogee anger at encroaching Americans coupled with the "wide extent" and "distant situation" of towns facilitated raiding and "put it out of the power of the

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<sup>1</sup> Downes, "Creek-American Relations, 1782-1790," 174-175; *Georgia Gazette*, 16 April 1789; Stephen Johnson to George Walton, 20 April 1789, CILTT pt. 1:196-197; Jno. Clarke to George Walton, 25 April 1789, CILTT pt. 1:201; Elijah Clarke to George Walton, 4 May 1789, CILTT pt. 1:202; *Georgia Gazette*, 28 May 1789; Timothy Barnard to George Walton, 27 May 1789, LTB, 96; *Georgia Gazette*, 4 June 1789; John Twiggs to George Walton, 31 May 1789, C. Mildred Thompson Papers, Box 1, Folder 3, HAR; Benjamin Lanier to His Honour the Governor of Georgia, 4 June 1789, Hays, CILTT, pt. 1:207; *Georgia Gazette*, 11 June 1789; Elijah Clarke to Benjamin Cleveland, 24 June 1789, HAR DLG; Caleb Howell to George Walton, 4 October 1789, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 4, HAR; Jared Irwin to George Walton, Augusta, 12 October 1789, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 5, HAR; George Walton to Jacob Irwin, 13 October 1789, Letters from Georgia Settlers Regarding Indian Depredations, 1786-1838, C. Mildred Thompson Papers, Box 1, Folder 6, HAR; Timothy Barnard to George Walton, 6 November 1789, LTB, 98-99; Colonel H. Karr to Hallowing King of the Cowetas, 6 June 1790, CILTT pt. 1:220-221.

<sup>2</sup> Timothy Barnard to Edward Telfair, 23 June 1790, LTB, 104-105; *Georgia Gazette*, 22 July 1790; Talk from the Principle Chiefs of the Lower Creeks Hallowing King, Smoking King, Dog Warrior AKA Efau Tustanagee, Second Man, Mad Warrior AKA Tustanagee Hadjo, Red Shoes to Governor Edward Telfair, 17 July 1790, CILTT pt.1: 221b-221c; Jared Irwin to Edward Telfair, 29 July 1790, CILTT, pt. 1:234. Ironically, John Galphin, the mestizo who would soon be excoriated as a senseless killer, convinced leaders to forgo revenge killings and allow him two months to negotiate satisfaction for recent murders. Governor Telfair issued proclamations offering rewards for the arrest of the white killer, but even after the culprit was identified, he appears to have eluded capture easily.

Chiefs to prevent disorderly actions.”<sup>3</sup> This applied to talwas near the Florida border as well as those closest to Georgia. In the early 1790s, white Americans who had accepted the protection of the Spanish Crown rapidly settled the lower Alabama and Tombigbee River valleys near Mobile, well north of previous white settlement. The ethnic Alabama Towns nearest these settlements long had participated in the Creek confederacy, yet, at least since the 1770s, they had asserted claim to lands north of the Tombigbee-Alabama confluence superior to that of the larger confederacy. In April 1789, Alabama towns formed border patrols to steal horses and drive away the American settlers. McGillivray cautioned Vizente Folch, Spanish Commandant at Mobile, that American encroachment caused “the Indians great fear,” and that the Alabama towns refused to be governed by the larger confederacy.<sup>4</sup> Acknowledging again the limits of his power and Creek nationhood, McGillivray complained that the Alabama towns rarely appeared at confederacy “assemblies.”<sup>5</sup> For years, the Alabama towns continued raiding white settlements in the Alabama River valley.<sup>6</sup> The Alabama Towns were not alone in asserting talwa control of territories within the larger expanse of Creek country. Lower Creeks reminded Spaniards that the lands comprising East Florida were Muskogee property, “only lent to you by us.”<sup>7</sup> If Spanish governors refused to comply with their demands, the Lower Towns intimated that they would repossess their property.

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<sup>3</sup> Alexander McGillivray to Estevan Miro, 9 June 1789, Caughey, *McGillivray of the Creeks*, 236; Timothy Barnard to Edward Telfair, 23 June 1790, LTB, 104-105. The Cussita King also recognized that distance made it difficult to reign in restless young warriors provoked by Georgians.

<sup>4</sup> Alexander McGillivray to Vizente Folch, 22 April 1789, Caughey, *McGillivray of the Creeks*, 227; Alexander McGillivray to Estevan Miro, 26 May 1789, Caughey, *McGillivray of the Creeks*, 234.

<sup>5</sup> Alexander McGillivray to Vizente Folch, 22 April 1789, Caughey, *McGillivray of the Creeks*, 227.

<sup>6</sup> Alexander McGillivray to Francisco Luis Hector de Carondelet, 22 July 1792, *McGillivray of the Creeks*, 333; Alexander McGillivray to Benjamin James, 10 August 1792, *McGillivray of the Creeks*, 333-334.

<sup>7</sup> A Talk from the Kings, Chiefs & Warriors of the Lower Creek Nation to Captain Pedro Olivier Comisario Espanol, 3 July 1792, Caughey, *McGillivray of the Creeks*, 314.



As Alexander McGillivray prepared to leave for treaty talks with U.S. leaders in their new capital at New York in spring 1790, he repeated goals that he had stated during the failed Rock Landing talks in fall 1789. There, he had attempted to create national consensus around two goals. First, he wanted to regain the Oconee's east bank, and second, he wanted official U.S. recognition of the sovereignty of a Creek Nation. McGillivray had rejected the treaty in large part because American terms undercut Creek political sovereignty and territorial integrity.<sup>8</sup> His behavior in New York suggests that he arrogated the executive power to define Creek national sovereignty rather than seeking consensus among the talwa leaders who accompanied him.<sup>9</sup> This lack of concern for the needs of talwa leaders rendered the Treaty of New York ineffectual before McGillivray ever left New York.

### III. TERMS OF THE TREATY OF NEW YORK

The terms of the Treaty of New York imply that Alexander McGillivray and twenty-three other Muskogee signers hoped that the United States would defend Creek borders against Georgians, but feared it would not. Three companies of U.S. Army troops arrived in Georgia in May 1790, but their role was unclear to both Creeks and Georgians.<sup>10</sup> The treaty signers represented only seven Upper Towns and just three Lower Towns.<sup>11</sup> Despite their minimal representation, McGillivray claimed that the

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<sup>8</sup> Alexander McGillivray to William Panton, 8 October 1789, Caughey, *McGillivray of the Creeks*, 251-254.

<sup>9</sup> Alexander McGillivray to William Panton, 8 May 1790, Caughey, *McGillivray of the Creeks*, 261.

<sup>10</sup> *Georgia Gazette*, 6 May 1790; *Georgia Gazette*, 27 May 1790; *Georgia Gazette*, 17 June 1790 The arrival of these three companies may actually have alarmed some Georgians who believed they were enough to provoke Muskogees but too few to defend the long border.

<sup>11</sup> "Treaty with Creeks, 1790," Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, vol. 2 (Washington, D.C.: Government Printing Office, 1904), 25-29. The Upper Towns represented were Little

Lower Towns desired the treaty the most because they had grown “weary” of border violence and believed this new treaty would end strife.<sup>12</sup> Days after signing, however, McGillivray concluded that the Constitution rendered the United States capable of waging a successful war against Creeks.<sup>13</sup>

The terms of the Treaty of New York centered on three issues: sovereignty, trade, and borders.<sup>14</sup> Twenty-four Muskogeese signed the treaty, but Alexander McGillivray negotiated the most important provisions in secret. Both he and several other leaders present received pensions that amounted to bribery.<sup>15</sup> Despite McGillivray’s protests, the Treaty of New York declared that the Creek Nation and all its component parts were “under the protection of the United States of America, and of no other sovereign.”<sup>16</sup> The Muskogee leader later insisted that his acceptance of American sovereignty had been limited to lands that fell within American claims and preserved Muskogee independence

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Tallassee, Big Tallassee, Tuckabatchee, and Natchez. The Lower Towns represented were Cussita, Coweta, and Broken Arrow.

<sup>12</sup>Alexander McGillivray to Estevan Miro, 2 June 1790, Caughey, *McGillivray of the Creeks*, 265.

<sup>13</sup>Alexander McGillivray to Carlos Howard, 11 August 1790, Caughey, *McGillivray of the Creeks*, 274.

<sup>14</sup>Downes, “Creek-American Relations, 1782-1790,” 181-184.

<sup>15</sup>Alexander McGillivray to Carlos Howard, 11 August 1790, Caughey, *McGillivray of the Creeks*, 274-275, 275n.252; *ASPIA*, 1:127; Josef Ygnacio de Viar to Juan Nepomuceno de Quesada, 13 August 1790, Caughey, *McGillivray of the Creeks*, 276; Caughey, *McGillivray of the Creeks*, 278n.256; Downes, “Creek-American Relations, 1782-1790,” 181-184; *Georgia Gazette*, 26 August 1790; *The Pennsylvania Packet and Daily Advertiser*, 18 August 1790, Early American Newspapers Series 1, 1690-1876. The signers were as follows 1) Alexander McGillivray of Little Tallassee, 2) Opa Mico AKA the Singer of Little Tallassee, 3) Totkeshajou AKA Sam Moniac of Little Tallassee, 3) Sohotessee AKA Young Second Man of Tuckabatchee, 4) Ochehajou AKA Aleck Cornel of Tuckabatchee, 6) Hapotho Mico AKA Tallisee of Big Tallassee, [per *Pennsylvania Packet*; *Georgia Gazette* has this as “Tallasee King, and Holatah, or the Blue”] 7) Opetotache AKA the Long Side of Big Tallassee, [appears in *Pennsylvania Packet* but not in *Georgia Gazette*] 8) Chinabie AKA the Great Natches Warrior, 9) Natsowachehe AKA the Great Natches Warriors Brother, 10) Thakoteehee AKA the Mole, 11) Oquakabee, 12) Mumagechee AKA David Francis of Oaksoys, 13) Choosades Hopoy AKA the Measurer of Coosada, 14) Muthtee AKA the Misser of Coosada, 15) Stimafutchkee AKA Good Humour of Coosada, 16) Stilmaleeje AKA Disputer of Alabama [in *Georgia Gazette*, Stimaleeje is translated ManKiller], 17) Fuskatche Mico AKA Birdtail King of Cussita, 18) Neathlock AKA Second Man of Cussita, 19) Halietem Ithle AKA Blue Giver of Cussita, 20) Tuskenaah AKA Big Lieutenant of Coweta, 21) Homatch AKA Leader of Coweta, 22) Chinnabie, AKA Matthews of Coweta, 23) Juleetaulematha AKA Dry Pine of Coweta, 24) Chawockly Mico of Broken Arrow.

<sup>16</sup>Alexander McGillivray to Carlos Howard, 11 August 1790, Caughey, *McGillivray of the Creeks*, 274; *ASPIA*, 1:81.

in foreign affairs. This reserved to Creeks the right to an alliance with Spain because millions of acres of Muskogee lands fell within Spanish claims.<sup>17</sup>

The treaty ceded the Oconee's east bank to the United States, rather than to Georgia, but it restored to Creeks lands between the St. Mary's and the Altamaha that Creeks had ceded in the 1785 Treaty of Galphinton.<sup>18</sup> The document unambiguously declared that the border ran along the "south branch of the Oconee river, called the Appalachee," to be marked with an alley of felled trees twenty feet wide and twenty miles long.<sup>19</sup> Much more importantly, McGillivray only gained the Creek delegation's consent to this provision by deceiving them, and this subterfuge would haunt Muskogees. He may have misled other delegates to believe that the new boundary line ran along the Oconee's north fork, yet he conceded the Apalachee to Americans.<sup>20</sup> McGillivray considered this a great "Sacrifice" and worried that Creeks might reject the entire treaty, so he concealed his consent.<sup>21</sup>

Both George Washington and Alexander McGillivray perceived trade to be the thorniest issue because both men understood that Muskogees would be dependent on whoever provided their goods.<sup>22</sup> They resolved the issue with a secret article deferring any trade talks for two years. This left all trade to McGillivray's partners, the Scottish firm of Panton, Leslie, and Company, operating out of Spanish Pensacola since being ousted from Savannah as Loyalists at the end of the American Revolution. The secret article, however, gave McGillivray an option that would allow him to maintain monopoly

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<sup>17</sup> Alexander McGillivray to Estevan Miro, 26 February 1791, Caughey, *McGillivray of the Creeks*, 289.

<sup>18</sup> *ASPIA*, 1:81-82; Alexander McGillivray to Carlos Howard, 11 August 1790, Caughey, *McGillivray of the Creeks*, 274.

<sup>19</sup> *ASPIA*, 1:81-82.

<sup>20</sup> Saunt, *A New Order of Things*, 194-198; *ASPIA*, 1:586-616.

<sup>21</sup> Alexander McGillivray to Estevan Miro, 26 February 1791, Caughey, *McGillivray of the Creeks*, 289.

<sup>22</sup> *ASPIA*, 1:80.

control over the supply of goods in Creek country even if his relationship with Panton and Leslie were interrupted. He would be allowed to import sixty thousand dollars worth of goods duty free, in case of any “obstructions.”<sup>23</sup>

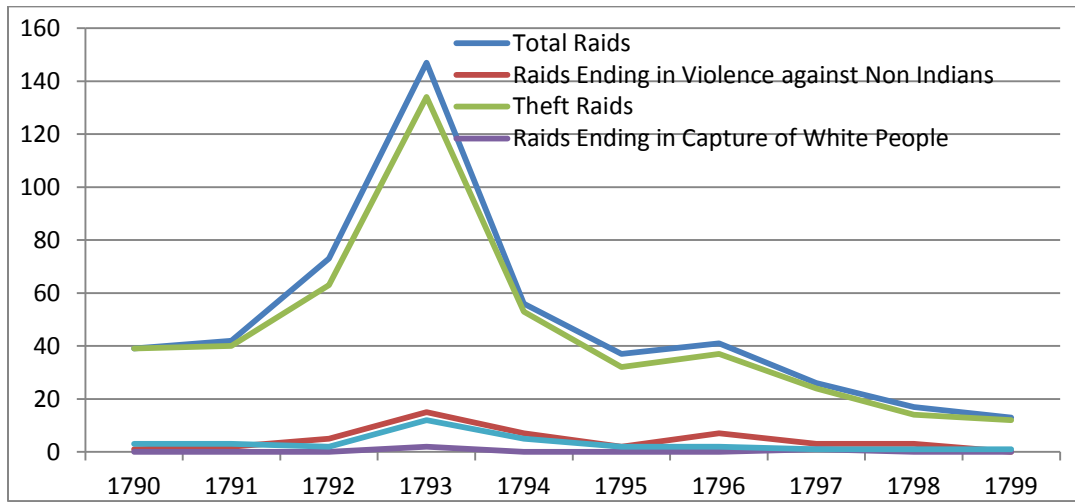


TABLE 5.

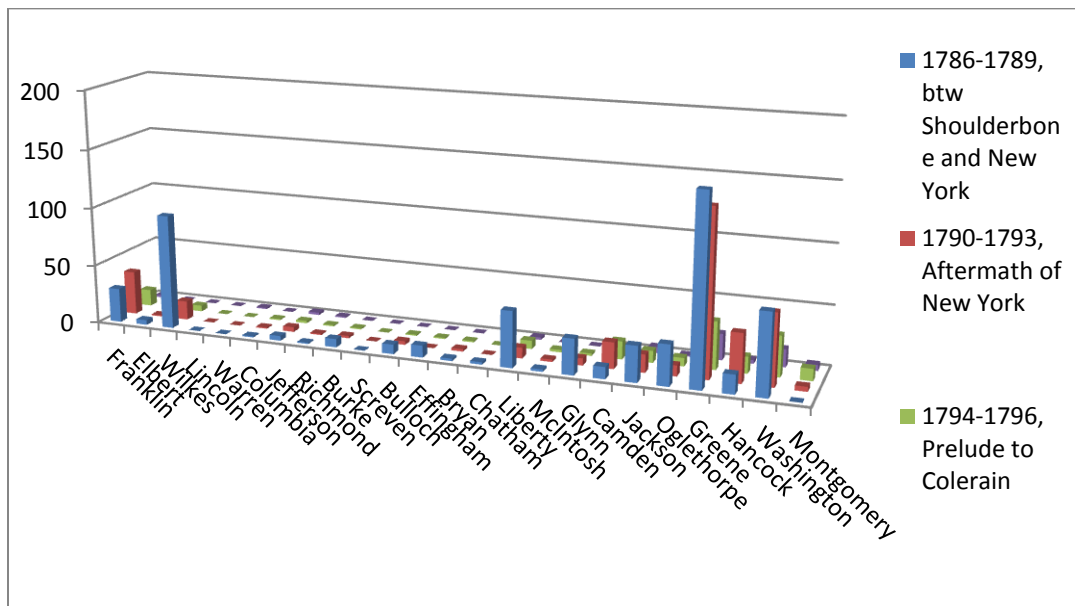


TABLE 6.

<sup>23</sup> *ASPIA*, 1:80; Downes, “Creek-American Relations, 1782-1790,” 181-184.



MAP 6.

#### IV. FAILING TO BUILD A NATION, REASSERTING TALWA AUTONOMY

The Treaty of New York was a failed nation-building exercise dominated by the role of a skillful figurehead executive. Representatives from a few prominent towns sent delegates to negotiate an agreement with a foreign power that was of great importance to

all. However, soon after the treaty's completion in August 1790, it became clear that the delegation did not represent a consensus. The majority of Creeks still resented Georgians' occupation of the Oconee's east bank and their encroachment west of the river. They rejected Alexander McGillivray's claim on executive leadership of a unified nation. The border patrols of the 1790s were similar to those of the 1780s in that raiding expressed Muskogees' preference for talwa autonomy, yet, paradoxically, they represented an attempt to unify opinion against Georgians' presence on the Oconee lands.<sup>24</sup> One American observer noted in 1791 that "the Interests of the Indians & that of the Citizens of the adjacent States are so opposite & irreconcilable, and both Parties are so vindictive, licentious & ungovernable, that their inherent animosity, must soon burst forth in mutual aggression."<sup>25</sup> That is precisely what happened. Between 1790 and 1793, some Muskogee leaders struggled to assert monopoly control of violence through long-standing talwa leadership networks rather than relying on a figurehead executive. Common Creeks exercised their autonomy by trading, hunting, stealing, and killing on their own terms.

The search for alternate sources of trade goods inhibited the quest for Muskogee consensus in the early 1790s and undercut Alexander McGillivray's leadership. Common Muskogees rejected McGillivray's claim on executive leadership of a unified nation in part because he often put his own wealth first. He controlled Creek trade, according to Spanish agent Carlos Howard, by protecting "the interests of his close friends and protectors, Panton, Leslie, and Co.," and seizing the goods of any traders operating

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<sup>24</sup> Deposition of David Shaw, 2 June 1792, DEPS, vol. 2, pt. 1:281; Pedro Olivier to Francisco Luis Hector de Carondelet, 29 May 1792, Caughey, *McGillivray of the Creeks*, 326; Carondelet-McGillivray Treaty, 6 July 1792, Caughey, *McGillivray of the Creeks*, 329.

<sup>25</sup> Quoted in Caughey, *McGillivray of the Creeks*, 291n266.

without a license issued on his authority.<sup>26</sup> Yet like any other Muskogee leader, he distributed presents to win public support. He regularly sent couriers to Pensacola to pick up gifts to be given out as “little bountys...to the deserving people.”<sup>27</sup> Such little bounties, however, were not enough.

The most ambitious attempt to establish an alternate trade began in 1791 when the Lower Towns of Coweta, Chiaja, and Ouseechee along with the Upper Town of Okfuskee collaborated with William Augustus Bowles, an American adventurer who had fought in the British army during the American Revolution and was then living in Ouseechee. These towns and Bowles hoped to establish an English entrepôt on the Florida Gulf coast at the mouth of the Apalachicola River.<sup>28</sup> This reasonable expression of local self interest threatened Alexander McGillivray’s interests as a partner in Panton, Leslie, and Company, as well as his diplomatic efforts to maintain Spanish support.<sup>29</sup> The promise of more generous trade, however, led one hundred Cussitas, Cowetas, Okfuskees, and others to join Bowles in the seizure of Panton’s store at San Marcos de Apalachee.<sup>30</sup> Some observers believed that leaders from every Lower Creek town participated in the raid, and that a majority of Muskogeas supported the effort to establish

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<sup>26</sup> Carlos Howard to Juan Nepomuceno de Quesada, 24 September 1790, Caughey, *McGillivray of the Creeks*, 283.

<sup>27</sup> Alexander McGillivray to Arturo O’Neill, 2 November 1790, Caughey, *McGillivray of the Creeks*, 286; Alexander McGillivray to Arturo O’Neill, 13 January 1791, Caughey, *McGillivray of the Creeks*, 288; Alexander McGillivray to Arturo O’Neill, 22 May 1792, Caughey, *McGillivray of the Creeks*, 323.

<sup>28</sup> William Panton to the Kings, Warriors, & Headmen of the Cussitaws, Cowetas, Broken Arrow my Friend John Kennard & all the rest of the Lower Towns, 19 February 1792, Caughey, *McGillivray of the Creeks*, 308; Debo, *The Road to Disappearance*, 52, 56; Wright, *Creeks and Seminoles*, 43, 87, 92, 115, 118, 141; Saunt, *A New Order of Things*, 86, 104-105, 132; J. Leitch Wright, Jr., *William Augustus Bowles, Director General of the Creek Nation* (Athens: University of Georgia Press, 1967).

<sup>29</sup> Alexander McGillivray to William Panton, 28 October 1791, Caughey, *McGillivray of the Creeks*, 298.

<sup>30</sup> William Panton to the Kings, Warriors, & Headmen of the Cussitaws, Cowetas, Broken Arrow my Friend John Kennard & all the rest of the Lower Towns, 19 February 1792, Caughey, *McGillivray of the Creeks*, 308; Robert Leslie to William Panton, 30 January 1792, Caughey, *McGillivray of the Creeks*, 305-306. The goods seized were valued at 2,674 pounds sterling and 28,000 deerskins, a fortune representing a year’s worth of labor by hundreds of Creek and Seminole hunters.

an alternative trade—not just a few renegade towns, as McGillivray reported.<sup>31</sup> Bowles argued the raid on Pantón’s store benefitted Creeks precisely because Pantón prevented him from opening Creek trade to all nations, including the United States.<sup>32</sup> Indeed, Spanish Governor of Louisiana Francisco Luis Hector de Carondelet worried that running the border line pursuant to the Treaty of New York would “bring forth commercial relations” between the United States and Creeks, depriving both Pantón and Spain of an advantageous relationship.<sup>33</sup> In fall 1792, following Bowles’ detention in a Spanish prison in New Orleans, Cowetas traveled to the Bahamas to negotiate the opening of British trade on their own. They were unsuccessful, but it worried McGillivray enough to request that Governor Carondelet patrol the Florida coast to blockade any future visits from English vessels.<sup>34</sup>

Throughout the 1780s, Creeks had asserted their hunting rights to the Oconee’s east bank in treaties with Georgia. In 1791 and 1792, men actually increased their hunting on the east bank because they believed that American agent Colonel Marinus Willet had confirmed their right to do so during summer 1790, when he was in Creek country to escort Alexander McGillivray to New York. Trader and Indian countryman Abraham Mordecai confirmed that Muskogeans were crossing the border more frequently because of Willet’s purported consent, and he worried that it would be “a continual cause of

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<sup>31</sup> Timothy Barnard to James Seagrove, 10 May 1792, LTB, 116; Deposition of David Shaw, 2 June 1792, DEPS, vol. 2, pt. 1:281; Timothy Barnard to James Seagrove, 13 July 1792, LTB, 121.

<sup>32</sup> Robert Leslie to William Pantón, 30 January 1792, Caughey, *McGillivray of the Creeks*, 305-306. Not incidentally, Pantón had put a price on Bowles’ head.

<sup>33</sup> Francisco Luis Hector de Carondelet to William Pantón, 24 March 1792, Caughey, *McGillivray of the Creeks*, 316; Alexander McGillivray to Enrique White, 6 May 1792, Caughey, *McGillivray of the Creeks*, 321. Pantón met with McGillivray in May 1792 and successfully persuaded the leader to avoid running the line.

<sup>34</sup> Alexander McGillivray to Francisco Luis Hector de Carondelet, 15 November 1792, Caughey, *McGillivray of the Creeks*, 345-346.



quarrels and disputes.”<sup>35</sup> As the deerskin trade declined, every acre of viable deer habitat became more important to commercial hunters. By the end of 1791, Chiaja and Ouseechee men could no longer support themselves through commercial hunting.<sup>36</sup> By August 1792, there had been a handful of murders in the Oconee valley, yet Cussita and Coweta headmen cautioned U.S. Indian Agent and trader James Seagrove that, as fall approached, desperate hunters “will be over the Oconee a hunting.”<sup>37</sup>

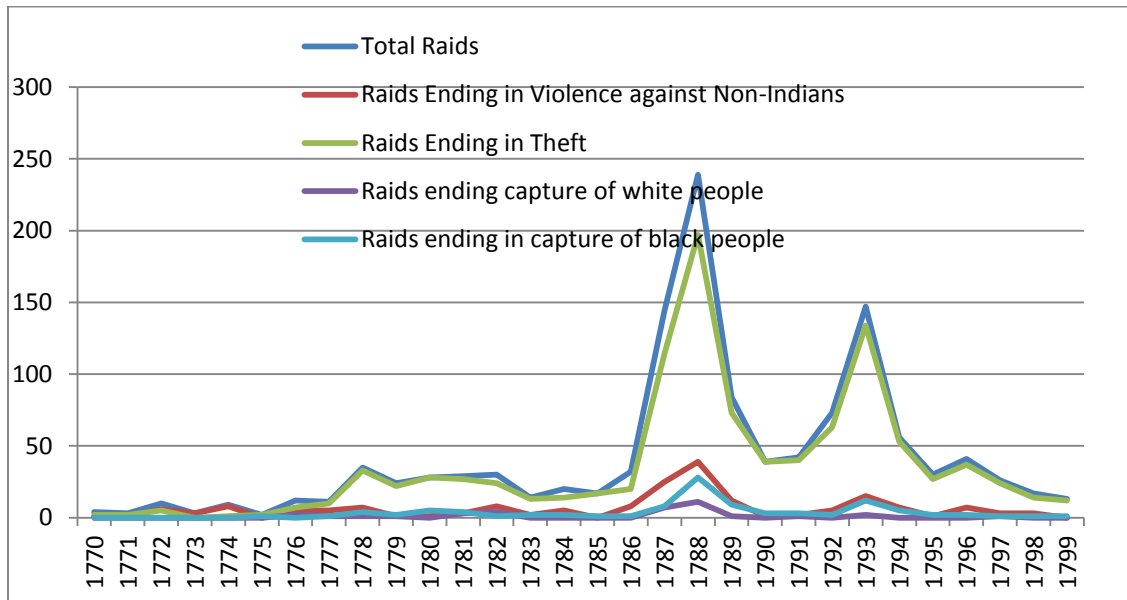


TABLE 7.

Following the Treaty of New York, theft raids spiked from a low of thirty-nine in 1790 to a high of 134 in 1793. Border patrol raids, like the quest for alternate trade sources and continued hunting on the east bank, signified a combination of self-interest

<sup>35</sup> Affidavit of Abraham Mordecai, 20 July 1790, CILTT, pt. 1:223.

<sup>36</sup> Alexander McGillivray to Estevan Miro, 30 December 1791, Caughey, *McGillivray of the Creeks*, 301.

<sup>37</sup> A Talk from the Kings, Chief Warriors and Head Men of the Cussatahs and Cowetahs to James Seagrove, 23 August 1792, CILTT, pt. 1:255.

and political resistance to the treaty's terms. Raids most frequently targeted the upper Oconee valley, the region about which Muskogeans were most sensitive, yet Creeks quickly split over the practice.<sup>38</sup> With Spanish encouragement, Alexander McGillivray himself soon began advocating raiding to forestall the running of boundary lines pursuant to the Treaty of New York. He claimed to have ordered Lower Town warriors to seize the cattle and burn the huts of Georgians on the Apalachee River.<sup>39</sup> Georgians knew the Oconee-Apalachee region was contested despite the Treaty of New York, yet they continued moving large cattle herds there knowing the practice likely would "exasperate the Indians."<sup>40</sup> Rustlers, however, had more immediate reasons for stealing, and some Muskogean leaders punished thieves and returned contraband to white owners.

Men stole livestock to hamper non-Indian settlement in the Oconee valley, but they also had more basic motivations like hunger and the scarcity of horses. Lower Towns were experiencing famine in late 1792, so the prospect of rustling beef on the hoof appealed to them. Raiding was not the only solution to hunger based in the exercise of talwa autonomy. James Seagrove announced that he had requisitioned five thousand bushels of corn to distribute to starving Creeks, and Lower Towns accepted the gift against Alexander McGillivray's better judgment.<sup>41</sup> Also, a virulent horse distemper

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<sup>38</sup> Henry Karr to Edward Telfair, 28 May 1792, CILTT, pt. 1:249; Henry Karr to Joseph Phillips, 28 May 1792, CILTT, pt. 1:249-250; Elijah Clark to Edward Telfair, 15 October 1792, CILTT, pt. 1:261; Pulley Hudson, *Creek Paths and Federal Roads*, 186n118. Pulley Hudson suggests that the lands between the Oconee and Apalachee Rivers may have had particular "historic and spiritual" significance to Muskogeans.

<sup>39</sup> Alexander McGillivray to Francisco Luis Hector de Carondelet, 15 November 1792, Caughey, *McGillivray of the Creeks*, 345; Alexander McGillivray to William Panton, 28 November 1792, Caughey, *McGillivray of the Creeks*, 347; Richard Call to Edward Telfair, 17 September 1791, CILTT, pt. 1:240. As early as September 1791, extra American troops and axes had been sent to Rock Landing for the running of the line, and they awaited the arrival of surveyor Andrew Ellicott.

<sup>40</sup> Samuel Alexander to Adjutant General Elholm, 25 January 1793, CILTT, pt. 1:264.

<sup>41</sup> Francisco Luis Hector de Carondelet to Alexander McGillivray, 14 September 1792, Caughey, *McGillivray of the Creeks*, 338; Alexander McGillivray to Francisco Luis Hector de Carondelet, 15 November 1792, Caughey, *McGillivray of the Creeks*, 345; Alexander McGillivray to William Panton, 28 November 1792, Caughey, *McGillivray of the Creeks*, 346-347.

ravaged Creek country in fall 1792, destroying countless animals. This left just “ten in a hundred Indians” with enough horses to “pack out his provisions to the hunting grounds.”<sup>42</sup> If Muskogees expected to have a productive winter hunt, they needed to replenish their horse herds quickly, and that meant raiding.

Despite good reason to steal horses, some Lower Town leaders tried to mitigate the political tension by punishing rustlers and returning contraband.<sup>43</sup> In July 1792, Cussita King urged several towns to round up all the stolen horses they could find to be returned. If rustlers refused to cooperate, Cussita King ordered them beaten.<sup>44</sup> With the help of the Yuchi King and Indian countryman Timothy Barnard, the Cussita King promised to return six horses to Captain Benjamin Harrison at Carr’s Bluff, a name and place that would soon become synonymous with the savagery of white Georgians.<sup>45</sup> Yuchis recently had robbed Harrison, and Barnard convinced James Seagrove to compensate Harrison for the theft.<sup>46</sup> By August 1792, Cussitas and Cowetas had returned three more stolen horses and were rounding up others.<sup>47</sup> The prominent mestizo John Kinnard assisted in the return of a dozen more horses. He argued that “the bad people” who stole horses did so without the sanction of leaders, and he requested rewards of rum for those who returned animals—a dubious method of discouraging future theft.<sup>48</sup>

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<sup>42</sup> Alexander McGillivray to William Panton, 28 November 1792, Caughey, *McGillivray of the Creeks*, 348; Timothy Barnard to James Seagrove, 13 July 1792, LTB, 120; *ASPIA*, 1:603; Ethridge, *Creek Country*, 135, 163.

<sup>43</sup> Deposition of James Espey, 23 July 1821, DEPS, vol. 2, pt. 1:137.

<sup>44</sup> Timothy Barnard to James Seagrove, 13 July 1792, LTB, 122.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> A Talk from the Kings, Chief Warriors and Head Men of the Cussatahs and Cowetahs to James Seagrove, 23 August 1792, CILTT, pt. 1:255-256. The signers to this document included Cussita King, Cussita Warriors King, Opoy Mico of Coweta, and Hallowing King of Coweta.

<sup>48</sup> John Kinnard to Indian Affairs Agent James Seagrove, 28 August 1792, CILTT, pt. 1:257.

As in previous years, theft raids could turn deadly when Georgians pursued rustlers. For example, in June 1792 a group of Georgia militiamen pursued Muskogee rustlers dozens of miles into Creek country all the way to the Ocmulgee River. The Muskogees ambushed the militiamen as they crossed the Ocmulgee, killing one. In response, the commander of federal forces at Rock Landing on the Oconee River requested that a Georgia light horse troop regularly patrol the border. He also ordered construction of another fort near the Oconee-Appalachee confluence.<sup>49</sup> Frontier settlers began building forts of their own and sending out unauthorized “spies” to patrol.<sup>50</sup> This was the first stage of what became a long term American military buildup in the Oconee valley.<sup>51</sup>

Increased raiding led to many tense encounters. At least thirty-five of them resulted in bloodshed, and some of those ended in the death of Muskogees. When Creek men were killed while raiding, duty required their clan kin to commit satisfaction killings to restore balance independent of any larger national interest. Satisfaction killings thus were not solely the result of politically motivated raiding, yet they often suited the agenda of leaders who wished to forestall running the Oconee line. Alexander McGillivray, William Augustus Bowles, Spanish leaders, and the Cussita King all rejected the border defined in the Treaty of New York, yet none could claim to lead a unified nation whose warriors followed orders.

A satisfaction killing committed in 1792 illustrates the complex motives and consequences involved. Georgians killed a Coweta man in June 1791, and one year later,

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<sup>49</sup> Henry Karr to Edward Telfair, 16 June 1792, CILLT, pt. 1:250-253.

<sup>50</sup> Elijah Clark to Edward Telfair, 15 October 1792, CILTT, pt. 1:261; Samuel Alexander to Adjutant General Elholm, 25 January 1793, CILTT, pt. 1:264. Alexander, in fact, believed that Georgia should deploy more spies and fewer horse patrols because they would be more effective and less expensive.

<sup>51</sup> Henry Karr to Edward Telfair, 16 June 1792, CILLT, pt. 1:250-253.

the state still had not provided justice.<sup>52</sup> Taking satisfaction, Cowetas travelled to the upper Oconee valley, crossed the river into Greene County, and tomahawked two white men.<sup>53</sup> Georgians were outraged, yet they had expected retaliation, so the killings did not cause “the usual alarm.”<sup>54</sup> Muskogees considered balance restored and calmly noted that “We waited twelve months before we took Satisfaction,” perhaps hoping that Georgians would behave with equal restraint.<sup>55</sup>

Actions undertaken by the men of autonomous talwas, then, was theirs alone, yet several leaders used satisfaction killings and border patrols more generally for political gain while simultaneously condemning it. Upon hearing about the affair, Alexander McGillivray declined to run the Oconee boundary allegedly because he feared Georgians’ vengeance.<sup>56</sup> McGillivray condemned raiding in general, and he blamed William Augustus Bowles for exciting Coweta, Chiaja, and Ouseechee raiders who were dragging the Creek Nation toward “unavoidable” war.<sup>57</sup> Bowles, however, reportedly begged Creeks to refrain from any border raids while he sought restoration of the Oconee lands diplomatically.<sup>58</sup> McGillivray vowed to demand Georgians’ peaceful removal from the Oconee’s east bank by September 1792, and he received a pledge from Spanish Louisiana

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<sup>52</sup> Alexander McGillivray to Estevan Miro, 8 June 1791, Caughey, *McGillivray of the Creeks*, 292; Henry Karr to Edward Telfair, 14 June 1791, Telamon Cuyler Collection, HAR DLG. Karr’s letter suggests that the murdered Coweta man was the brother of the Mad Beaver, and that Mad Beaver received satisfaction for the property stolen from his brother (one horse, six deerskins, 2 guns, and one Kettle), but forewent blood revenge because his brother had committed some undefined, offensive act.

<sup>53</sup> Henry Karr to Elijah Clarke, 16 April 1792, CILLT, pt. 1:244; Timothy Barnard to James Seagrove, 10 May 1792, LTB, 116.

<sup>54</sup> Richard Call to Edward Telfair, 29 April 1792, CILTT, pt. 1:246.

<sup>55</sup> A Talk from the Kings, Chief Warriors, and Head Men of the Cussatahs and Cowetahs to James Seagrove, 23 August 1792, CILTT, pt. 1:255.

<sup>56</sup> Timothy Barnard to James Seagrove, 10 May 1792, LTB, 116.

<sup>57</sup> Alexander McGillivray to William Panton, 28 October 1791, Caughey, *McGillivray of the Creeks*, 300.

<sup>58</sup> Statement by Middleton, 21 December 1791, Caughey, *McGillivray of the Creeks*, 300.

to provide weapons if removal by force became necessary.<sup>59</sup> The Cussita King also declined to run the Oconee line following Cowetas' satisfaction killings. He ventured instead to Mobile where he accepted Spanish presents and promised to constrain Creek raiding, yet he also agreed to meet with James Seagrove later in fall 1792.<sup>60</sup> The Cussita King, the Hallowing King of Coweta, and other headmen urged young men to refrain from deporting white trespassers—a right stated explicitly in the Treaty of New York—because they worried warriors might “over do the thing” and provoke retaliation.<sup>61</sup>

By August 1792, the White Lieutenant of Okfuskee observed that Muskogees were “confused” by the multiple national interests at work in the Oconee boundary dispute, and he placed the interests of his talwa first.<sup>62</sup> He disagreed with the many disparate parties who resisted running the Oconee line. Despite ample evidence to the contrary, the White Lieutenant assured James Seagrove that “the greatest part of our nation” accepted the Treaty of New York and would help run the boundary line. He hinted that an American commissary in Creek country might help Muskogees resolve their confusion. The White Lieutenant’s position confirms the prevalence of talwa autonomy. Rather than following McGillivray’s lead or attempting neutrality like the Cussita King, the White Lieutenant asserted his own claim to leadership and American

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<sup>59</sup> Carondelet-McGillivray Treaty, 6 July 1792, Caughey, *McGillivray of the Creeks*, 330; Alexander McGillivray to Francisco Luis Hector de Carondelet, 15 November 1792, Caughey, *McGillivray of the Creeks*, 344; Alexander McGillivray to William Panton, 28 November 1792, Caughey, *McGillivray of the Creeks*, 346.

<sup>60</sup> Timothy Barnard to James Seagrove, 13 July 1792, LTB, 121.

<sup>61</sup> A Talk from the Kings, Chief Warriors and Head Men of the Cussatahs and Cowetahs to James Seagrove, 23 August 1792, CILTT, pt. 1:256.

<sup>62</sup> Talk from the White Lieutenant of the Oakfurkeys to James Seagrove, 15 August 1792, CILTT, pt. 1:254.

alliance. He stressed, however, that while he spoke for “the greatist part of the head men,” Seagrove should not take him as a representative “for all the nations.”<sup>63</sup>

## V. GEORGIA’S PROVOCATION, CREEK VIOLENCE

Alexander McGillivray passed away in February 1793 after years of chronic ailments, and his death meant a new period of instability in Muskogee politics. Creeks had struggled for decades to create a dynamic, if tense, balance between governance based on talwa autonomy and the need for a highly skilled, state-like executive position. McGillivray’s role in Creek politics was not always positive, yet he had frequently proven useful, as had Emistisigo in the 1770s and Malatchi in the 1750s. The struggle continued as ambitious leaders put themselves forward either through diplomacy or border raiding, and each one hoped to stem the tide of Georgia’s encroachment. Spanish, English, and American agents each hoped to facilitate the rise of a new executive figurehead who would favor their interests.<sup>64</sup> William Panton urged the Spanish to summon all Creek leaders to Pensacola at once to establish new executives and provide them with Spanish titles and pensions. Panton suggested the mestizo John Kinnard, the Little Prince of Broken Arrow, or the mestizo Alexander Cornel of Tuckabatchee, all of whom were influential, yet lacked the crucial skill of English literacy.<sup>65</sup> Upper Towns and Alabama River towns, Panton expected, would choose their own representatives.<sup>66</sup>

The White Lieutenant of Okfuskee, upon whom McGillivray reportedly relied to sway

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<sup>63</sup> Ibid.

<sup>64</sup> William Panton to Francisco Luis Hector de Carondelet, 20 February 1793, Caughey, *McGillivray of the Creeks*, 354.

<sup>65</sup> Declaration of James Dearment, 18 April 1793, Caughey, *McGillivray of the Creeks*, 357. Kinnard and Cornel both spoke English but could not write.

<sup>66</sup> William Panton to Francisco Luis Hector de Carondelet, undated, likely late February 1793, Caughey, *McGillivray of the Creeks*, 355-356.

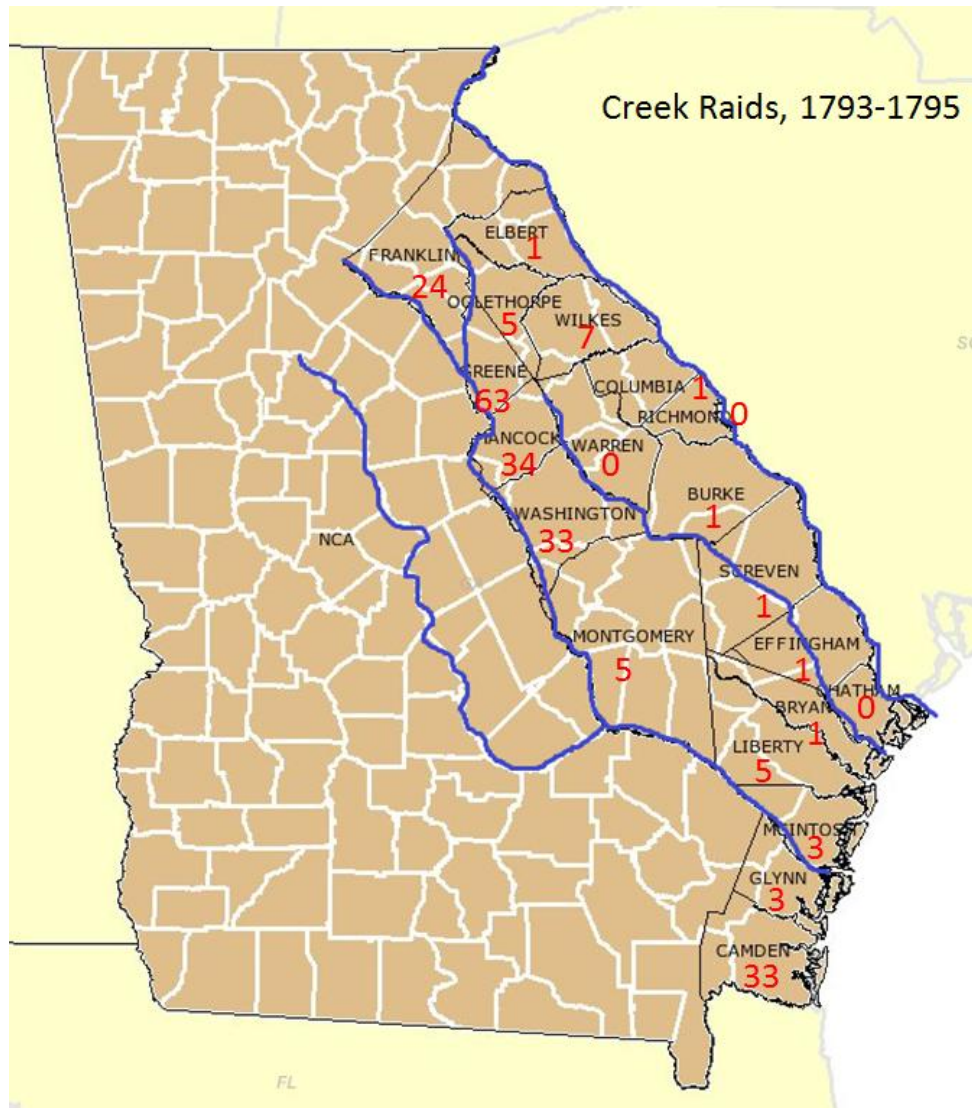
Upper Creeks, also lacked McGillivray's bicultural skills.<sup>67</sup> Louis Milfort, an Indian countryman of French extraction who put himself forward as a leader of three Alabama towns and their 1,200 warriors, warned about the rise of the mestizo John Galphin. One of the sons of the trader George Galphin and a Coweta woman of the Wind clan, John had been raiding Spanish subjects as well as Americans south of the St. Mary's River, stealing cows, horses, black slaves, and killing.<sup>68</sup>

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<sup>67</sup> A Talk from the White Lieut. of the Ofuskees to his Friend & Brother, and also his Father the Governor of New Orleans, 9 November 1793, Caughey, *McGillivray of the Creeks*, 360-361; Timothy Barnard to James Seagrove, 2 July 1793, LTB, 189.

<sup>68</sup> Louis Milfort to Francisco Luis Hector de Carondelet, 26 May 1793, Caughey, *McGillivray of the Creeks*, 358-359; James Jackson to Edward Telfair, 27 May 1793, CILTT, pt. 1:314.





MAP 7.

While Muskogee politics underwent a period of uncertainty, Georgians strengthened their grip on the Oconee valley by grazing ever larger cattle herds between the Oconee and the Apalachee.<sup>69</sup> Muskogeans remained especially sensitive about the area, and in February 1793, they threatened to drive away all the livestock and “kill those that

<sup>69</sup> Timothy Barnard to Henry Gaither, 18 February 1793, LTB, 125.

oppose them.”<sup>70</sup> Timothy Barnard, an Indian countryman who frequently served as a go-between in the 1790s, stated clearly what residents of the region surely knew. While the terms of the Treaty of New York set the border at the Apalachee River, the area was very much “in dispute.”<sup>71</sup> Barnard warned that Muskogeese “seem much agitated” about the “gangs of cattle being drove into the fork.”<sup>72</sup> He chastised settlers, writing that “they have no right” graze cattle there, and he was disappointed that Georgia’s leaders failed to “oppose such measures.”<sup>73</sup> Barnard fully expected cattle rustling to end in bloodshed and thought that settlers “must abide by the consequence.”<sup>74</sup>

Georgians’ provocation could not have come at a worse time.<sup>75</sup> Adding to the political uncertainty caused by McGillivray’s death, a small delegation of militant Shawnees arrived in Creek country in February 1793. Shawnees and a broad coalition of Ohio valley Indians had achieved astonishing victories against American armies in 1790 and 1791, and consequently, remained masters of their land. James Seagrove worried they would inspire Creeks to adopt a hardline stance against American expansion.<sup>76</sup> The Cussita King and Efau Hadjo of Tuckabatchee avowed that their towns were not “deluded by the Shawanese talks,” nor were their people involved in livestock rustling.<sup>77</sup> Instead, they were hunting near the Oconee and begged Georgians to leave them to their business.<sup>78</sup>

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<sup>70</sup> Ibid.

<sup>71</sup> Timothy Barnard to Henry Gaither, 4 March 1793, LTB, 130.

<sup>72</sup> Ibid.

<sup>73</sup> Timothy Barnard to Henry Gaither, 18 February 1793, LTB, 125.

<sup>74</sup> Ibid.; Timothy Barnard to Henry Gaither, 4 March 1793, LTB, 130.

<sup>75</sup> Saunt, *A New Order of Things*, 104-107.

<sup>76</sup> James Seagrove to Timothy Barnard, 24 February 1793, LTB, 127-128; Debo *The Road to Disappearance*, 55-56; Reginald Horsman, *Expansion and American Indian Policy, 1783-1812* (Lansing: Michigan State University Press, 1967), 86-96.

<sup>77</sup> Timothy Barnard to Major Henry Gaither, 4 March 1793, LTB, 130.

<sup>78</sup> Ibid.

Other Lower Town people, however, despised American encroachment, and the Shawnee message appealed to them. John Galphin, a former American agent and translator, had become especially “rascally.”<sup>79</sup> He would soon lead the most vigorous attacks against Georgians in a decade. On March 11, 1793, a party of thirty Lower Creeks attacked the store of Robert Seagrove, brother of Indian Agent James Seagrove, at Traders Hill on St. Mary’s River, the border between Georgia and Florida. During the attack, they killed two white men “in a most brutal and Savage manner.”<sup>80</sup> They also robbed the store of goods valued at two thousand pounds sterling. As they left, they torched the buildings at Traders Hill and a nearby timber cutting operation.<sup>81</sup>

Two days after the attack at Traders Hill, John Galphin’s band fell on a wagon train bound for East Florida.<sup>82</sup> The Green family suffered the brunt of the attack. The extended family was driving seventy-five head of cattle and five horses ahead of a wagon loaded with household furniture. Shortly after they crossed the Satilla River at Burnt Fort ferry about twenty miles north of Traders Hill, Galphin’s men ambushed them. They killed and scalped the family patriarch, James Green, as well as two other men and James’ daughter, Polly.<sup>83</sup> James’ wife, Elizabeth, escaped along with her remaining children and two other women.<sup>84</sup> Galphin and his men then emptied the wagon and drove

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<sup>79</sup> James Seagrove to Timothy Barnard, 24 February 1793, LTB, 127-128; Debo, *The Road to Disappearance*, 55-57.

<sup>80</sup> James Seagrove to Edward Telfair, 17 March 1793, CILTT, pt. 1:272.

<sup>81</sup> Financial Claim and deposition pertaining to the estate of James Green, 23 April 1835, sworn to by Isaac Green, C. Mildred Thompson Papers, Box 1, Folder 17, HAR DLG; Deposition of Samuel Smith, 21 July 1835, DEPS, vol. 2, pt. 1:112-113.

<sup>82</sup> Deposition of John Hardee, 28 April 1835, DEPS, vol. 2, pt. 1:81; Deposition of John Crews, 20 March 1824, DEPS, vol. 2, pt. 1:123.

<sup>83</sup> Financial Claim and deposition pertaining to the estate of James Green, 23 April 1835, sworn to by Isaac Green, C. Mildred Thompson Papers, Box 1, Folder 17, HAR DLG; Deposition of John W. Hunter, 22 April 1835, DEPS, vol. 2, pt. 1:23-24.

<sup>84</sup> James Seagrove to Edward Telfair, 17 March 1793, CILTT, pt. 1:272; Financial Claim and deposition pertaining to the estate of James Green, 23 April 1835, sworn to by Isaac Green, C. Mildred Thompson Papers, Box 1, Folder 17, HAR DLG.

off the cattle.<sup>85</sup> The raiders attacked a second party in the wagon train, took seven black slaves, and later sold them to Spanish buyers in Pensacola. After securing captives, they methodically emptied the wagons, slashed the settlers' feather beds, and stole the ticking.<sup>86</sup>

James Seagrove was shocked by the attack on his brother's store and the killing of settlers. "I cannot believe that the Creek Nation are Acquainted with it," he wrote, "The Source of the Evil is from another quarter."<sup>87</sup> Indeed, by the end of April, Timothy Barnard concluded that 75% of the nation renounced the attacks and would leave Galphin's men to Georgians.<sup>88</sup> Cussitas and Upper Town leaders spearheaded an effort to give satisfaction by capturing and executing the raiders.<sup>89</sup> In light of some towns disavowing the attacks, one may be tempted to dismiss them as the anomalous actions of a few renegades with no political significance. Galphin's band struck lucrative targets over two hundred miles south of the Apalachee-Oconee confluence, the most contested space along the border. However, a similar attack near the Apalachee and apparent wide participation among Lower Towns suggests otherwise.

Muskogeans committed a similar attack in the upper Oconee valley within weeks of Galphin's, suggesting a connection. Near the end of April, thirty raiders attacked and robbed the Thrasher family near the Oconee River's Scull Shoals, a few miles upriver from the Apalachee confluence near present-day Athens. They killed Richard Thrasher, two of his children, and an enslaved woman. Thrasher's wife and infant child were

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<sup>85</sup> Deposition of John Hardee, 28 April 1835, DEPS, vol. 2, pt. 1:81.

<sup>86</sup> Deposition of John W. Hunter, 22 April 1835, DEPS, vol. 2, pt. 1:23-24.

<sup>87</sup> James Seagrove to Edward Telfair, 17 March 1793, CILTT, pt. 1:273.

<sup>88</sup> James Seagrove to Edward Telfair, 17 March 1793, CILTT, pt. 1:273; Timothy Barnard to Major Henry Gaither, 20 April 1793, LTB, 154.

<sup>89</sup> Timothy Barnard to Major Henry Gaither, 20 April 1793, LTB, 154; A Talk of Alick Cornells to James Seagrove, 14 June 1793, CILTT, pt. 1:323.

thought to have escaped, but searchers soon found the infant drowned in the river. The woman was badly wounded—scalped, shot twice, stabbed, and tomahawked.<sup>90</sup> Compared with this violence, the theft seems insignificant. Creeks stole blankets, clothes, and a hat.<sup>91</sup> Indeed, Timothy Barnard drew attention to the attack’s political implications. The Thrasher family had settled between the Oconee’s north fork and the Apalachee River. “After all the warning I sent down,” wrote Barnard, “they could have expected no better as they well know the Indians still disputed giving up their rights to that land.”<sup>92</sup>

None of these attacks—Traders Hill, the Burnt Fort ferry wagon train, nor the Thrasher family—were merely the opportunistic raiding of a few mad young men. As had been the case for decades, some towns exercised their autonomy by lashing out against white encroachment without the nation’s approval.<sup>93</sup> Men from a pair of Upper Towns and several Lower Towns participated.<sup>94</sup> Many of the participating towns had a long history of violent resistance to encroachment. The U.S. War Department was alarmed by the severity of these raids, and James Seagrove was ordered to redouble his efforts to convince Muskogees that “the existence of the Creeks as a nation must depend upon their being at peace with us.”<sup>95</sup> For many Creeks, however, a unified national policy on anything more than a temporary basis was not desirable. When Seagrove demanded an explanation for the attacks, Muskogees confirmed the political motives. The attackers had

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<sup>90</sup> Deposition of Michael Cupp, 23 April 1793, File II, Box 76, Folder 7, Georgia Archives; Depositions of Joseph C. Thrasher and Payton Smith, 15 March 1803, DEPS, vol. 4:139. Joseph C. Thrasher’s deposition suggests that Richard may have had a third child—a daughter who was taken captive and held for thirteen months.

<sup>91</sup> Deposition of Duncan Cameron, 3 October 1795, DEPS, vol. 2, pt. 2:324.

<sup>92</sup> Timothy Barnard to Edward Telfair, 7 July 1793, LTB, 203.

<sup>93</sup> Timothy Barnard to Henry Gaither, 20 April 1793, LTB, 155.

<sup>94</sup> *Ibid.*, 154-155; Timothy Barnard to Henry Gaither, undated, ca. 30 April 1793, LTB, 157; Copy of a Talk from the Big Warrior of the Cassetahs, and Two of the Chiefs from the Same Town, 2 May 1793, LTB, 160; Deposition of James Akins, 3 May 1793, File II, Box 76, Folder 1, Georgia Archives; Timothy Barnard to James Seagrove, 12 May 1793, LTB, 165. Men from Tallassee, Fusihatchee, Coweta, its daughter town Broken Arrow, Chiaja, and Ouseechee were involved.

<sup>95</sup> War Department to James Seagrove, 10 June 1793, File II, Box 74, Folder 5, Georgia Archives.

been inspired by militant Shawnees' talks, rallied by John Galphin's anti-U.S. talks, and supported by William Panton's offer of weapons.<sup>96</sup>

Upper and Lower Creek headmen met in council following this series of attacks. They renounced the violence, and the Big Warrior of Cussita explained that the attackers had succumbed to unrealistic dreams of regaining the Oconee strip. William Panton and the Spanish, the Big Warrior noted, had promised weapons and encouraged Creeks not to surrender the perpetrators until white settlers "move off the Oconee land."<sup>97</sup> The Big Warrior felt, however, that Panton's ulterior motive was merely to prevent Georgia traders from breaking his monopoly. The "mutinous" towns took Panton's advice because Panton "is a master of so much goods" and bought their stolen horses.<sup>98</sup>

The violence of spring 1793 tends to overshadow the larger trend. Raids reached a peak for the decade at 132 thefts, but just thirteen strikes ended in bloodshed. Theft raids hit both the upper Oconee valley and the southern counties between the Altamaha and the St. Marys Rivers. Muskogees captured dozens of horses, hundreds of cattle and hogs, and stole property from homes as well as dozens of black slaves.<sup>99</sup> James Cashen's store at Burnt Fort ferry on the Satilla River was robbed of goods and livestock estimated at over three thousand dollars, and the buildings were destroyed.<sup>100</sup> Parties of Cowetas raided the upper Oconee valley and retreated through Buzzard's Roost, a daughter town of Cussita.

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<sup>96</sup> Deposition of James Akins, 3 May 1793, File II, Folder 1, Box 76, Georgia Archives.

<sup>97</sup> Copy of a Talk from the Big Warrior of the Cassetahs, and Two of the Chiefs from the Same Town, 2 May 1793, LTB, 163.

<sup>98</sup> Copy of a Talk from the Big Warrior of the Cassetahs, and Two of the Chiefs from the Same Town, 2 May 1793, LTB, 163-164.

<sup>99</sup> Daniel J. Stewart to James Jackson, 18 March 1793, DEPS, vol. 2 pt. 1:230; James Houstoun to Edward Telfair, 18 March 1793, CILTT, pt. 1:275; Deposition of James Akins, 3 May 1793, File II, Box 76, Folder 1, Georgia Archives; James Jackson to Edward Telfair, 9 May 1793, CILTT, pt. 1:309.

<sup>100</sup> Deposition of James Cashen, undated, and deposition of Susan Murphy, 3 July 1835, DEPS, vol. 2, pt. 1:79-80; Extract of a letter from Major William McIntosh to his Father, General Lachlan McIntosh, 18 March 1793, addressed to James Jackson, CILTT, pt. 1:276. According to measuringworth.com, the value of three thousand dollars in 1835 money would have been closer to \$3,400 in 1790s money.

They intended to provoke Georgians into attacking the village, dragging Cussitas into the conflict.<sup>101</sup> A large party of Tallassees raided at will for most of April in the upper Oconee valley.<sup>102</sup> While the towns involved may have been a minority, Timothy Barnard judged that there were too many warriors involved to end the conflict without a significant American military strike.<sup>103</sup>

Georgians responded to this spike in raiding by expanding the military buildup they had already begun. They built more forts, repeated requests for federal military assistance, and sent large militia patrols into Creek country, verging on invasion. The state commissioned the construction of nearly a dozen new blockhouses by the end of April. Garrisons returned to forts that had been abandoned since the Treaty of New York.<sup>104</sup> Settlers requested weapons and the construction of still more frontier forts.<sup>105</sup> James Seagrove asked for two companies of federal horsemen to be stationed on the St. Marys and at Burnt Fort on the Satilla.<sup>106</sup> Governor Edward Telfair petitioned for federal

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<sup>101</sup> Timothy Barnard to Henry Gaither, 20 April 1793, LTB, 155.

<sup>102</sup> Timothy Barnard to Henry Gaither, undated, ca. 30 April 1793, LTB, 158.

<sup>103</sup> *Ibid.*, 157.

<sup>104</sup> General Orders from Governor Edward Telfair to Georgia Militia Commanders, 15 March 1793, 6 April 1793, 11 April 1793, 20 April 1793, 26 April 1793, 1 May 1793, CILTT, pt. 1:269-270, 284, 299; Augustus C. G. Elholm to The Inhabitants adjacent in the presence of David Dickson, 22 April 1793, CILTT, pt. 1:286; Deposition of Michael Cupp, 26 April 1793, CILTT, pt. 1:289-290.

<sup>105</sup> Nathan Barnett to Major General Twiggs, 28 April 1793, CILTT, pt. 1:291; Petition of Nathan Barnett, et al., to Major General Twiggs, 28 April 1793, CILTT, pt. 1:292, 295; Petition of George W. Foster, et al., to Governor Edward Telfair and Major General John Twiggs, 29 April 1793, CILTT, pt. 1:294-295; Petition of Thomas Houghton, et al., to Governor Edward Telfair, 29 April 1793, CILTT, pt. 1:296-297; James Jackson to Governor Edward Telfair, 5 May 1793, CILTT, pt. 1:304-305; James Jackson to Edward Telfair, 9 May 1793, CILTT, pt. 1:309-310; An Inspection of Fort Clark Greene County 15 July 1793, CILTT, pt. 1:331; A List of Men Who Served As Guard at the Building of Fort Twiggs, 23 July 1793, CILTT, pt. 1:340; Garrison at Colerain, 26 February 1794, CILTT, pt. 2:356-358; Deposition of Martin Palmer, et al., 8 March 1794, CILTT, pt. 2:363; Jonathan Clark to George Mathews, 5 July 1794, CILTT, pt. 2:391; Certificate of Brigadier General Jared Irwin, 12 August 1794, CILTT, pt. 2:399; Petition of the Inhabitants of Montgomery County, 5 November 1794, CILTT, pt. 2:421; E. Wamberg to George Mathews, 10 December 1794, CILTT, pt. 2:424; John Burnett to George Mathews, 22 April 1795, CILTT, pt. 2:434-435; Michael Cupp to George Mathews, 18 July 1795, CILTT, pt. 2:441; Extract of a Letter from the Secretary of War, undated, ca. 30 October 1795, CILTT, pt. 2:452-453; Deposition of James and John Kirkpatrick, 13 February 1796, CILTT, pt. 2:355c.

<sup>106</sup> James Seagrove to Edward Telfair, 17 March 1793, CILTT, pt. 1:247.

arms and ammunition, and while George Washington's administration intended them to be used for "defensive purposes only," the Secretary of War sent the weapons and authorized Telfair to call up one hundred horsemen and one hundred infantrymen at U.S. expense.<sup>107</sup> Senator James Jackson was unimpressed with this "trifling assistance" offered his state.<sup>108</sup> By June, Georgia's militia had mustered nine hundred men, convened a war council, and penetrated deep into Creek country to the Ocmulgee River.<sup>109</sup>

Muskogees grew increasingly divided over how to deal with Georgia's military buildup, yet the severity of the threat rendered national consensus on borders more important than ever. Leaders found themselves unable to persuade aggressive towns to cease raiding, nor could they control dissident towns by force. Recognizing the limits of their power, a joint council of thirty-two towns—twenty-four Upper Towns and eight Lower Towns—adopted a risky, two-pronged solution.<sup>110</sup> They would execute John Galphin's men and invite Georgia to attack the towns that supported raiding. They identified the aggressive towns as Coweta, Broken Arrow, Chiaja, and Ouseechee. The Big Warrior of Cussita spoke for the joint council. He declared that national leaders had failed to persuade the aggressive towns to make amends, so he authorized Georgia's militia to "burn, kill, and destroy all they can find in them four towns."<sup>111</sup> Alexander Cornel of Tuckabatchee blamed raiding solely on John Galphin and suggested that Lower Towns use force to "put a stop" to raiding. He noted that Upper Towns would never

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<sup>107</sup> Henry Knox to Edward Telfair, 29 April 1793, CILTT, pt. 1:293; Henry Knox to Edward Telfair, 30 May 1793, *ASPIA*, 1:364.

<sup>108</sup> James Jackson to Edward Telfair, 8 July 1793, CILTT, pt. 1:329-330.

<sup>109</sup> Extract from the Journal of the Adjutant General's Office, Augustus C. G. Elholm, to Edward Telfair, 11-14 June 1793, CILTT, pt. 1:317-320; Jennsion, *Cultivating Race*, 102.

<sup>110</sup> Timothy Barnard to James Seagrove, 2 July 1793, LTB, 188; A Talk of the White Lieutenant, Alec Cornell, and Charles Weatherford to Major General James Jackson, 14 July 1793, CILTT, pt. 1:321.

<sup>111</sup> Timothy Barnard to James Seagrove, 12 May 1793, LTB, 166.



tolerate such “mad people.”<sup>112</sup> The joint council evidently agreed, because they sent Cussita warriors to assassinate five of Galphin’s followers. Even Cornel recognized, however, that this depended on guile rather than national authority. The planned assassinations “must be Kept a great Secret for they aren’t like White people that can do a thing directly.”<sup>113</sup> Indeed, the aggressive towns learned of the plan and protected Galphin’s men.<sup>114</sup> Timothy Barnard incited the Cussita King to attack the wayward Lower Towns himself, but Cussitas refused.<sup>115</sup> The Big Warrior explained his reticence in terms of talwa autonomy. “The red people have not laws to restrain their people,” the Big Warrior said, “neither is it in their power to command each other to take up arms to suppress such conduct.”<sup>116</sup>

Inviting Georgians to attack the aggressive towns was a hazardous, ill-advised strategy, but the fact that Muskogeese proposed it speaks to desperation in some quarters to consolidate national authority. If it appeared that the Big Warrior of Cussita and his peers could direct a surgical strike executed by the Georgia militia, it might intimidate independent talwas into submitting to national unity. The Big Warrior gave militia leaders detailed directions to the “mutinous towns” to insure that Georgians attacked only them.<sup>117</sup> Timothy Barnard warned repeatedly that commanders must strictly control white troops because otherwise the “up-country people” would attack indiscriminately and

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<sup>112</sup> Alick Cornel to James Seagrove, 14 June 1793, LTB, 169.

<sup>113</sup> A Talk of the White Lieutenant, Alec Cornell, and Charles Weatherford to James Jackson, 14 July 1793, CILTT, pt. 1:321.

<sup>114</sup> Timothy Barnard to James Jackson, 20 June 1793, LTB, 171-173; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 174-176; Timothy Barnard to James Seagrove, 2 July 1793, LTB, 189.

<sup>115</sup> Timothy Barnard to James Seagrove, 12 May 1793, LTB, 167.

<sup>116</sup> Copy of a Talk from the Big Warrior of the Cassetahs, and Two of the Chiefs from the Same Town, 2 May 1793, LTB, 163.

<sup>117</sup> *Ibid.*, 161.

alienate the Creek majority.<sup>118</sup> It was rumored that Elijah Clarke had already raised 2,500 men to invade Creek country, and Barnard begged James Seagrove to restrain him especially, or “he will kill all, without distinction.”<sup>119</sup>

## VI. BREAKING CONSTITUTIONAL BONDS: GEORGIA’S FAILURE TO GOVERN

Like Muskogees, many Georgians disliked the Treaty of New York, and they resisted it with politics and bloodshed. Mere months after its ratification, the state legislature issued a formal protest against the treaty citing its failure to provide adequately for the return of stolen property and its restoration of some Creek lands ceded in the 1780s.<sup>120</sup> In the following years, Georgians—sometimes in official border patrols and sometimes merely as renegade gangs—committed numerous acts of theft and violence against Muskogees. By 1793, settlers habitually grazed cattle west of the Oconee-Apalachee confluence and busily expanded plantations in the southern counties between the Altamaha and the St. Marys. Some accepted a Spanish invitation to settle East Florida, further expanding slave-based agriculture. They nursed their bitterness against what they considered Muskogees’ unprovoked thefts, savage attacks, and the failure of federal troops to protect them. One settler complained that he needed an “independent Company” of cavalry to wage war against Creeks because, when they stole property, they were “protected by the laws” under the Treaty of New York.<sup>121</sup> Essentially, the man recommended that Georgians break their constitutional bonds with the federal government and exercise military powers at their own discretion. That is exactly what

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<sup>118</sup> Timothy Barnard to James Seagrove, 12 May 1793, LTB, 166; Timothy Barnard to James Seagrove, 2 July 1793, LTB, 192.

<sup>119</sup> Timothy Barnard to James Seagrove, 12 May 1793, LTB, 166.

<sup>120</sup> Protest of the Legislature of the State of Georgia against the Treaty of New York, *ASPIA*, 2:790-791.

<sup>121</sup> Samuel Alexander to Adjutant General Elholm, 25 January 1793, CILTT, pt. 1:264.

they did.<sup>122</sup> From 1793 to 1795, Georgians exercised their own brand of talwa autonomy, committing a series of brutal assaults on Muskogee people without the permission of the federal or state governments. Georgians may have seen these attacks as legitimate retaliation and possibly even as self defense, yet the victims were rarely guilty of any crime beyond being Indians. In this sense, Georgia communities comported themselves like talwas, adhering to their own sense of justice, rather than Americans bound by the rule of law.<sup>123</sup>

The murder of David Cornel illustrated Georgians' contempt for both Muskogee people and the federal government. Cornel was a prominent, politically connected warrior of Tuckabatchee. He was the son of a Muskogee woman and Joseph Cornel, a long-time Indian countryman, trader, and translator for Alexander McGillivray. During spring 1793, the Big Warrior of Cussita and the joint council he represented were struggling to repair relations with Georgia, and they selected David Cornel to take talks to James Seagrove. Cornel, overstating the joint council's position, presented Creeks as a nation that governed its people by force. "The upper Creeks," Cornel declared, "are determined to make the whole nation take one peace talk & give up all the plundered

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<sup>122</sup> Henry Gaither to Edward Telfair, 15 February 1793, CILTT, pt. 1:267; Elijah Clarke to Augustus Christian George Elholm, 19 February 1793, CILTT, pt. 1:268. In one early, but not isolated, example, a federalized troop of Georgia militia disobeyed orders by chasing horse thieves across the Georgia border, invading Cherokee country, killing one man, and burning three towns. Major Henry Gaither, commander of federal troops in Georgia, had the responsible militia officer arrested and tried in a court martial.

<sup>123</sup> Jennison, *Cultivating Race*, 90; Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2009), 132. Jennison's fascinating analysis of the Trans-Oconee Republic posits that Georgia settlers defined their own notions of "worth and belonging" in large part through fighting Indians. Wood describes Georgians as "intensely localist in outlook."

property.”<sup>124</sup> Since Cussita assassins failed to execute John Galphin and his followers, Upper Towns threatened to send their own warriors to do the deed.<sup>125</sup>

In mid May, the joint Muskogee council sent David Cornel and three Cussitas to Colerain escorted by a white express courier named McDonald. They were to notify James Seagrove of the plan to assassinate John Galphin and return stolen property. Cornel was also to invite Seagrove and General James Jackson of Georgia to Creek country to verify that the perpetrators had been executed and to convince Americans that, since McGillivray’s death, Muskogees rejected Spanish alliance. Just weeks after a series of council meetings, however, the aggressive towns of Coweta, Broken Arrow, Ouseechee, and Chiaja, balked.<sup>126</sup> They ridiculed Cussitas for slavish compliance with American commands.<sup>127</sup>

Before departing for Colerain, David Cornel sent white wampum and a white wing as tokens of peace and friendship “to keep the path White” between Creeks and Americans.<sup>128</sup> Cornel spoke some English but was illiterate, so on his way, he visited Timothy Barnard and asked the trader to write letters explaining his embassy because he feared there would be no reliable interpreter at Colerain.<sup>129</sup> Barnard advised James

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<sup>124</sup> Timothy Barnard to James Jackson, 20 June 1793, LTB, 171.

<sup>125</sup> Ibid., 171-173; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 174-176; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 177-181; Timothy Barnard to Henry Gaither, 21 June 1793, LTB, 183-186.

<sup>126</sup> Timothy Banard to James Jackson, 20 June 1793, LTB, 171-173; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 174-176; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 177-181; Timothy Barnard to Henry Gaither, 21 June 1793, LTB, 183-186; Timothy Barnard to James Seagrove, 2 July 1793, LTB, 188-192; Timothy Barnard to Henry Gaither, 7 July 1793, LTB, 197-199; Jacob Townsend to James Jackson, undated, ca. 7 July 1793, LTB, 200-201; James Jackson to Edward Telfair, 8 July 1793, CILTT, pt. 1:329-330; A Talk of the White Lieutenant, Alec Cornell, and Charles Weatherford to Major General James Jackson, 14 July 1793, CILTT, 321-322.

<sup>127</sup> Timothy Barnard to James Seagrove, 2 July 1793, LTB, 192.

<sup>128</sup> Timothy Barnard to James Jackson, 20 June 1793, LTB, 172; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 179.

<sup>129</sup> Timothy Barnard to James Jackson, 20 June 1793, LTB, 171-173; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 174-176; Timothy Barnard to James Seagrove, 20 June 1793, LTB, 177-181.

Seagrove by letter that “If Cornell is well used and comes back full handed, it will be of great service to the United States.”<sup>130</sup> He urged Seagrove to send trustworthy guards to protect Cornel because “if any accident should happen to him we are done in this quarter.”<sup>131</sup>

One Georgia militia officer later reported that, as Cornel’s party neared Colerain, their white escort absconded “in a very Curious and Clandestine manner.”<sup>132</sup> The following day, Cornel and his companions sighted a dozen armed white men. Unarmed, Cornel rode up to the troop with his teenage porter, signaled peaceful intentions by presenting a white wing, and announced the purpose of his visit in English. One of the white men called out, dismounted his horse, and methodically braced his rifle against a tree for more careful aim. Cornel raced toward the gunman crying, “NO NO NO,” but the gunman “poured a load of Buck Shot” into him.<sup>133</sup> As the wounded Cornel wheeled his mount and galloped for the safety of a nearby thicket, a second gun blast tore him from his saddle. He rose to his knees declaring again that he was a friend of Georgia and bore letters for Seagrove. As he begged for his life, the white men surrounded him, shot him again, “Cut him in pieces,” and “mock[ed] him in his dying Groanes.”<sup>134</sup>

In the weeks after this brutality, it became clear that the murder was premeditated, and that the white escort had abandoned Cornel’s party in order to alert the killers of his

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<sup>130</sup> Timothy Barnard to James Seagrove, 20 June 1793, LTB, 176.

<sup>131</sup> Extract of a letter from T. Barnard to Jas. Seagrove esqr. dated 20th June 1793, LTB, 182.

<sup>132</sup> Jacob Townshend to James Jackson, June 1793, CILTT, pt. 1:327; Extract of a letter from T. Barnard to Jas. Seagrove esqr. dated 20th June 1793, LTB, 182; Timothy Barnard to James Seagrove, 3 July 1793, CILTT, pt. 1:326c.

<sup>133</sup> Deposition of James Kirby, 22 July 1793, CILTT, pt. 1:338-339; Jacob Townshend to James Jackson, June 1793, CILTT, pt. 1:327.

<sup>134</sup> Jacob Townshend to James Jackson, June 1793, CILTT, pt. 1:327-328; Timothy Barnard to James Seagrove, 3 July 1793, CILTT, pt. 1:326b-326e; James Seagrove to Timothy Barnard, 5 July 1793, LTB, 193-196; Timothy Barnard to Henry Gaither, 7 July 1793, LTB, 197-199; Jacob Townsend to General James Jackson, undated, ca. 7 July 1793, LTB, 200-201.

approach. Not only was the United States unable to control Georgia's exercise of violence, state militia commanders could not restrain individual units. Cornel and his teenage porter were killed and scalped, but his two other companions narrowly escaped as militiamen chased them, hacking at them with swords while they ran. The Cussitas made for Timothy Barnard's settlement on the Flint River over the course of six days, without stopping for food or rest. There they recounted what they had witnessed.<sup>135</sup> The militiamen at Colerain attempted to cover their misdeeds by portraying David Cornel as a villain who had raided white settlements in Georgia and Cumberland, killing and scalping white people. Barnard, after hearing the reports of the Cussita survivors, excoriated the militiamen as "inhumane cowardly and savage like."<sup>136</sup> Since Cornel carried dispatches from Barnard explaining the peaceful intent of his embassy, there was no chance of the militiamen escaping infamy. One of the soldiers later testified that their leader, Captain John F. Randolph, had explicitly ordered them to kill all the Indians they found.<sup>137</sup> Even the county militia officers considered Captain Randolph's unit to be "a bandity" who were, at best, "mutineers disobeying the laws of this state."<sup>138</sup> Despite all this, a Court of Inquiry found that "the Indians were to blame for sending so desperate & obnoxious a Character" as David Cornel, and the militiamen were "justly to be applauded" for their actions.<sup>139</sup>

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<sup>135</sup> Jacob Townshend to James Jackson, June 1793, CILTT, pt. 1:327-328; Timothy Barnard to James Seagrove, 3 July 1793, CILTT, pt. 1:326b-326e; Jacob Townsend to General James Jackson, undated, ca. 7 July 1793, LTB, 200-201.

<sup>136</sup> James Seagrove to Timothy Barnard, 5 July 1793, LTB, 193-196.

<sup>137</sup> James Jackson to Edward Telfair, 8 July 1793, CILTT, pt. 1:329-330; Deposition of James Kirby, 22 July 1793, CILTT, pt. 1:338-339.

<sup>138</sup> A. Hammond, etc., to Thomas Carr, 21 September 1793, CILTT, pt. 1:342; Proceedings of a Court of Inquiry, 26 October 1793, CILTT, pt. 1:344-348.

<sup>139</sup> Proceedings of a Court of Inquiry, 26 October 1793, CILTT, pt. 1:344-348.

The murder of David Cornel could not have been better calculated to shatter Creek good will toward Georgia and the United States.<sup>140</sup> Timothy Barnard and James Seagrove believed they could salvage the diplomatic relationship if they acted quickly, yet Georgians preferred a final, decisive war. Seagrove scheduled a congress with Muskogee leaders for September 10. He planned to send lavish gifts to the White Lieutenant of Okfuskee and Efau Hadjo of Tuckabatchee, and he hoped to isolate the aggressive towns of Coweta, Broken Arrow, Ouseechee, and Chiaja by withholding presents from these “ungrateful” Indians.<sup>141</sup> By contrast, Georgia’s militia commanders believed a full scale invasion would be best, though President George Washington had forbidden it.<sup>142</sup> Unable to invade, Georgians conducted a campaign of harassment and terror. As James Seagrove prepared for his congress with Muskogeese, outraged Georgians intimidated him so much that he required a federal escort.<sup>143</sup> Militias patrolled the Oconee River’s west bank searching for Muskogeese.<sup>144</sup> Settlers in the lower Oconee valley stole horses from their neighbors, secretly led them across the river, and accused Creeks of the theft. They then formed a company of two hundred men to invade Creek country and, purportedly, reclaim the animals.<sup>145</sup> One of the men responsible for this scheme, a Captain Stokes, accused four Creek men of horse theft and chased them through Creek country to the Ocmulgee River where he attacked, killed, and robbed

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<sup>140</sup> James Jackson to Edward Telfair, 8 July 1793, CILTT, pt. 1:329-330.

<sup>141</sup> James Seagrove to Timothy Barnard, 29 July 1793, LTB, 208-211; Timothy Barnard to James Seagrove, 3 July 1793, CILTT, pt. 1:326e; James Seagrove to Timothy Barnard, 5 July 1793, LTB, 193-196; Timothy Barnard to Edward Telfair, 7 July 1793, LTB, 202-204; Debo, *Road to Disappearance*, 58.

<sup>142</sup> Unsigned letter to unknown correspondent, likely James Jackson to Edward Telfair, 21 July 1793, CILTT, 334-337.

<sup>143</sup> Debo, *Road to Disappearance*, 58.

<sup>144</sup> Timothy Barnard to James Seagrove, 17 October 1793, LTB, 215-216; Timothy Barnard to James Seagrove, 18 October 1793, LTB, 220-222.

<sup>145</sup> Extract of a Letter from Lieutenant van Allen to Colonel Henry Gaither, 18 October 1793, CILTT, pt. 1:343.

them.<sup>146</sup> Militiamen in the upper Oconee valley fired on Muskogeese between the Apalachee and Oconee Rivers without provocation.<sup>147</sup>

These several examples of harassment and murder, however striking, paled in comparison with the razing of Little Okfuskee in September 1793. A band of Georgia settlers ostensibly pursuing Coweta horse rustlers attacked the town on the Chattahoochee River deep in Creek country. Georgia raiders burned the town, killed and scalped six men, and took eight women and girls captive.<sup>148</sup> The White Lieutenant of Okfuskee was enraged and demanded the return of the eight captives, one of whom was a relative. By March 1794, the captives still had not been returned, and George Washington ordered Governor George Mathews to see it done.<sup>149</sup> Timothy Barnard expected Okfuskees to commit satisfaction killings and warned whites to stay well back from the Oconee River.<sup>150</sup> He urged Okfuskees to execute the Coweta rustlers instead.<sup>151</sup>

The murder of David Cornel, the razing of Little Okfuskee, and the broader campaign of harassment and terror combined with other factors in fall 1793 to bring Muskogeese closer to unity and capitulation. Georgians' violence frightened Creek leaders, and they wished to avoid a vigorous invasion. As winter neared, Creek hunters needed to focus on the upcoming hunting season rather than avoiding Georgia patrols scouring Creek country. They moved to accept the lost Muskogeese lives as satisfaction for Georgians killed at Traders Hill, Burnt Fort Ferry, and in the Oconee-Apalachee fork,

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<sup>146</sup> Affidavit of Henry Carrel, 6 September 1793, C. Mildred Thompson Papers, HAR DLG; John Twiggs to Edward Telfair, 8 September 1793, C. Mildred Thompson Papers, HAR DLG.

<sup>147</sup> Jonas Fauche to Augustus Christian George Elholm, 20 July 1793, CILTT, pt. 1:332-333.

<sup>148</sup> Debo, *Road to Disappearance*, 58; Saunt, *A New Order of Things*, 99-100; Jennison, *Cultivating Race*, 105; Timothy Barnard to James Seagrove, 17 October 1793, LTB, 217-219.

<sup>149</sup> Henry Knox to George Mathews, 6 March 1794, CILTT, pt. 2:362.

<sup>150</sup> Timothy Barnard to Henry Gaither, 5 October 1793, LTB, 214.

<sup>151</sup> Timothy Barnard to James Seagrove, 1 October 1793, LTB, 212-213; Timothy Barnard to Henry Gaither, 5 October 1793, LTB, 214; Timothy Barnard to James Seagrove, 17 October 1793, LTB, 218.



yet it remained unclear how, or if, they could constrain the actions of autonomous talwas.<sup>152</sup>

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<sup>152</sup> Timothy Barnard to James Seagrove, 17 October 1793, LTB, 215-216; Timothy Barnard to James Seagrove, 18 October 1793, LTB, 220-222; Saunt, *A New Order of Things*, 158, 160, 172-173, 218.

## CHAPTER 8 – STATE CONTROL OF VIOLENCE, 1793-1796

### I. INTRODUCTION

Georgians' unleashed a widespread campaign of violent harassment in the early 1790s that was only partially a response to Muskogee raiding. More importantly, the murder of David Cornel, the razing of Little Okfuskee, and dozens of other actions were simply a new phase in a decades-long campaign to control the Oconee valley. Georgia's new boldness in 1793 was to some extent excited by federal government support for their military buildup on the Oconee's east bank, but Georgians misread federal commitment to the larger land-taking project. Following a few violent Muskogee raids in spring 1793, the United States promised Georgia more federal funding, more federal troops, and a new Indian factory. Emboldened by this apparent collusion, Georgia's militias and citizens massacred Muskogeans on several occasions. Angered by Georgians' reckless lawlessness, U.S. agents redoubled their efforts to control the border, protect Creek leaders who were willing to negotiate, and restrain Georgians.

Under the constant threat of Georgians' random violence, Muskogee leaders labored to create a national consensus on ending border raids and accepting the Oconee River as a permanent boundary. The keys to this national consensus were incorporating young men into the political process and more fully embracing talwa autonomy.<sup>1</sup> The drive toward state control of violence culminated in the 1796 Treaty of Colerain. For the

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<sup>1</sup> Calloway, *The American Revolution in Indian Country*, 188. Cherokees adopted a similar strategy of incorporating young men "into the political decision-making process to restrain them."

first time in relations with the United States, Creek leaders created a broad, national consensus by embracing talwa autonomy rather than relying on a charismatic, skilled executive figurehead. To reach consensus, Muskogees incorporated young men into the political process directly, giving them an alternative path to leadership and prestige outside of battlefield valor. Once a robust cadre of talwa leaders and young men arrived at consensus, they presented themselves as a unified Creek Nation with a single foreign policy. Paradoxically, Creeks fully recognized the value of presenting themselves as a nation, yet they were only able to do so effectively by embracing the long standing system of autonomous talwas. The results of this political unification, however, were ambiguous. In the Treaty of Colerain, Muskogees won peace and nation-to-nation relations with the United States by capitulating once and for all to the Oconee boundary, yet they could call on newly stationed federal troops in the valley to police settlers' encroachment. Accepting American demands as the price of alliance seemed to allow Creeks to thwart Georgians, the people who had proven their most vexing enemy for decades, yet after 1796 their security would depend on American soldiers rather than Creek warriors.<sup>2</sup>

## II. BREAKING CONSTITUTIONAL BONDS: GEORGIA'S AGGRESSION INTENSIFIES

Georgians intensified their campaign of violent harassment throughout 1794 and 1795, notwithstanding the spring 1793 Creek council that had determined to restrain

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<sup>2</sup> Pulley Hudson, *Creek Paths and Federal Roads*, 123. Pulley Hudson writes that between 1796 and 1816, Indian Agent Benjamin Hawkins "tempered the predatory intentions of the surrounding states" and "assured a level of control, albeit uneven, over intrusions of squatters and criminals who pressed along the edges of Creek county."

border raids and satisfy settlers for recent murders and property loss. Despite the vicious murder of their emissary, David Cornel, Muskogeese still desired to end the long-running border dispute. Georgians, however, launched a series of vigorous attacks on Muskogee people inside Creek country and relentlessly encroached on Muskogee lands in defiance of both federal and state authority. This lawlessness put unruly Georgians on a collision course with their elected leaders that led to forceful assertion of federal dominance in Indian Affairs in the 1796 Treaty of Colerain.

The murder of two Cussitas in December 1793 propelled Georgians toward a collision with federal and state officials. While patrolling deep in Creek country, Captain Jon Adams and three militiamen, all from the Oconee River border county of Greene, encountered a Cussita hunting camp near the Ocmulgee River. The white men were welcomed and offered food and drink. Adams and his men enjoyed the hospitality and departed, but soon they returned, crept into the camp, and killed two of the Cussita hunters. Muskogeese demanded justice from federal troops at Fort Fidius below the Oconee-Apalachee confluence near present-day Milledgeville. War Department Agent Constant Freeman promised the White Bird Tail King of Cussita, also known as Fusihatchee Micco, that he would pressure Georgia's governor to arrest the killers, and the Muskogee leader pledged to restrain the slain men's clan kin. Freeman, though, had few illusions about Governor George Mathews' ability to control militia violence. As he wrote requesting justice for the slain Cussitas, he also warned that Major David Adams, a relation of the accused, planned to attack Fusihatchee Micco's embassy. Governor

Mathews met with Fusihatchee Micco and agreed to get satisfaction for the victims, but it is unclear how far he was willing or able to go.<sup>3</sup>

Over time, Georgians' harassment of Creeks became more systematic and more defiant of elected authorities. This impetuosity culminated in 1794 when some Georgians severed their constitutional bonds with the United States by invading Creek country and founding an independent nation that historians have called the Trans-Oconee Republic. This episode appears infrequently in historiography, yet stands as an astonishing example of the early republic's fragility, on par with the better known breakaway state of Franklin.<sup>4</sup> As early as February 1794, Elijah Clarke led a small but significant number of Georgians to colonize the Oconee River's west bank in undisputed Creek country. They intended to create permanent settlements, and by the fall, they had built forts, declared themselves an independent nation, and adopted a constitution.<sup>5</sup> Young Creeks were eager to attack Clarke's people and drive them from Creek country. This was their right under the Treaty of New York, but older Creek leaders appealed to state and federal authorities to remove the brazenly illegal settlements. American authorities, however, hesitated to prosecute the white lawbreakers.<sup>6</sup> Even some Georgia frontiersmen denounced this breakdown of civil authority. The "greatest number of adventures" in the Trans-Oconee Republic, wrote prominent Greene County leader

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<sup>3</sup> Constant Freeman to George Mathews, 1 January 1794, CILTT, pt. 1:352-354; A Talk from the Bird Tail King, undated, ca. 1 January 1794, CILTT, pt. 2:354b; George Mathews to James Seagrove, 3 February 1794, CILTT, pt. 2:355b; Timothy Barnard to George Mathews, 25 February 1794, LTB, 230.

<sup>4</sup> Jennison, *Cultivating Race*, 89-125; Barksdale, *The Lost State of Franklin*. See Watson Jennison's treatment of the Trans-Oconee Republic, its rare appearances in American historiography, and the context of backcountry revolts in the 1790s.

<sup>5</sup> Elijah Clarke to Gentlemen, 5 September 1794, CILTT, pt. 2:426-427; Timothy Barnard to George Mathews, 25 February 1794, LTB, 229; Copy of a letter from Constant Freeman, Agent for the War Department, in Georgia, to the Secretary of War, 29 September 1794, *ASPIA*, 1:500. Freeman estimated that, when the last trans-Oconee settlement was removed, it contained some eighty people.

<sup>6</sup> Timothy Barnard to Governor George Mathews, 25 February 1794, LTB, 229-231.

Thomas Houghton, “are men under bad caractors.”<sup>7</sup> A group of Greene County settlers described Clarke’s scheme as a “Riotous and unlawful assembly of armed men” that had formed “to the Terror of the good Citizens of this County.”<sup>8</sup> They were right to be afraid. In March, an armed company invaded the home of one white settler and threatened the residents with whipping or death if they refused to join the scheme.

Provoked by Elijah Clarke’s blatant violations of Muskogee property rights, Creeks resumed border raids, and those raids precipitated a confrontation between the Georgia militia and the U.S. Army. A band of thirty Cussitas stole horses from disputed territory on the Apalachee River in May 1794, and a series of attacks and counter attacks followed. A Georgia militia officer named Lieutenant Hay and eighteen men pursued the Cussita rustlers fifteen miles across the Apalachee River into Creek country. The rustlers left the contraband horses in a clearing to attract Hay’s party, and when the Georgians came near, the Cussitas ambushed them, killing two men, including Lieutenant Hay, and wounding a third. Muskogees then scalped, stripped, and mutilated the bodies of the deceased, reportedly severing their genitals. Near the corpses, they fixed to a tree a letter authored by Timothy Barnard allegedly permitting them to hunt between the Apalachee and Oconee. The ferocity of the attack may well have been exaggerated, and credible reports suggested that the Cussita warriors understood the ambush as a defense of their lives and their territorial rights protected by the Treaty of New York.<sup>9</sup>

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<sup>7</sup> Thomas Houghton to George Mathews, 20 May 1794, “An Elijah Clarke Document,” *Georgia Historical Quarterly* 14, no. 3 (September 1930): 254-255.

<sup>8</sup> Thomas Houghton, et al., Inhabitants of Greene County, to George Mathews, 16 March 1794, CILTT, pt. 2:366.

<sup>9</sup> The Report of Dr. Frederick Dalcho, Surgeon’s Mate and Paymaster to the Troops of the United States in Georgia, 10 May 1794, LTB, 236-237; Deposition of Archer Norris, 1 August 1794, CILTT, pt. 2:396-397; George Mathews to Timothy Barnard, 11 August 1794, LTB, 240+ through 240++; Constant Freeman to George Mathews, 9 May 1794, CILTT, pt. 2:375. Archer Norris’ deposition includes a manuscript map showing the Muskogees’ route from Fort Washington on the Apalachee River to the site of the ambush on

Following Lieutenant Hay's ambush, Georgia militiamen intensified their campaign against Creeks, and there was little federal officials could do about it. Major David Adams pursued Hay's killers, and his prior threats against Fusihatchee Micco indicated that Muskogees could expect no quarter.<sup>10</sup> Elijah Clarke soon killed two Creeks allegedly involved in Hay's death.<sup>11</sup> Another party of ten militiamen patrolling Little River, a western tributary of the Oconee well inside Creek country, shot and wounded the Dog King of Cussita while he and his brother were hunting. Major Richard Brooke Roberts, a frustrated federal officer, complained that he lacked the manpower "to keep the people from molesting the Indians."<sup>12</sup>

Major David Adams soon proved himself as traitorous as Elijah Clarke when he threatened to storm a federal fort and kill American soldiers for allegedly harboring Creeks. The reasons for his attack point up the intensely local nature of the conflict and the gravity of the breach between Georgians and the United States, as well as the base opportunism of some Georgians. After the death of Lieutenant Hay, Adams gathered 150 militiamen and attacked a large group of Muskogees under U.S. protection beneath the very walls of a federal installation, Fort Fidius. Creeks were there visiting James Seagrove and awaiting the return of leaders then engaged in peace talks with Governor Mathews at Augusta. Federal troops dared not venture out of Fort Fidius to protect Muskogees as required by the Treaty of New York, but during Adams' attack, over a dozen sought refuge inside the fort. Adams demanded that federals send out the Creeks

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Sandy Creek. Constant Freeman speculated that the attack on Lieutenant Hay was committed by Cherokees rather than Creeks, though given the specificity of other reports, this seems unlikely.

<sup>10</sup> Constant Freeman to George Mathews, 1 January 1794, CILTT, pt. 2:353-354.

<sup>11</sup> Deposition of Jesse Thompson and Charles Clay, 14 May 1794, CILTT, pt. 2:379; James Seagrove to George Mathews, 26 May 1794, LTB, 239.

<sup>12</sup> Affidavit of James Adams, 3 May 1794, CILTT, pt. 2:374b; Constant Freeman to George Mathews, 9 May 1794, CILTT, pt. 2:375-377; Richard Brooke Roberts to Henry Knox, 10 May 1794, LTB, 232-233; Deposition of Archibald Norris, 6 August 1821, DEPS, vol. 1, pt. 1:27-29.

and, if they refused, he promised to take the Indians by force. Constant Freeman reacted by simply sending the Muskogeese away in hopes that they could “make their escape, if possible.”<sup>13</sup> Unsatisfied with this passive response, Adams threatened to murder the Creek leaders then returning from Augusta escorted by a Georgia militia company.

When U.S. officer Dr. Frederick Dalcho demanded an explanation for Major Adams’ astonishing behavior, the militiaman replied that he intended to kill and scalp all the Indians he could find in revenge for the ambush of Lieutenant Hay. In fact, only one Georgian and one Muskogee died in the Fort Fidius fight. Adams’ militiamen, however, illustrated their economic opportunism when they stole a number of horses, rifles, and deerskins and later refused to return them to their native owners. Adams also boasted with evident approval that Elijah Clarke was then marching against Muskogee towns. Surprisingly, Adams later declined an invitation to join Elijah Clarke’s Trans-Oconee Republic.<sup>14</sup>

The Fort Fidius fight exasperated both Muskogeese and federal officials. The episode irritated federal officials tired of having their efforts thwarted by renegade Georgians. Creeks’ frustration deepened because American troops failed to enforce treaties when Georgians violated them. “The connexion” between the United States and Georgia, Constant Freeman wrote, was an idea “too complex for their comprehension.”<sup>15</sup> Creeks could be forgiven for confusion considering that federal officials had so often insisted that Muskogeese exert state control of violence, as the United States claimed to

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<sup>13</sup> Constant Freeman to Henry Knox, 10 May 1794, LTB, 234-235.

<sup>14</sup> *Ibid.*; Report of Dr. Frederick Dalcho, Surgeon’s Mate and Paymaster to the Troops of the United States in Georgia, 10 May 1794, LTB, 236-237; Constant Freeman to George Mathews, 10 May 1794, CILTT, pt. 2:378; James Seagrove to George Mathews, 26 May 1794, LTB, 239; Elijah Clarke to Major David Adams, 17 May 1794, CILTT, pt. 2:380.

<sup>15</sup> Constant Freeman to Henry Knox, 10 May 1794, LTB, 234-235.



do. Federal officials pressured Governor Mathews to control renegades lest they bring on war with Creeks and demanded that David Adams be punished. Mathews, however, insisted that Adams' actions were a legitimate response to the ambush of Lieutenant Hay. Adams testified before a court of enquiry that the attack on Creeks was a regrettable lapse in discipline. He entered the Muskogee camp to arrest one of the men who had ambushed Hay, but one of his own men disobeyed orders by opening fire, and chaotic plundering ensued. Adams claimed that he even offered to give his own horse and saddle to his renegade volunteers if they would desist.<sup>16</sup>

Shortly after the Fort Fidius fight, Elijah Clarke constructed several new posts on the Oconee's west bank, including one strategically located at the Oconee-Apalachee junction. While David Adams declined Clarke's invitation to join the Trans-Oconee Republic, it is likely that some of Adams' militiamen accepted. By mid-summer, Clarke's treasonous settlers had passed their own constitution and appointed their own agent of Indian affairs.<sup>17</sup> Governor Mathews assured Muskogees that any forts west of the Oconee and Apalachee Rivers were unauthorized and pledged that federal forces would remove them.<sup>18</sup>

The United States lost patience with Georgia's backcountry defectors. President George Washington insisted that the state government deal with the lawbreakers, and Secretary of War Henry Knox ordered federal troops to assist the state militia. Knox declared that the Trans-Oconee Republic was "offending against the laws of the United

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<sup>16</sup> James Seagrove to George Mathews, 26 May 1794, CILTT, pt. 2:384-385; George Mathews to Timothy Barnard, 27 May 1794, LTB, 239b; Proceedings of the Court of Enquiry respecting the Conduct of Major David Adams on 10 May 1794, 22 July 1794, CILTT, pt. 2:387-390.

<sup>17</sup> James Seagrove to George Mathews, 7 December 1795, CILTT, pt. 2:461.

<sup>18</sup> George Mathews to Timothy Barnard, 11 August 1794, LTB, 240+ through 240++.

States” and must be “repelled by military force.”<sup>19</sup> When Governor Mathews finally deployed state troops to remove the trans-Oconee forts, Elijah Clarke promised to fight to the death to defend them.<sup>20</sup> Clarke agreed, however, to be tried by a Wilkes County grand jury because he knew the people of his home county largely supported his scheme and would exonerate him.<sup>21</sup>

Clarke rejected the authority of the U.S. government, the state government, and the Georgia militia, and ordered his subordinates to arrest anyone who attempted to detain trans-Oconee settlers or confiscate their property.<sup>22</sup> As General Jared Irwin’s Georgia militia force approached the Oconee, however, Clarke’s bravado vanished. The trans-Oconee settlers accepted amnesty and abandoned their forts under Irwin’s scrutiny.<sup>23</sup> In a final gesture, Clarke threatened to attack Irwin unless the general withdrew his forces, but he abandoned his last station, Fort Defiance, and Irwin unceremoniously burned it.<sup>24</sup> Irwin’s role persuaded Muskogees that he was “a friend to the red people,” and this made them more amenable to working with him when he became governor in January 1796.<sup>25</sup> Federal agents and some of Georgia’s leaders hoped that evicting the trans-Oconee settlers by force would adequately illustrate their control over unruly citizens. They expected, in turn, to prevail on Creeks to exert similar state control over raiders.

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<sup>19</sup> Copy of a Letter from the Secretary of War to his Excellency the Governor of Georgia, 28 July 1794, *ASPIA*, 1:501-502.

<sup>20</sup> Jared Irwin to George Mathews, 3 October 1794, *CILTT*, pt. 2:413-415.

<sup>21</sup> Discharge of General Clarke by the Justices of Wilkes County, 28 July 1794, *ASPIA*, 1:496.

<sup>22</sup> Elijah Clarke to Gentlemen, 5 September 1794, *CILTT*, pt. 2:426-427.

<sup>23</sup> Elijah Clarke to Jared Irwin, 24 September 1794, *CILTT*, pt. 2:407.

<sup>24</sup> Elijah Clarke to Jared Irwin, 26 September 1794, *CILTT*, pt. 2:408-410; John Twiggs to George Mathews, 2 October 1794, *CILTT*, pt. 2:411; Jared Irwin to George Mathews, 3 October 1794, *CILTT*, pt. 2:413-415; Jonas Fauche to George Mathews, 19 October 1794, *CILTT*, pt. 2:418-419.

<sup>25</sup> Timothy Barnard to Jared Irwin, 7 May 1796, *LTB*, 265-266.

In the early months of 1795 following the conclusion of the tense Trans-Oconee Republic episode, Efau Hadjo of Tuckabatchee and James Seagrove as U.S. Indian agent asserted themselves as representatives of their nations, though both quickly discovered the limits of their power. The summer of 1795 appeared as a brief moment when the benefits of nationhood mostly trumped local autonomy for both young states. Efau Hadjo travelled to Augusta to meet with Governor Mathews, and, upon his return, he summoned leaders of the Lower Towns to arrange the return of all captives and recently taken property. This restoration, Efau Hadjo hoped, would console Georgians and put an end to trans-Oconee encroachment. If establishing a safe and firm border meant coercing Muskogees into returning captives and property, Efau Hadjo was willing to do so for the national good. He threatened to send Tuckabatchee and Cussita warriors to confiscate some contraband black slaves held in Chiaja. Instead of tolerating cattle rustling, Efau Hadjo complained to Governor Mathews about cattle grazing the Oconee's west bank. He prodded federal agents to increase pressure on Mathews to restrain white settlers. Some Muskogee warriors ignored Efau Hadjo's threats of force, however, and continued raiding. When one party killed a white family, Efau Hadjo found himself unable to provide satisfaction to Georgians.<sup>26</sup>

James Seagrove worked to assert national supremacy in Indian affairs through 1795, and, once Muskogees returned substantial stolen property in June, Seagrove declared that he had established peace. Georgia citizens, however, remained disorderly. They petitioned the state legislature to open the Oconee's west bank for immediate

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<sup>26</sup> Extract of a letter from Timothy Barnard, deputy agent of Indian affairs, to James Seagrove, Esq., 18 December 1794, LTB, 241a; Timothy Barnard to George Matthews, 21 January 1795, LTB, 242; Timothy Barnard to unknown correspondent, 2 February 1795, LTB, 243-244; James Seagrove to George Matthews, 11 May 1795, CILTT, pt. 2:436.

settlement.<sup>27</sup> Timothy Barnard expected the survivor of the recent attack on a white family to commit retaliatory murders.<sup>28</sup> When James Seagrove called for a congress with Muskogees on the Altamaha River so they could return more property and captives, he demanded that Governor Mathews provide an armed escort to protect Indians from “the smallest insult.”<sup>29</sup> Still, by the end of June, the agent had conducted a congress with Muskogee leaders, distributed a boatload of presents, and he wrote to Governor Mathews, “I have concluded a firm peace.”<sup>30</sup> Reports from the Oconee valley seemed to confirm the peace, at least in part. In July 1795, Georgia militia Captain Jonas Fauche reported that Creeks made frequent, friendly visits to Fort Philips near the confluence of the Oconee and Apalachee Rivers. However, he also reported a rumor that Muskogees had planned a great council after their late summer busk at which they expected to raise warriors to invade Chickasaw towns and wipe out white settlements on the Tennessee River.<sup>31</sup>

The number of Muskogee warriors and Georgia settlers who defied their national leaders declined in 1795, yet one final, stunning act of white violence led to an unprecedented exertion of federal authority. It also led to a Creek commitment to a partnership with the United States based on the federal government’s guarantee to protect Muskogees from Georgians. Perhaps Georgians yielded to federal authority because the Carr’s Bluff massacre appalled even other frontiersmen.

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<sup>27</sup> Copy of a Petition for Opening an Office for the Lands South of the Oconee, Which Is to be Presented to the legislature of Georgia, 29 September 1794, *ASPIA*, 1:500.

<sup>28</sup> Timothy Barnard to unknown correspondent, 2 February 1795, LTB, 243-244.

<sup>29</sup> James Seagrove to George Mathews, 11 May 1795, CILTT, pt. 2:436.

<sup>30</sup> James Seagrove to George Mathews, 29 June 1795, CILTT, pt. 2:440.

<sup>31</sup> Jonas Fauche to George Mathews, 28 July 1795, CILTT, pt. 2:442.

In September 1795, a group of five Creeks visited the boatyard of Captain Benjamin Harrison at Carr's Bluff in Montgomery County on the lower Oconee River near present-day Dublin, Georgia. Harrison and his followers reported that the Muskogeese behaved like ruffians. They brandished guns and knives at two white men and a black slave, assaulted one of the men, and demanded gifts of a kettle and rum.<sup>32</sup> Unsubstantiated rumors held that a gang of Yuchis had been stealing corn and pumpkins and setting boats adrift nearby.<sup>33</sup> Shortly after their visit to Harrison's boatyard, all five Creek men were found murdered, floating in the Oconee River near Carr's Bluff. Their killers had decapitated them before casting the bodies into the water.<sup>34</sup> A few days later, five more Muskogeese were found murdered near Harrison's station.<sup>35</sup>

Almost immediately other white Georgians and Indians refuted the perpetrators' version of events. Testimony suggested that Benjamin Harrison and his men had intentionally murdered the Indians to reignite border conflict and provide a pretext for more land taking. The first five Muskogee victims were frequent visitors to Montgomery County. Many white people knew them and considered them "honest innocent fellows."<sup>36</sup> According to one survivor from the second group of Yuchi victims, Benjamin Harrison

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<sup>32</sup> Deposition of Daniel Currie, 17 September 1795, CILTT, pt. 2:443-444; Jared Irwin to George Mathews, 2 October 1795, CILTT, pt. 2:445.

<sup>33</sup> Timothy Barnard to an unnamed resident of the Carr's Bluff neighborhood, 14 October 1795, LTB, 248.

<sup>34</sup> Timothy Barnard to James Seagrove, 18 December 1795, LTB, 257.

<sup>35</sup> Jared Irwin to George Mathews, 2 October 1795, CILTT, pt. 2:445; Deposition of David Culpepper, 27 September 1795, CILTT, pt. 2:444.

<sup>36</sup> Timothy Barnard to George Mathews, 9 October 1795, LTB, 246-247; Timothy Barnard to an unnamed resident of the Carr's Bluff neighborhood, 14 October 1795, LTB, 248; James Seagrove to Different Eucheese, undated, ca. December 1795, Record Group 75, Records of the Bureau of Indian Affairs, Records of the Creek Agency East, 1794-1818, The National Archives and Records Service, General Services Administration, Washington: 1966, Microfilm held by Georgia Archives (hereinafter cited as Records of Creek Agency East); Examination of Mr. John Barnard, 22 October 1795, LTB, 251. The first five victims were ethnically Muskogeese: Old Will, two mestizos from Cussita, Half Breed Johnny, and one Hitchti man. The remaining men appear to have been Yuchis. Barnard's nephew, John Barnard, testified that the Yuchis "reside within the bounds of the lower Creeks are not deemed a part of the Nation - Speaking a different language."

lured them to his station with promises of rum. One of the men, hesitant to approach, watched his friends invited into Harrison's house where they were gunned down. The observer escaped but was wounded in the leg as he fled.<sup>37</sup> Reports differed, but ultimately Harrison and his accomplices were accused of killing as many as a dozen Creeks from at least six different clans and three separate towns. At least five of the victims appeared utterly innocent of any offense.<sup>38</sup>

Aspiring Creek national leaders from Cussita and Tuckabatchee declared their intention to leave Benjamin Harrison to American justice, and they supported Timothy Barnard's desperate effort as a deputy U.S. Indian Agent to prevent the victims' clan kin from committing satisfaction killings. Considering the number of clans and towns involved, however, Barnard feared the task was impossible. Yuchis openly declared their intention to attack Harrison. Alexander Cornel of Tuckabatchee notified James Seagrove that a council of Upper Creeks had met and resolved to defer to U.S. law.<sup>39</sup> Cussitas representing themselves as the "Heads of the Nation" wanted to know whether any of the Creek victims had "brought trouble on themselves" before taking any action.<sup>40</sup> Ultimately, they agreed to use all their persuasions to convince Yuchis to remain calm and await American justice.<sup>41</sup>

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<sup>37</sup> Timothy Barnard to an unnamed resident of the Carr's Bluff neighborhood, 14 October 1795, LTB, 248. Barnard considered the witness a "rascal," and suspected that he might be lying. He wrote to an unnamed white resident of the neighborhood to learn more, and context suggests the correspondent was Benjamin Harrison himself.

<sup>38</sup> Timothy Pickering to Governor George Matthews, 12 November 1795, File II, Box 76, Folder 8, Georgia Archives; Timothy Barnard to James Seagrove, 22 December 1795, LTB, 260. Pickering believed there had been seventeen Creeks murdered, a number repeated in a later report from Timothy Barnard.

<sup>39</sup> Examination of Mr. John Barnard, 22 October 1795, LTB, 251; Alexander Cornel to James Seagrove, 28 November 1795, CILTT, pt. 2:458-459.

<sup>40</sup> Timothy Barnard to an unnamed resident of the Carr's Bluff neighborhood, 14 October 1795, LTB, 248.

<sup>41</sup> Timothy Barnard to James Seagrove, 18 December 1795, LTB, 256-259.

Condemnation of the Carr's Bluff massacre from federal personnel and some Georgians quickly followed. One Georgia agent touring the Oconee valley happened to arrive in Montgomery County just days after Benjamin Harrison's victims were discovered. He observed that the murdered Indians had been killed "without offense to the citizens of the United States," and that the violence "was a violation of the existing Treaty."<sup>42</sup> Secretary of War Timothy Pickering was outraged and flatly asserted federal supremacy. "Several Creek men some of them known to be great friends of the white people and all coming to that frontier with peaceable purposes," he wrote, "have been basely and cruelly murdered."<sup>43</sup> Pickering instructed the commander of two hundred federal troops bound for Colerain on the St. Marys River, Georgia's border with East Florida, to prevent any further violence against Indians even if it meant using force against Georgians. He demanded that Governor Mathews use all the powers of his office to punish the guilty.<sup>44</sup> James Seagrove urged the governor to prosecute the killers quickly before Muskogees took satisfaction themselves.<sup>45</sup> One Georgia citizen later testified against Benjamin Harrison, claiming that Harrison had sworn to attack any Muskogees who participated in peace talks.<sup>46</sup>

James Seagrove's efforts to satisfy the victims' families were too little to prevent retribution killings. Seagrove found it beyond his power to arrest and punish the culprits, but he did use federal resources to compensate the victims' families for several horses

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<sup>42</sup> H. Hampton to George Mathews, 5 October 1795, CILTT, pt. 2:446.

<sup>43</sup> Timothy Pickering, War Office, Instructions to Captain William Eaton, Commander at Fort Pickering [Colerain, St. Mary's River], 26 November 1795, Records of the Creek Trading House, Letter Book, 1795-1816, File Microcopies of Records in The National Archives, microfilm in Georgia Archives (hereafter cited as Records of the Creek Trading House).

<sup>44</sup> *Ibid.*; Timothy Pickering to George Matthews, 12 November 1795, File II, Box 76, Folder 8, Georgia Archives.

<sup>45</sup> James Seagrove to George Mathews, 5 November 1795, CILTT, pt. 2:455; James Seagrove to George Mathews, 7 December 1795, CILTT, pt. 2:460-461.

<sup>46</sup> Deposition of William Scarbrough, 9 January 1796, CILTT, pt. 2:62.

and rifles plundered by Benjamin Harrison's followers.<sup>47</sup> The Yuchis were not satisfied, nor could the persuasions of Lower Creek headmen prevent them from balancing the deaths of their clan kin. As the Lower Towns turned out for winter hunts, Yuchis went to fetch the property that belonged to their murdered relatives, and when they neared Carr's Bluff, they encountered a herd of Georgians' livestock on the Oconee's west bank. This appears to have been the final indignity. They travelled four miles upriver from Carr's Bluff where they murdered a white couple and two black slaves, reportedly beheading a woman and placing her head on a stake.<sup>48</sup> Some weeks later, Yuchis attacked another settler's home on the Altamaha River, killing one man and wounding four more.<sup>49</sup>

Following Yuchis' retribution killings, headmen from several Lower Towns gathered and tried again to persuade young warriors to join a national consensus against border conflict, sometimes at great emotional cost.<sup>50</sup> A Yuchi headman named Old Yuchi Will who had lost a son in the Carr's Bluff massacre shed tears as he resolved to swallow his own grief. He devoted himself to Creek national interests by urging warriors bent on retribution to desist. He reportedly declared that this older standard of Muskogee justice "would not bring his lost son back."<sup>51</sup> Three months earlier, two nephews of Tussekee Micco, the Warrior King of Cussita, had gone missing on the Apalachee River and were feared dead. Despite this personal loss, Tussekee Micco urged Creeks to be patient, and

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<sup>47</sup> James Seagrove to Different Eucheas, undated, ca. December 1795, Records of the Creek Agency East; Timothy Barnard to James Seagrove, 22 December 1795, LTB, 260-263.

<sup>48</sup> Timothy Barnard to James Seagrove, 18 December 1795, LTB, 256-259.

<sup>49</sup> Edward Price to Tench Francis, 11 January 1796, Records of the Creek Trading House; Deposition of George Tarvin, 27 December 1795, CILTT, pt. 2:469.

<sup>50</sup> The headmen represented the towns of Yuchi, Ouseechee, Cussita, and Coweta.

<sup>51</sup> Timothy Barnard to James Seagrove, 18 December 1795, LTB, 256-259.



allow Georgians time to provide satisfaction. He insisted that, if his own nephews were proven murdered, he would forbid any retribution killings.<sup>52</sup>

Despite Yuchi culpability for retribution murders, Timothy Barnard placed blame squarely on Georgians for the Carr's Bluff massacre and the theft and violence that followed. He wrote that, until the United States controlled "the unruly Whites" in Georgia, there could be no peace. State control, he conceived, would require a thousand federal troops in Georgia to protect, and perhaps to contain, Creeks.<sup>53</sup> Events seemed to confirm his assessment. In February 1796, Creeks attacked and burned Fort Habersham north of the Oconee-Apalachee confluence and stole a large number of cattle.<sup>54</sup> In March, Georgians debated evacuating Fort Republick on the Apalachee River, but one settler warned Governor Jared Irwin that Creeks would burn it within days if it were abandoned.<sup>55</sup> That same month, a party of seven Georgians pursued Muskogee horse thieves, overestimated to number fifty men, to the Oconee River two miles above Carr's Bluff. A fire fight ensued, and four white men were killed.<sup>56</sup> Muskogees scalped one of the men, and another was stripped naked and had "his head and private parts skinned and his Intestines cut out."<sup>57</sup> Indeed, the Carr's Bluff massacre would reverberate in Creek-Georgia relations for years to come. When a white settler was killed in March 1798, Brigadier General and by then former Governor Jared Irwin believed it was to avenge those murdered by Benjamin Harrison three years earlier.<sup>58</sup> Harrison and several of his

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<sup>52</sup> Timothy Barnard to James Seagrove, 22 December 1795, LTB, 260-263.

<sup>53</sup> *Ibid.*, 262.

<sup>54</sup> Roderick Easley to Jared Irwin, 1 February 1796, CILTT, pt. 2:463. The exact location of Fort Habersham is unclear.

<sup>55</sup> Davis Grasham to Jared Irwin, 4 March 1796, CILTT, pt. 2:467.

<sup>56</sup> Deposition of Isum Carr, 11 February 1796, CILTT, pt. 2:464b-464c; Deposition of David Blackshear, 11 February 1796, DEPS, vol. 3, 70-71.

<sup>57</sup> Deposition of David Blackshear, 11 February 1796, DEPS, vol. 3, 70.

<sup>58</sup> Jared Irwin to James Jackson, 20 March 1798, CILTT, pt. 2:520.

comrades were arrested and bound for trial in April 1796, but considering the acquittal of David Cornels' killers, Muskogees had no reason to expect a satisfactory result in Harrison's case.<sup>59</sup>

### III. THE TREATY OF COLERAIN: A DECISIVE MOMENT

In this tense atmosphere of frequent, violent clashes between Creeks and Georgians, President George Washington ordered James Seagrove and a cohort of U.S. commissioners to establish peace in April 1796.<sup>60</sup> Seagrove dutifully invited Muskogees to new treaty talks. Perhaps because Creeks were suffering such intense and random violence, negotiations soon took place at Colerain station on the St. Marys River without what had become the customary series of postponements.<sup>61</sup> By the end of June, the new Treaty of Colerain had been completed. It became the first agreement between Creeks and Americans that established the peace it intended. The Treaty of Colerain was different from its predecessors because each party—the Creek Nation and the United States—exercised state control in unprecedented ways. A full complement of some four hundred Creek leaders conducted negotiations as a unified nation by achieving consensus and incorporating young men into the decision making process, rather than relying on executive figureheads like Alexander McGillivray or small cohorts of representative town leaders like Hoboithle Micco and Neha Micco. The United States exercised unprecedented federal authority by policing the actions of Georgia's aggressive citizens. These differences facilitated real political problem-solving that ended the politically

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<sup>59</sup> James Seagrove to Jared Irwin, 9 April 1796, CILTT, pt. 2:470.

<sup>60</sup> Ibid.

<sup>61</sup> A Talk from James Seagrove to the Kings, Chiefs, Headmen & Warriors of the Upper and Lower Creeks, Simanolias, and all other Tribes Living in the Creek Land, undated, ca. 18 April 1796, CILTT, pt. 2:472-473.

motivated theft and violence that had characterized Creek-Georgia relations since the American Revolution.<sup>62</sup>

Several factors pushed Creeks toward national unity and brought them to the negotiating table, but their primary concerns remained political sovereignty and territorial integrity, just as they had been for decades. The deerskin trade had been declining since the end of the American Revolution. Georgians' constant pressure on Creek hunting lands and violent militia patrols had reduced income from both the deerskin trade and theft. There had been famine in recent years, and, by 1796, many common Muskogees were destitute of the trade goods on which they depended. Timothy Barnard expected that as many as two thousand Muskogees might turn up at the Colerain talks because a “numerous set of them are very poor and of course nearly naked, therefore will flock to a treaty in expectation of gitting a blanket.”<sup>63</sup> As negotiations neared, Creeks pushed Governor Jared Irwin to contain Georgians east of the Oconee River because any disturbance could derail the talks. Barnard hoped that Benjamin Harrison's arrest would persuade irate Muskogees to suppress any further violence.<sup>64</sup> For their part, some Georgians continued to portray themselves as victims and defend aggressive militia officers like Elijah Clarke and David Adams. Indeed, they criticized the federal government for its failure to provide robust military aid that “Georgia, as a common member of the union may claim.”<sup>65</sup>

The Treaty of Colerain was an unlikely turning point in Creek-American relations. For the first time following a treaty with Americans, there was no spike in theft

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<sup>62</sup> Debo, *The Road to Disappearance*, 62-66.

<sup>63</sup> Timothy Barnard to Jared Irwin, 7 May 1796, LTB, 265.

<sup>64</sup> *Ibid.*, 266.

<sup>65</sup> The Following Gentlemen Address the President and the Secretary of War, 11 June 1796, CILTT, pt. 2:478.

or violence. Such aggressive actions did not entirely cease, but they declined steadily between 1796 and 1799. The breadth of talwa representation, Creek national consensus, and the efforts of federal agents' to restrain Georgians led to unique new treaty terms. First, the treaty did not require a new land cession. Second, it provided Creek hunters with a reliable source of trade under federal control via posts in Creek country that replaced an American factory established at Colerain station on the St. Marys River border with Florida in late 1795.

At the outset of talks in June 1796, Creeks and federal commissioners scrupulously confirmed that Muskogee delegates fully represented the Creek Nation. Twenty-two “kings,” seventy-five “principal chiefs,” and 152 warriors attended, as well as an additional two hundred unranked Muskogees.<sup>66</sup> The 435 Indians who attended the congress met in council and selected Fusihatchee Micco, the White Bird Tail King of Cussita, as their “chief speaker,” and he confidently claimed that the delegation represented the nation.<sup>67</sup> Any agreement, he declared, “shall be binding on our nation.”<sup>68</sup> The 123 leaders who signed the final treaty represented thirteen Upper Towns and eleven Lower Towns—nearly half of all the talwas in Creek country and double the number of towns represented at earlier treaties. Particularly large delegations represented the prominent Upper Towns of Atasi, Tallassee, and Tuckabatchee, as well as the leading Lower Towns of Cussita, Coweta, and Ouseechee. It is especially noteworthy that the aggressive towns of the 1790s were all represented.<sup>69</sup>

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<sup>66</sup> *ASPIA*, 1:597.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> “Treaty with the Creeks, 1796,” Kappler, *Indian Affairs*, vol. 2:46-50. The prominent aggressive towns of Tallassee, Coweta, and Ouseechee all sent large delegations, and smaller delegations represented the like-minded towns of Broken Arrow, Yuchi, and Chiaja.

Federal commissioners and troops limited the actions of Georgia's representatives during the Colerain talks. Commissioners adopted a series of camp regulations, including one that prevented Georgians from communicating directly with Muskogees without supervision. They refused to allow a militia escorting Georgia's representatives to disembark from its ship on the St. Marys River. Instead, federal troops exercised complete authority over camp security, including the right to eject any citizen who misbehaved. Federal commissioners even forced Georgia's commissioners to edit their inflammatory opening statement to the Creek delegation. Federal agents deemed the final version of the Georgians' talk to be merely counterproductive, rather than provocative.<sup>70</sup>

Muskogees repeatedly expressed their preference for dealing with federal commissioners over Georgians. After hearing the Georgia commissioners' talk demanding remuneration for property stolen or destroyed since the 1780s, Creeks replied to federal commissioners rather than to the Georgians directly. Muskogees invited federal commissioners to a private council square in their encampment for confidential conversation before reconvening the congress. Fusihatchee Micco spoke for the whole nation when he declared that he had come to talk with the "beloved men from our Great Father, General Washington." "Had we been invited to meet the Georgians only," the leader continued, "there would not have been one attending."<sup>71</sup> Fusihatchee Micco expected federal authority to constrain Georgia's bellicosity, and he castigated earlier failures to do so. Emphasizing U.S. claims to national, centralized authority, he noted that

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<sup>70</sup> *ASPIA*, 1:590-597.

<sup>71</sup> *ASPIA*, 1:599.

“George Washington told us” to ignore Georgia’s demands for land cessions and that the president had had pledged to remove white trespassers.<sup>72</sup>

Still, federal commissioners provided Georgia commissioners with an opportunity to present their demands for more land cessions and the return of all property and captives. Georgians continued to define Muskogeese’ confiscation of border jumpers’ property as simple theft, and they demanded compensation. Muskogeese held that Georgians had no legitimate grievances because they had already returned all white captives. They also had returned all the horses they could, but the same distemper that swept Muskogee herds had killed contraband animals. Muskogeese argued that they also had returned as many black slaves as possible, but some had been exchanged too often to be reclaimed. More importantly, they argued that there had never been the amount of theft represented in Georgians’ “pretended claims.”<sup>73</sup> Fusihatchee Micco further suggested that Georgians had not compensated Creeks adequately for thousands of acres of ceded land where white people harvested a fortune in timber, made tar and turpentine, raised fortunes in tobacco and cattle, and even used the rivers as assets by building mills. Muskogeese had been compensated at a fraction of the land’s real value, and in light of that generosity, it was miserly of Georgians to insist on compensation for few black captives. Moreover, citing the razing of Little Okfuskee, Fusihatchee Micco declared that Georgians had no right to compensation for any homes that had been burned.

Muskogeese issued their own claims of depredations committed by white hunters and livestock, and in light of these depredations, Creeks adamantly refused to cede any more land. White hunters and cattle routinely had trespassed dozens of miles into Creek

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<sup>72</sup> Ibid.

<sup>73</sup> *ASPIA*, 1:608.

country harvesting deer and destroying the habitat on which whitetails depended. Muskogees also reported that their population was growing, so they could not possibly cede any more land.<sup>74</sup> Instead, Muskogees had to plan for the future when “every fork of a creek where there is a little good land, will be of use to them.”<sup>75</sup> Creeks were simply uninterested in Georgia’s proposal to trade land for a shipload of goods. Alexander Cornel stated simply that, “As for talking any more about the land, it is needless to talk any more.”<sup>76</sup>

Perhaps concerned that Georgians’ insistence on additional land cessions would spook Creeks and derail the talks, Benjamin Hawkins reminded them that Georgia had no authority to use force because the federal government guaranteed their land rights under the Treaty of New York. Hawkins confirmed that the treaties of the 1780s were non-binding, since, under the Articles of Confederation, the power to make treaties with Indians was “vested in the confederation of Congress” rather than the states.<sup>77</sup> He informed delegates that a new Indian Trade and Intercourse Act authorized the deployment of federal troops to keep peace in the Oconee valley but only with Creek consent. Hawkins also chastised the mad young men on both sides of the border. “The young and ambitious must be taught to respect the decisions of their wise and old chiefs,” he admonished. “They must be taught to respect the law, to acquiesce to its decisions, and not attempt to be judges in their own case.”<sup>78</sup> In sum, he demanded that both nations exercise the monopoly control over violence that neither yet had achieved.

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<sup>74</sup> *ASPIA*, 1:603-604.

<sup>75</sup> *ASPIA*, 1:604.

<sup>76</sup> *Ibid.*

<sup>77</sup> *ASPIA*, 1:605.

<sup>78</sup> *Ibid.*

With apparent U.S. approval, Creeks dispensed with Georgia's demands and moved to the core disagreement. The key issue at Colerain remained the precise location of the Oconee boundary and the theft and violence engendered by that disagreement. Muskogee consensus on the matter was clear: the boundary ran along the Oconee River's north fork. Fusihatchee Micco stated flatly, "We are not satisfied; we must, and do, insist on the line as we understand it."<sup>79</sup> Creek understanding of the boundary, however, rested on Alexander McGillivray's deception. McGillivray conducted most of the negotiations at New York in 1790, and he told Creek delegates that President Washington had confirmed to them the lands between the Oconee's north fork and the Apalachee. McGillivray, however, promised the same land to the United States in the treaty's final text.

Fusihatchee Micco insisted that Muskogees had the right to defend the border as they understood it in ways that Georgians interpreted as unprovoked theft and violence. He noted that President Washington had encouraged Muskogee warriors to take the property of any white intruders in Creek country and deport the trespassers.<sup>80</sup> This assertion of native rights implicitly excused all raids committed between the Oconee and the Apalachee. It also justified the deaths of several white militiamen killed while patrolling west of the Oconee. Muskogees insisted that if they accepted the Apalachee border, Georgia cattle would overrun Creek country because the branch was shallow enough for the animals to ford at will. No federal authorities would be able to restrain the livestock, and Creeks and Georgians would constantly bicker over errant animals lost or

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<sup>79</sup> *ASPIA*, 1:606.

<sup>80</sup> *ASPIA*, 1:599.



confiscated.<sup>81</sup> Muskogeese acknowledged that they lacked the military force to remove Georgians, but they wanted American commissioners to understand that if they refused to accept the north fork as the border, they were essentially taking the land by force.

Muskogeese asserted their native rights to the Oconee-Apalachee fork while federal negotiators insisted that the Treaty of New York set the boundary at the Apalachee. It slowly became clear to Creeks that power would carry the day. Federal commissioners blamed Alexander McGillivray's duplicity for any misunderstanding about the boundary's location. Alexander Cornel claimed that McGillivray had called a national council and described the boundary as the Oconee's north fork. James Seagrove bristled at this suggestion, arguing that he had explained the Apalachee border to Creeks himself. After over a week of talks, Muskogeese continued to insist that the Oconee's north fork was the only acceptable boundary while Americans remained equally adamant that only the Apalachee would do.<sup>82</sup> An unnamed and apparently lower ranked Coweta warrior grew irate at the lengthy, unproductive debate, displaying "violent emotions."<sup>83</sup> The warrior demanded that Muskogeese withdraw to deliberate privately and "determine the public good," that is, establish national consensus, before answering American commissioners further.<sup>84</sup>

After more than a week of talks, Muskogeese finally conceded to the Apalachee border with great regret.<sup>85</sup> The Hallowing King of Coweta openly wept.<sup>86</sup> After the entire delegation privately reached consensus, Alexander Cornel delivered their decision in

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<sup>81</sup> *ASPIA*, 1:606.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *ASPIA*, 1:607.

<sup>86</sup> *ASPIA*, 1:602-605.

English and Muskogee. “It was with the utmost reluctance they consented to give the land away,” he stated, “it was like pulling out their hearts, and throwing them away.”<sup>87</sup> Though a bitter loss, delegates arrived at the difficult decision by reaching consensus through deliberation in a large council where many talwas were represented.

Perhaps to assuage the grief and anger that resulted from surrendering the Oconee-Apalachee fork, Muskogeese renewed their demand that Georgians remove all cattle, horses, and pigs then ranging in large numbers west of the Oconee. Older leaders and young hunters displayed national unity in presenting this ultimatum. Removing the livestock, they argued, would be proof that the United States intended to abide by its promise to control Georgians. Muskogeese complained again about white hunters harvesting deer and fish everywhere between the Oconee and Ocmulgee Rivers, saying “this they do constantly.”<sup>88</sup>

Old and young alike demanded an immediate end to “this trespass of our rights.”<sup>89</sup> This assertion of native rights represented a critical new element of national unity. Leaders acknowledged that young men were most aggrieved by the presence of white hunters. For perhaps the first time in negotiations with Americans and Georgians, the Creek delegation included a significant number of common young men rather than exclusively older, established political leaders and economic elites. Alexander Cornel presented a talk particularly from “our young men who are present.” They acquiesced to the Apalachee boundary because they understood this “sacrifice” was necessary. They also proclaimed that the west bank was Muskogee property, that the new boundary must

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<sup>87</sup> *ASPIA*, 1:607.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*

be “perpetual,” and that “whites have no right to go there.”<sup>90</sup> Any property found on that side of the line would be confiscated without hesitation. The participation of common young men signified that the normal, generational tension in Muskogee society had yielded to consensus.<sup>91</sup> After the violence and theft committed by young Muskogees in the previous twenty years, older leaders likely recognized that if peace with the United States were to prevail, they must take young men’s concerns seriously.

Once the Apalachee boundary was settled, Americans desired to negotiate two remaining issues. First, the parties had to agree on the location of new federal posts. Second, they needed to satisfy all claims resulting from unresolved killings. Muskogees were initially reluctant to select a site for a federal trading post. Ultimately, they suggested a site two miles above Beard’s Bluff on the Altamaha, roughly a dozen miles below the Ocmulgee-Oconee confluence. They also agreed to allow a post in the upper Oconee valley, with the site to be selected during the running of the border line.

Creeks expressed much greater interest in balancing unresolved killings. They wanted to see the executions of those responsible for the Carr’s Hill massacre and the murder of David Cornel before they left Colerain. American commissioners demurred, assuring Creeks that the accused would be tried and punished under federal and state law. All other white people accused of killing Creeks would receive amnesty. Americans forbade any future revenge attacks on Muskogees, essentially granting the same pardon to any Creeks who had killed Georgians.<sup>92</sup> U.S. commissioners insisted that Muskogees should be content with this offer, claiming Creeks had murdered twice as many

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<sup>90</sup> Ibid.

<sup>91</sup> Saunt, *A New Order of Things*, 23-24.

<sup>92</sup> *ASPIA*, 1:608-609, 611, 615. Vessels, one of the men guilty in the Carr’s Bluff Massacre, was dead by the end of the Colerain conference in late June 1796, but the manner of his demise is unclear.

Georgians, though this was almost certainly untrue. Muskogeese reluctantly accepted American terms, yet they remained “not quite satisfied of the justice of the act.”<sup>93</sup> Creeks believed that Georgia never would punish the guilty.<sup>94</sup> Nevertheless, they agreed to wait at least four months to receive justice. If they received no satisfaction, Muskogeese planned to appeal to President Washington.

#### IV. IMPERFECT PEACE

All parties completed and signed the Treaty of Colerain on June 29, 1796, and Muskogeese prepared to return to their towns and explain to their constituents the new treaty’s terms. To overcome anticipated objections, Creek leaders requested that a federal agent accompany them, and “they would meet him, and go through the whole nation with him, and treat him as if he was the President himself.”<sup>95</sup> Muskogeese left Colerain content with their relationship with the United States and hopeful that the young republic would control the aggression of Georgians. The resolution to establish federal forts inside Creek country and outside the influence of Georgia’s authorities satisfied both Creeks and American treaty commissioners. After initial resistance, Muskogeese grew anxious to see the posts established.<sup>96</sup> As Muskogeese prepared to leave, U.S. commissioners learned that Creeks had stashed a thousand pounds of smoked beef along an escape route, should they be attacked by Georgians and need to flee. This palpable expression of fear suggests that

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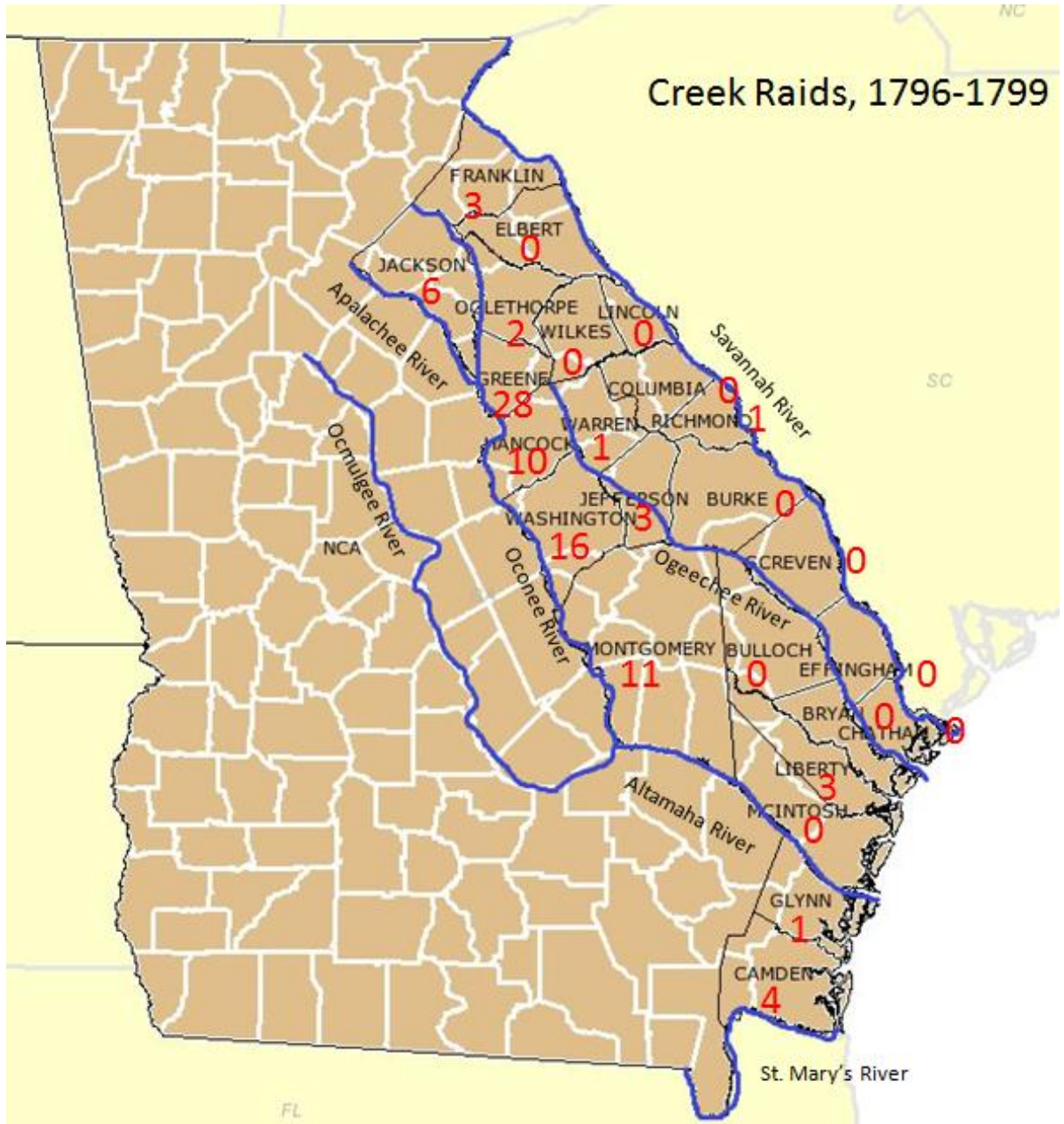
<sup>93</sup> *ASPIA*, 1:610.

<sup>94</sup> Ford, *Settler Sovereignty*, 90-97. Ford examines several settler crimes against Creeks, violent and otherwise, that went unpunished with federal and state complicity.

<sup>95</sup> *ASPIA*, 1:610.

<sup>96</sup> *Ibid.*

Muskogees had every reason to wish for the federal government’s intervention. They left Colerain “with a degree of confidence” in the United States.<sup>97</sup>



MAP 8.

<sup>97</sup> ASPIA, 1:611.

The Treaty of Colerain brought peace that had eluded the Oconee valley for two decades, but the peace was neither perfect nor permanent. The region between the Altamaha and the St. Marys Rivers enjoyed calmness and a bustling Indian trade at the U.S. factory at Colerain. Yet Edward Price, the American factor, constantly worried about an attack like those that had struck William Panton's Apalachee store and Traders Hill because Muskogeas loitered near Colerain demanding presents. This indicates that for Creeks after the Treaty of Colerain, the expectation of regular gift giving remained a key part of the Creek-American relationship. James Seagrove had made a habit of gift giving, but Price believed his role was that of merchant, not diplomat. He did, however, give some goods to be taken into the nation to Alexander Cornel and another man, both of whom were acting as deputy Indian agents.<sup>98</sup> Georgians occasionally took advantage of the visiting Indians by stealing their horses, leaving American agents to provide compensation.<sup>99</sup> Slave thefts nearly disappeared, and some evidence suggests that the thefts Georgians reported were not thefts at all, but enslaved people escaping to Creek country.<sup>100</sup>

Georgians persisted in risky, provocative behaviors in the upper Oconee valley such as frequent trespassing, hunting, grazing their cattle, and planting cornfields on the west bank. A few Georgians continued to lash out violently. In late 1797, for example, five Muskogeas travelled to Fort Wilkinson, the new federal fort on the Oconee River

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<sup>98</sup> Edward Price to Benjamin Hawkins, 14 January 1797, Records of the Creek Trading House; Edward Price to Timothy Pickering, 24 January 1797, Records of the Creek Trading House; Edward Price to Constant Freeman, 5 January 1797, Records of the Creek Trading House; Edward Price to Henry Gaither, 9 January 1797, Records of the Creek Trading House.

<sup>99</sup> Henry Gaither to David Blackshear, receipt for horses, Fort Wilkinson, 7 January 1798, CILTT, pt. 2:505; James Ford to James Jackson, 16 February 1799, DEPS, vol. 2, pt. 3:817.

<sup>100</sup> Edward Price to Timothy Barnard, 17 January 1797, Records of the Creek Trading House.

near present-day Milledgeville, to guide American surveyors in running the boundary pursuant to the Treaty of Colerain. Georgians attacked the men, killing one and wounding two more.<sup>101</sup>

As in preceding years, this kind of behavior provoked Muskogees to defend their lives and property as well as giving them ample opportunity to settle old scores.<sup>102</sup> Just a month after the treaty, Cussitas grew weary of waiting on promised satisfaction for slain Creeks. They shot a Georgia settler near the Apalachee-Oconee confluence, stole his horses, and burned the victim's house as well as his neighbor's.<sup>103</sup> Afterward, they announced that they were satisfied and that white border settlers had nothing more to fear. The Cussita leaders Fusihatchee Micco and Chalee Matla explained that the murders had been committed by mad young people acting outside national authority, but that the relations of the deceased were now satisfied.

From the Cussita perspective, retributive killings did not negate the Treaty of Colerain; rather, these murders resolved a final, outstanding issue that the talks had addressed inadequately. The Cussita leaders entreated James Seagrove to see the assault as “the Action of men who were continually upbraided by the relations of the deceased, and were forced to this affair to live in peace at home,” and not a political attack meant “to spoil our talks.”<sup>104</sup> James Seagrove scolded Cussita leaders for their failure to control their young men, as he long had done. On this occasion, however, he warned that the

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<sup>101</sup> Edward Price to Jared Irwin, 5 January 1798, CILTT, pt. 2:504.

<sup>102</sup> James Seagrove to Jared Irwin, 18 September 1796, CILTT, pt. 2:494.

<sup>103</sup> Deposition of John Hamlen, 10 August 1796, CILTT, pt. 1:485; Deposition of John Lamar, 10 August 1796, DEPS, vol. 2, pt. 2:439; Deposition of Henry Butts, 10 August 1796, CILTT, pt. 2:484; A Message from James Seagrove...to the Kings, Chief, Headmen, and Warriors of the Creek Nation, in reply to a Talk received...from the White Bird King, and Chalee Mathla, two Cusseta Chiefs, 18 August 1796, CILTT, pt. 2:489-493; James Seagrove to Jared Irwin, 18 September 1796, CILTT, pt. 2:494. Cussitas believed that they had killed John Lamar, but he survived the shooting.

<sup>104</sup> A Talk from Chalee Matla (Uncle to the two young men killed by the Georgians when Mr. Seagrove was in the Nation), and the Bird King, to James, 18 August 1796, LTB, 269-271.

behavior of Creek warriors jeopardized Muskogees' new relationship with the United States.<sup>105</sup>

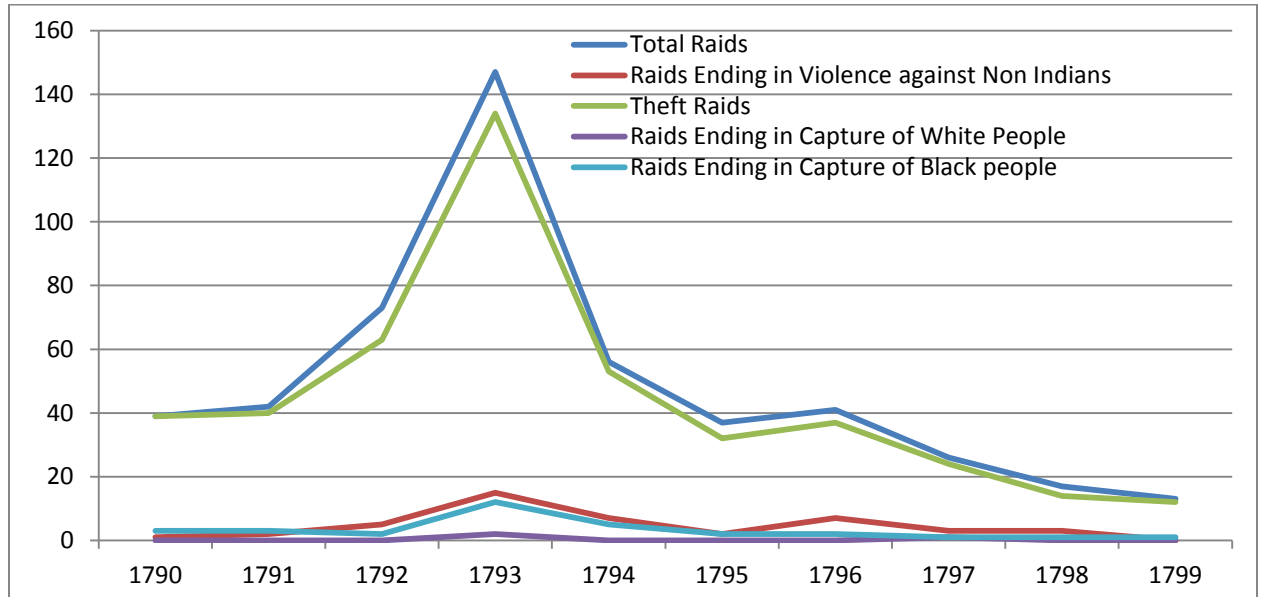


TABLE 8.

Some Muskogees were reluctant to give up use of land and resources east of the Oconee River, and they remained particularly attached to the Apalachee-Oconee fork. Paradoxically, this suited some white Georgians while irritating others. Late in 1796, a group of Creeks reportedly attacked white hunters near Barber's Creek, an Apalachee tributary, wounding one man with a musket.<sup>106</sup> During the winter 1797-1798 hunting season, Creek hunting parties continued to harvest animals between the Oconee and Ogeechee Rivers, though this territory now was entirely given over to Georgia. One Georgian cautioned a party of five Creeks led by a man named Red Mouth to leave

<sup>105</sup> A Message from James Seagrove...to the Kings, Chief, Headmen, and Warriors of the Creek Nation, in reply to a Talk received...from the White Bird King, and Chalee Mathla, two Cusseta Chiefs, 18 August 1796, CILTT, pt. 2:489-493.

<sup>106</sup> Deposition of John Barnett, 11 January 1797, DEPS, vol. 3:59.



Washington County, or “some of the whites might kill them.”<sup>107</sup> The new U.S. Indian Agent, Benjamin Hawkins, however, had issued a passport to Red Mouth for cross-border travel. Though some Georgians may have frowned on this, others encouraged it. Some settlers bought stolen horses from Indians with apparent impunity.<sup>108</sup>

After the Treaty of Colerain, theft and violence declined but did not disappear. The two young states remained unable to control completely their people’s violence, yet theft and violence as overtly political acts subsided. Colerain illustrated that the Creek Nation and the United States had built a tense but stable relationship in which the role of violence in accomplishing political ends declined. In the 1770s and 1780s, Muskogees had experimented with presenting themselves as a unified nation that vested authority in a highly skilled figurehead executive. Individual talwas, however, usually rejected such leadership claims and asserted their autonomy and territorial rights through occasionally violent border raiding, though border patrols overwhelmingly preferred to confiscate property from unauthorized settlers. By the 1790s, a series of factors, perhaps most importantly Georgians’ own violence, pushed Creeks toward greater national unity. Rather than constructing themselves as a nation modeled after those of Europe or the United States, Muskogees made their indigenous form of governance serve their needs. They expressed national unity by achieving talwa consensus, yet in so doing, they sacrificed other long held practices. Young men could no longer expect to gain prestige through valor in war or through activities like livestock rustling and slave theft. The families of murder victims could no longer urge young men to commit retribution killings without endangering the entire nation. Young men’s full participation at the Colerain

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<sup>107</sup> Affidavit of Jessee Embree, 15 January 1798, CILTT, pt. 2:508.

<sup>108</sup> Deposition of Solomon Wood, 20 July 1798, DEPS, vol. 2, pt. 2:578; Deposition of George Spann, 1 October 1800, DEPS, vol. 2, pt. 2:580.

talks, however, suggested that relations with the United States might afford other ways to distinguish themselves. Muskogees preserved their sovereignty by embracing talwa autonomy. The price of that sovereignty was beloved ground, yet the sacrifice promised to secure a future for the Creek Nation separated from Georgia by an impermeable boundary. The security of that border, however, would no longer depend on Muskogee border patrols. Instead, it would depend on those of Americans.

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CRG. *The Colonial Records of the State of Georgia*. Vols. 1-19, 21-26.

DAR. *Documents of the American Revolution, 1770-1783*. Colonial Office Series. 21 vols.

DEPS. Indian Depredations, 1787-1825. 5 vols. Georgia Archives.

EAID. *Early American Indian Documents: Treaties and Laws, 1607-1789*.

HAR. Hargrett Rare Book and Manuscript Library. The University of Georgia Libraries.

HAR DLG. Hargrett Rare Book and Manuscript Library. The University of Georgia Libraries. Presented in the Digital Library of Georgia. <http://dlg.galileo.usg.edu/>.

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