

## Introduction

This book deals with interaction between the English of colonial Georgia and the surrounding Indian nations -- most especially the Creeks -- from the founding of the colony in 1733 until 1763, the year French and Spanish rivals were driven from the region. The main focus of the study is on Anglo-Creek diplomacy. Attention centers on the more or less continual negotiations between leaders of the two peoples, contacts prompted by their mutual interest in peace -- and their more or less continual differences over other matters. The most intractable of these issues concerned how to deal with the French and Spanish, trade and trade abuses, and ownership of territory. As far as the English were concerned, the land question overshadowed all others, and the Creeks would soon agree. Differences over land would lead to dramatic confrontations, disputed agreements, duplicity by both parties, occasional crises, and chronic frustration on both sides. Toward the end of the period, however, the English began to have their way.<sup>1</sup>

The Georgia colonists were overwhelmingly concerned with the Native Americans they called the Creeks. Leaders of the colony paid particular attention to the nearest of these Indians, the "Lower" Creeks. There were two very good reasons for this. First, in 1733 the Lower Creek Indians claimed nearly all of the territory we think of as Georgia as their own. Somewhat surprisingly, English officials never disputed these Creek claims, though they were mostly of recent origin and nearly all Creeks lived beyond the Chattahoochee River outside of Georgia. Second, with ample cause the Creeks were feared by all of their neighbors, native or European. The Creeks posed the main

potential military threat to nearly all of them, most especially the settlers of colonial Georgia.

In 1760 Governor Henry Ellis ruefully observed that Georgia was not only the weakest of the English colonies, it was "opposed to the most powerful Indian Neighbours of any Province upon this Continent." A few years later trader-historian James Adair described the Creeks as "certainly the most powerful Indian nation we are acquainted with on this continent." Noting that all other native nations seemed to be "visibly and fast declining," Adair marvelled that the Creeks had "increased double in number within the space of thirty years past." Their progress against the demographic tide, he explained, was largely due to "their artful policy of inviting decayed tribes to incorporate with them."<sup>2</sup>

The only native people whose settlements were mainly confined to the Georgia area when the first English settlers arrived were the Yuchis, who lived on the upper reaches of the Savannah River. Georgia leaders would have little contact with them, for the Yuchis soon became one of the supposedly "decayed tribes" that incorporated with the Creeks. There they maintained their separate identity and flourished, but had little voice in Creek decision-making. If the Creeks were far away, the other Indian nations Georgia sometimes had diplomatic dealings with -- the Cherokees, Choctaws, and Chickasaws -- were remote. There were a few early efforts to establish regular contacts with the Cherokees, then located mainly in the mountain valleys of what is now northwestern South Carolina, southwestern North Carolina, and southeastern Tennessee. These tentative probes came to little, for South Carolina was determined to maintain exclusive control over relations with the Cherokees. Few Georgians cared, for they

found trading opportunities with the Creeks much more enticing. Thirty years passed before Georgia would have its first significant dealings with the Cherokees. The Choctaws and Chickasaws were still more remote in what is now Mississippi and westernmost Tennessee. Diplomatic contacts with both were sparse, though always friendly with the Chickasaws, who were also regular trading partners.

Georgia was the last of the English colonies to be established, and its settlers entered a diplomatic environment that already had a long history and well established patterns of behavior. South Carolina, founded in 1670, had long since established a far flung network of relationships with surrounding native societies. There may have been much naiveté in early Georgia, but very little of it concerned Indian relations. Founder James Edward Oglethorpe and the first Georgia colonists promptly adopted attitudes and practices toward the natives developed earlier by the South Carolinians.

For their part, the southeastern Indians Oglethorpe met were not only well practiced at dealing with Englishmen, but with other Europeans as well. The Spaniards had been ensconced at St. Augustine since the 1560s, while the French had been colonizing the Gulf Coast and the lower Mississippi since 1698. It was axiomatic that these imperial rivals would do what they could to thwart British expansion; they could not fail to react against the lunge in their direction that began with the founding of Georgia. The Spaniards would claim the territory of Georgia as their own, and incite their remaining native allies, principally the Yamasees, against settlers of the colony. The French would follow suit with their Indian friends, especially the Choctaws and Alabamas. Moreover, the family alliance of Spain and France

under the House of Bourbon guaranteed that the two powers would cooperate to some degree in their anti-British efforts.<sup>3</sup>

When Oglethorpe and the first Georgia colonists arrived early in 1733 the area we think of as Georgia was nearly uninhabited. The depopulation of this vast area began in the previous century with attacks by natives outside the Spanish orbit, and revolts by others within it. The downward trend continued after 1680 as Carolinians incited their allied Indians into slave-catching wars and raids against Spanish-allied Indians of Apalachee and elsewhere. Then came the Yamasee War of 1715-17, the most momentous conflict ever fought between the English and Southeastern Indians. One result was a general exodus of native peoples from lands around and below the Savannah River.<sup>4</sup>

In 1733 there were probably fewer than 10,000 Creeks, the vast majority of them living in what is now Alabama. These Indians were distributed into about thirty-five autonomous towns, the larger of which had satellite villages. By 1712 Carolinians had begun to distinguish between "Lower Creeks" and "Upper Creeks." This simple geographical distinction soon suggested another with more potent implications: the "Lower Creek Nation" and the "Upper Creek Nation." Carolinians could use such terms because they realized that more than geography separated these two entities. The various town chiefs of these two Creek "nations" often met in separate joint councils, but very rarely in a conclave that brought leaders of both Creek divisions together. This was still true in 1756, when Carolina Indian agent Daniel Pepper noted that "there is such a great Distance between the Upper and Lower Creek Nations they never come to one another's Talks, but on very extraordinary Occasions."<sup>5</sup>

There were eight Lower Creek towns in 1733. These settlements were strung out along a fifty-mile stretch of the Chattahoochee River. Reflecting the dualistic thinking characteristic of the region, these towns were divided into a moiety system: some were "peace" (or "white") towns, others "war" (or "red") towns. The northernmost of these towns, Coweta and Cussita, were the most influential. Both were war towns, and apparently relatively recent arrivals from Upper Creek country. Like their Upper Creek cousins, the people of Coweta and Cussita spoke the Muskogean language. The other Lower Creek towns, earlier residents of the Chattahoochee valley, spoke the related Hitchiti language. The most influential of these towns were Apalachicola, a peace town, and Chehaw, a war town.<sup>6</sup>

Cussita was located just below the falls on the eastern bank of the river, roughly at modern Columbus. Coweta was nearby on the other side of the river, while most of the other towns were further downstream on the western side. Down to about 1756 Lower Creek chiefs generally met at Coweta. Afterward, however, they usually gathered at Chehaw or Apalachicola instead.

Although the native communities the English called the Upper Creeks were originally offshoots from Coweta and Cussita, they had grown to include nearly two thirds of the Creek population. These people were located along the Tallapoosa and Coosa Rivers, which join to form the Alabama River. The Upper Creeks divided their towns into two groups, presumably because their wide dispersion usually led two town clusters to hold separate council meetings. The Tallapoosa division, which the English sometimes called "the Middle Creeks," consisted of about eight towns laid out along the great western bend of the Tallapoosa River. The most influential of the Tallapoosa towns were Tuckabatchee, a war

town, and Tallasee, a peace town. The dozen or so towns constituting the Abeika division were located farther north on the Tallapoosa and Coosa Rivers. The most influential Abeika towns were Okfuskee and Oakchoy. Both were later reckoned peace towns, but their moiety affiliations during the colonial era are uncertain. In addition, the Alabama-Coushattas, distant relations of the Creeks (and Choctaws), lived in four towns near the junction of the Tallapoosa and Coosa Rivers. So long as the French remained in the region they would stand apart as French allies; afterward they were viewed as Upper Creeks.<sup>7</sup>

Today these three aggregations of "Upper Creek" towns might best be described as confederacies. Eighteenth-century Englishmen were unsure what to call them, and most often simply referred to them in the plural ("the Tallapoosas," "the Abeika towns," etc). In 1755 Edmond Atkin, soon to become Indian superintendent for the southern colonies, suggested a collective noun. The "Upper [Creek] Nation," he wrote, was composed of "three Tribes," the Tallapoosas, the Abeikas, and the Alabamas. Atkin's use of "tribe" never caught on, but he had not been careless with words. In contemporary usage a "tribe" was not an autonomous entity, but rather a subdivision -- any subdivision -- of a "nation." When describing the ancient world, eighteenth-century Englishmen said the "Nation of Israel" was composed of twelve tribes, while the Roman nation consisted of three (Latins, Sabines, and Etruscans). During our period the term "tribe" was seldom applied to the natives, but, when it was, usually it was as a synonym for an Indian "town" or "clan." On the other hand, "nation" was a general term denoting an extended ethnic and/or political community. Its ordinary synonym was "people" (not nation-state). To minimize confusion, the account that follows will refer often

to Indian nations and towns, sometimes to Indian confederacies or clans, but never to Indian tribes.<sup>8</sup>

The principal chief of the Lower Creeks during the early decades of the eighteenth century was a Coweta leader the English knew as Brim. He may have been the mico or town chief of Coweta, but clearly was the preeminent leader of the Lower Creek confederacy (more accurately described as a confederation of confederacies). In 1711 the South Carolina government recognized him as the Creek "Emperor," which the Spanish governor of Florida echoed soon afterward. Brim may have been the mastermind behind native alliances during the Yamasee War; he certainly was the main architect of the strategy for dealing with the three imperial powers that the Creeks would follow for nearly a half century afterward. The war had revealed that, despite Creek acknowledgements of Spanish overlordship, the Spaniards could not be relied upon to support the Creeks in a crisis. It had also shown that without such support it would be nearly impossible to dislodge the English.<sup>9</sup>

Brim concluded that the Creeks should never again commit themselves for or against any of the imperial powers, much less wage war against any of them. Creek interests could best be served by maintaining correct but not close relations with all of them. The Spanish, French, and English would then find it necessary to compete for Creek favor, a reversal that would enable the Creeks to exploit the Europeans. Meeting in Coweta, a council of Lower Creek chiefs headed by Brim endorsed this policy on March 23, 1718. Steven Hahn calls their decision, which proved to be extraordinarily influential in Creek country, "The Coweta Resolution."<sup>10</sup>

All participants in the Yamasee War learned the same lesson: they didn't wish to repeat it. They learned it so well that nearly all of them managed to avoid large-scale warfare with any of the others during the remainder of the colonial era. (The only major exception involved the Cherokees and English, allies during the Yamasee War, who fought a bitter war in 1760-61.) If the founding of Georgia shielded South Carolina from hostile forces from Florida and the Gulf coast, Carolinians could easily satisfy themselves that they had earned the favor: their Indian war had spared the Georgians from having one. Conflicts between the English colonists and the native nations did not disappear, but henceforth usually took the form of diplomatic confrontations. These non-violent clashes usually led to an oral exchange of complaints and promises.

Occasionally, however, the result was a formal treaty -- written, signed, and sealed. The South Carolina government signed at least three such treaties with the Creeks prior to 1733. Leaders of colonial Georgia would sign six treaties with the Creeks (the 1763 treaty also included the other major Indian nations of the Southeast). While the Spanish and French also made oral agreements with southeastern native chiefs, only the English negotiated formal treaties with them during this era.<sup>11</sup>

Different in so many ways, the British and Indians of the Southeast (and elsewhere) were bound to have a somewhat different approach to diplomacy. For Europeans, diplomacy was conceived as an ongoing conversation, a private dialogue between kings or other sovereign authorities about weighty matters of common concern. Such interchange often led to confidential understandings or deals, but occasionally it produced written treaties, with versions in two languages if the parties spoke

different ones. While most diplomatic exchange remained private, even secret, formal treaties were more or less public and often published. An agreement frozen in the treaty texts was supposed to last indefinitely, at least until superseded by another or formally repudiated. Thus the 1386 Treaty of Windsor between the kings of England and Portugal supposedly remains in effect today, making it Europe's oldest alliance.<sup>12</sup>

Kings or other sovereigns rarely met each other face-to-face, but delegated the daily business of diplomacy to foreign secretaries, ambassadors, or other specialists (and occasionally even to relatives, friends, or servants). While these patient functionaries from time to time achieved agreements for their masters, most of the time they were occupied with disagreements, usually trying to prevent them from becoming something worse. Complex problems often led to multilateral negotiations among parties with dissimilar views and interests.

Negotiation with multiple parties necessarily sometimes meant negotiating with enemies or potential enemies. Thus ordinary diplomatic exchange regularly led to uncomfortable confrontations and heated words, including threats, delivered in private. If blunt and passionate language was obviously potentially dangerous, ordinarily it was considered too useful to forego. Such pointed discourse enabled participants to vent resentments in a relatively safe context, one that allowed both sides to identify their rival's bedrock positions and sensitivities -- the better to take advantage of them. Then too, since the actual spokesmen were subordinates, should their performance prove to be too provocative, their sovereigns could always disown them and their "unauthorized" words.

Southeastern Indians understood diplomacy differently. If Europeans saw diplomacy as an indirect linkage between "crowns" or other abstract entities, natives of the region saw it as a direct connection between communities. For them diplomacy was normally public and positive, and usually involved face-to-face negotiation between top leaders. It often included exchange of symbolic gifts, notably "white wings of peace" (staves with eagle feathers attached) and wampum belts. For Indians war and peace were entirely separate, with separate leadership structures and separate codes of behavior. To undertake diplomacy was to engage peace leaders in strictly peaceful activities designed to further the consensus previously reached by the community. Thus when Governor Ellis in 1757 welcomed the leaders of twenty-one Upper and Lower Creek towns for an important treaty conference, he asked whether they were "Authorized" to speak for their people. "To which they answered with one Voice 'We are the Mouth of the Nation.'" <sup>13</sup>

No matter how flawlessly Indian negotiators were authorized, or how carefully they followed their mandate, they were never given final authority to make commitments. Any major agreement they negotiated had to be ratified by the community they had represented, failing which there was no agreement. Early in 1756 a high ranking Upper Creek delegation led by the nation's leading chief, the Gun Merchant, negotiated and signed a treaty with the English in Charles Town. When he took the agreement home for ratification his people refused, thereby reducing the treaty text to worthless paper. <sup>14</sup>

Native peace leaders normally confined negotiation to friends; war leaders would deal with enemies in their own special way. In native cultures, heated words were always proscribed as

provocative and dangerous, the kind only "mad young people" or men on the warpath would use. When Indian leaders spoke at diplomatic meetings their words and manner seldom were angry or threatening; instead, both were almost invariably measured, dignified, and outwardly friendly. Europeans were alternately struck with guilty admiration for the natives' "natural" nobility or dark suspicion of their "savage" duplicity. As the colonial era advanced, English officials increasingly found themselves negotiating with native war leaders, a worrisome trend.

As envisioned by Southeastern Indians, societies at peace with one another were connected by "paths." These linear bonds were both physical and metaphorical. When Choctaws made their first appearance in Savannah in 1734 their leader declared that "we desire a trade very much that a Path may be kept betwixt you and us." Decades would pass before the Choctaws got what they wanted. A "path" was a track beaten into the soil by innumerable human feet and animal hooves, the durable record of a two-way flow of people, animals, and goods between English and Indian towns. At the time of Georgia's founding there was one arterial path leading to Creek country and another leading to Cherokee country. The two paths coincided from Charles Town to Fort Moore on the Savannah River. There they diverged, with the Creek path continuing southwest toward Coweta and Cussita on the Chattahoochee River, while the Cherokee path turned northwest toward Keowee at the headwaters of the Savannah River. From these primary destinations the two paths continued onward and outward into numerous branches.<sup>15</sup>

In 1771 Upper Creek spokesman Emistisiguo described the Creek path as "the Old white Path, which comes from Charlestown to the

Cowetas, from thence to the Tuckabatchies, from thence to the Abekas and from thence to the Chickesaws." In other words, the path extended westward from the English settlements around Charles Town through three divisions of the Creek Nation, terminating only when it reached the remote Chickasaws on the Mississippi River. It was a "white" path because it was a route of peaceful commerce and communication. Moreover, the various societies tied together along this route were parts of a larger entity: the "Path" was a network of friends, a kind of alliance.<sup>16</sup>

One of the rare surviving copies of a map made by American aborigines, a Chickasaw map of 1723, provides a graphic illustration of this widespread native conceptualization. The map features five large circles, each representing a nation or major community. Three of these are aligned along the horizontal axis: from right to left they are labelled "English," "Creeks," and "Chickasaw Nation." A straight east-west line, labelled "Creek and English Path" connects the three, implying a trade and diplomatic linkage. The other two large circles, identified as "Charikee" and "Choctau Nation" likewise appear on either side (northeast and southwest, respectively) of the Creeks. Tellingly, no line links either the Cherokees or the Choctaws with the Creeks, or with each other. These voids indicated a lack of friendly relations, accurately representing the actual situation among these three peoples. Elsewhere on this and other native maps, lines suggesting linkage are begun but left incomplete, "signifying a 'broken' path traveled only by war parties and distinguished from the continuous roads of peace."<sup>17</sup>

Another feature of this and other Indian maps is equally striking: none of the circles touches any of the others, or comes

close to doing so. Each is clearly separated from all of the others. This implies that Southeastern Indians did not originally conceive of the territory of their society as extending far enough so as meet the territory of another native group. Instead, these native maps indicate that there was a broad interstitial zone between any two Indian societies that belonged to neither. It was a no man's land. Even the zone between friendly societies linked by a path was represented in this way, suggesting that this "white" path was the only safe route of interaction. The intermediate space between unfriendly societies lacking a connecting path was definitely a danger zone, often a war zone. That was true of the area between the Creeks and the Cherokees to their northeast, and likewise of the territory between the Creeks and the Choctaws to their southwest.

The aboriginal understanding of the latter zone was made clear to Superintendent Edmond Atkin at a meeting with Upper Creek leaders in 1759. Hoping to arrange safe passage for English traders through Creek territory to that of the Choctaws, Atkin posed a question: "What River divides the Creek and Chactaw Country." One of the Upper Creek spokesmen replied: "There is no such thing as a Division." Atkin then asked: "Is there no place between these Towns and the Chactaw Towns, where the Trade may be carried on in safety." Another Upper Creek spokesman promptly answered: "I think not."<sup>18</sup>

When thinking about metaphorical paths, imaginative Indian spokesmen did not always confine themselves to North America. Thus in 1763 the Cherokee leader Oconostota mused that "there have been some of our People over the great Water to King George and have made a clear Path all the Way." Oconostota was not

envisioning a latter-day Moses parting the Atlantic sea; he was off-handedly using a metaphor of linkage that was a staple of native diplomatic rhetoric. When the English leaders of the southern colonies wished to evoke a comparable linear image of their friendship with an Indian people, they often spoke of the "Chain of Friendship" which bound them together. This, as we shall see, was an English adaptation of ideas floated by northern Indians, and first introduced into the Southeast in 1730.<sup>19</sup>

When the southern Indian superintendent, John Stuart, invoked this metallic metaphor at the 1765 Pensacola Congress, Upper Creek spokesman Emistisiguo sought to substitute an organic image familiar to his people:

I observe that amongst the white people Friendship is Compared to a Chain which links people together. In our Nation friendship is Compared to a Grape Vine, which though Slender and Weak when Young, Grows Stronger as it grows Older.

So it is to be hoped the friendship and Harmony already Commenced between the Great King's White and Red Children, will daily increase and that as they grow up their hearts like the Tendrils of the Vine may be by time more Strongly United and Knit together.

Emistisiguo evidently savored the contrast between the static English view of alliance and the developmental model of the Creeks, the real progressives in the art of diplomacy. He would proudly recall his "vine" speech again and again at later meetings with British leaders.<sup>20</sup>

The Indians' bilateral approach to diplomacy was also graphically represented in their wampum belts. Such belts typically represent a linear connection between two communities, which are often depicted at opposite ends of the belt. A good illustration appears in the first formal meeting between leaders of the Upper Creeks and the

government of West Florida in 1765. The Mortar of Oakchoy, declaring that "I am the Voice of my People," presented a "Belt of Whampum" to Governor George Johnstone. Before delivering it, however, he wanted all to understand the meaning of the belt: "one end whereof he desired the Governor to hold and held the other himself as a mark of Unanimity and Friendship." Similarly, five years later a peace belt represented a "Clear" and "Broad Path" between the Choctaws and Upper Creeks, "and for this Strap to Resemble it."<sup>21</sup>

But perhaps the most striking difference between the British and native approaches to diplomacy had to do with time. For Europeans a deal was a deal, in effect until formally repudiated or superseded. Not so for the Indians. Again and again native leaders insisted that the paths which linked them to the English be kept "white" (safe, peaceful), "straight" (direct, honest), and free of grass and weeds (smooth, unobstructed). It was perfectly evident to Indians that chains rusted, vines died, and weeds took root on pathways. Things could be timeless in the world of abstractions, but in the real world everything changed. It was true that a deal was a deal -- but only so long as it was properly maintained and regularly renewed. Thus when Governor Ellis in 1757 reminded Creeks of previous treaties, their spokesman replied: "We are Sensible that these treaties are binding . . . Yet it would be well that they were renewed and confirmed." Ellis, like Oglethorpe before him, readily conceded the point. The first article of the treaty signed later that day provided that "all the former Treaties . . . are hereby ratified and confirmed."

Renewal of existing treaties became a routine feature of major meetings, including many that did not lead to new treaties.<sup>22</sup>

As British colonial officials and Southeastern Indian leaders gained experience in negotiating with each other, they learned much about the diplomatic conventions favored by their opposite numbers. Both sides adjusted their own negotiating styles accordingly. Colonial officials learned that decorous public speeches were expected of them; native leaders learned that uninhibited private parleys were often required of them and became less restrained with their language. Colonial leaders learned to tolerate long-winded speeches without interruption; Indian spokesmen learned to shorten their speeches. Colonial officials learned that normally they had to negotiate with one Indian society at a time; native leaders learned that, nevertheless, sometimes they would be summoned to multilateral meetings. Colonists learned to respect popular ratification of agreements among Indian societies; Indians learned that colonial officials represented a remote king, not a local populace. British officials learned that appropriate gifts were essential not only to seal a new agreement, but to maintain the old ones; Indian leaders learned that an agreement the British considered binding had to be committed to writing, with signatures from both parties. Each side borrowed terms, images and practices from the other, but adapted them to their own purposes. In short, the diplomacy that evolved in the colonial Southeast was a composite diplomacy rooted in both British and native Indian traditions, but

significantly different from both. If there was a "middle ground" here, there was also a middle-ground diplomacy.<sup>23</sup>

The most important diplomatic issues between the English of colonial Georgia and the Creeks concerned land.

Nevertheless, the two sides differed profoundly over what they thought they were negotiating about. Creek chiefs thought their differences with Georgia leaders involved land ownership; Georgia leaders thought that the overriding issue was territorial sovereignty. Historians of colonial Georgia and the Creeks have seldom taken account of this fundamental distinction. Largely for that reason, previous accounts of Georgia-Creek negotiations and transactions over land have never been adequately analyzed and explained.

There is another historiographic tradition that does focus on the land issues that surfaced in colonial Georgia, though it has little to say directly about Georgia or the Creeks. This separate stream of scholarship consists of legal histories concerned with English colonial dealings over land with North American Indians in general. There are significant older works written by American historians, but for the past three decades most leading scholars have been Canadian. This burst of scholarly activity is largely a welcome consequence of the long struggle between the Canadian government and the Inuits that finally led to the establishment of the Territory of Nunavut (Inuit for "Our Land") in 1999. Insights from this scholarly tradition enable the story of colonial Georgia's interaction with the Creek Indians to be told much more fully.<sup>24</sup>

Once the issue of sovereignty is squarely confronted, the gulf between English and Indian perceptions of land issues becomes plain, and their bitter disputes become more understandable. For the English, ultimate ownership of land belonged exclusively to their "sovereign" king, while for the Indians it resided in their entire people. For the English, a cession of territory normally meant a bargain between two sovereigns that definitively transferred territorial sovereignty from one to the other, as well as the right to rule the inhabitants of the ceded land. As adapted in North America, a land cession was an agreement whereby an Indian chief or chiefs, acting in behalf of an Indian nation (though neither the chiefs nor the nations were recognized as sovereign), permanently relinquished territory (but not the natives' right to self rule) to the King of Great Britain. For the Indians, a grant of territory was simply a gift from one people to another. Conventions of English property law were also at odds with those of the natives. Under English law a domestic "conveyance" of landed property required a formal written instrument that specified not only the land conveyed, but the "valuable consideration" (usually monetary) given in return. Most Anglo-Creek land transactions in colonial Georgia did not follow this pattern. In 1825 the first state historian of Georgia, Joseph V. Bevan, noted that the 1773 treaty with the Creeks "is remarkable for having been the first that mentions the fact of any monied consideration being given for their lands." The form that earlier land cessions took was clearly influenced by the Creek predisposition to view them in the context of gift-

giving -- more precisely, reciprocal gift-giving. It was not that the Creeks expected nothing in return for their gifts of land; they expected a great deal, but not all at once, and not necessarily in a form that the English would have called valuable consideration. A land cession was an act of friendship, one gift among many between two allied peoples, not an isolated act of commercial exchange.<sup>25</sup>

In most respects early land transactions involving Georgia followed native rather than English conventions. The main task confronting Oglethorpe was gaining Creek consent for a secure English foothold on land that was, until then, Creek land. He was successful beyond all expectations. In several stages he (as agent for the Georgia Trustees and King George II) obtained a cession of a large tract between the Savannah and Ogeechee Rivers "as high as the tide flowed." This was followed by grants of lands within the tidal line as far south as the St. Johns River, along with most of the coastal islands. Although Oglethorpe would negotiate treaties with Creek chiefs in 1733 and 1739, he did not gain the initial cessions by treaty. Instead, each grant began as a gift from Tomochichi, the local Creek leader, acting provisionally for the Lower Creek chiefs. No paper was signed, no "valuable consideration" was agreed upon; it was the kind of thing one good neighbor might do for another. These grants were soon consolidated and confirmed by the Lower Creek leadership. When a large delegation of leading chiefs came to Savannah town in May 1733, they orally confirmed Tomochichi's grants of lands between the Savannah and Ogeechee. In July 1736 a similar delegation of

chiefs confirmed Tomochichi's later grants. All of these territorial concessions were bundled together and formally ratified in the 1739 treaty, again without a declared quid pro quo.<sup>26</sup>

Oglethorpe's initial success was due in part to his diplomatic skills, but as much or more to Creek determination to make the English welcome. Their main objective at first was not to secure their land, but their trade. Gaining a better source of English goods was initially more important to them than maintaining all of their territory. The Creeks reversed these priorities in 1746, the direct result of two negotiating blunders Oglethorpe made during his final stay in Georgia. Convinced that Oglethorpe had double-crossed them, the Creeks resolved that the land grants they had already made would be their last.

Oglethorpe's apparent duplicity poisoned Anglo-Creek relations for more than a decade, and his successors had to cope with his mistakes. The most serious of them proved to be his apparent approval of a Creek grant of territory, not to the Georgia Trustees or King George, but to an individual. The recipient was a half-English, half-Creek woman then known as Mary Matthews. If the Creek land grant to Mary was a grant to an English subject it was impossible to reconcile with English law. Since Georgia leaders considered it as such, they had to prevent it from taking effect. This included Oglethorpe himself, who soon realized his blunder and did what he could to quash the grant.

Once exposed in 1746, Oglethorpe's apparent double-dealing infuriated the Creek leadership. Since the Lower Creeks

were rightful owners of the lands in question, their chiefs assumed that they could grant any such lands to anyone they wished. Most certainly they could grant lands as they saw fit to any of their own people, and Mary (now Mary Bosomworth) was one of them. Thus it appeared to the Creeks that Oglethorpe had not only denied their right to transfer their lands as they chose, but their rights of ownership. To defend those rights, Lower Creek leaders now insisted upon the legitimacy of the original grant to Mary. Georgia leaders were equally insistent that it was void. The result, often called "the Bosomworth controversy," was mutual hostility and diplomatic impasse.

This bitter stalemate was all the more difficult to deal with because much of it took place in the context of three imperial wars. The first began in 1739 between England and Spain, but soon merged into a larger war with France (1744-48). During the "French and Indian War" (1754-63), France again was England's principal enemy, Spain making a late entry as junior partner to France. The English could not afford to alienate the formidable Creeks into the arms of their imperial rivals. For their part, while the Creeks were ready to use the threat of joining forces with the French and/or Spanish, they were extremely reluctant to actually do so. Careful neutrality among the European powers had allowed the Creeks to maintain a regional balance of power and prosper for generations. This proven formula for dealing with the Europeans could not be abandoned lightly.

In the midst of the last, greatest and decisive of these wars the diplomatic impasse between the English and Creeks was

finally broken. This was surprising in that it occurred well before British arms had prevailed over their rivals. Georgia's second royal governor, Henry Ellis, managed very patiently to put together a complicated compromise that satisfied all parties -- not only the English and the Creeks, but the Bosomworths as well. Oglethorpe's costly mistakes were at last repaired. The key event was the 1757 treaty Ellis negotiated with the Creek leadership in Savannah.

Two years later the first British superintendent for Indian affairs in the southern colonies, Edmond Atkin, undertook a diplomatic mission to Creek country in an effort to build upon Governor Ellis's success. Instead, Atkin's clumsy campaign threatened to nullify it, and he barely escaped assassination by a Creek leader. In 1760 encroachments on Cherokee lands led to war between South Carolinas and Cherokees, encouraged and supported by the French. Cherokee agents, exploiting Creek anger focused on Atkin and encroachments by Georgians, persistently tried to draw the Creeks into the conflict on their side. They very nearly succeeded, but news of the British triumph in Canada persuaded the Creeks to maintain their neutrality.

For all participants the French and Indian War marked the end of an era. Recent historians have made it clear that many of the most significant changes occurred on the Indian side of the frontier. Steven Hahn argues persuasively that as the Creeks became ever more concerned with defending their lands, they could no longer see themselves in the same way. By the French and Indian War they came "to define themselves more abstractly as a territory rather than as a

people united in kinship." The Creek Nation had become "a territorially circumscribed legal entity." Never again would the Creeks give land as gifts.<sup>27</sup>

Defeated, in 1763 the France and Spain surrendered their territories in eastern North America to Great Britain. Unlike the Cherokees and other native nations that had supported the losers, the Creeks were not forced to share the immediate costs of their defeat. That was small comfort to them, for now they had to face the British alone. The days when Creek chiefs could parley with British leaders on terms approaching equality were about to end.

## NOTES to Introduction

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<sup>1</sup>. Serious scholarship on diplomatic interaction between the English of colonial Georgia and the Creeks begins with David Corkran, The Creek Frontier, 1540-1783 (Norman: University of Oklahoma Press, 1967). Subsequent works that do not focus directly on Georgia-Creek diplomacy nevertheless make significant contributions to that subject. The major titles are: Kathryn Holland Braund, Deerskins and Duffels: Creek Indian Trade with Anglo-America, 1685-1815 (Lincoln: University of Nebraska Press, 1993); Steven Hahn, The Invention of the Creek Nation, 1670-1763 (Lincoln: University of Nebraska Press, 2004); and Joshua Piker Okfuskee: A Creek Indian Town in Colonial America (Cambridge: Harvard University Press, 2004). Julie Anne Sweet synthesizes much of the previous scholarship on the Trustee era in her book, Negotiating for Georgia: British-Creek Relations in the Trustee Era, 1733-1752 (Athens, Ga.: University of Georgia Press, 2005). Sweet revives Corkran's diplomatic focus and corrects some of his errors.

<sup>2</sup>. CRG, XXVIII, pt. 1, 252 (Ellis); James Adair, History of the American Indians [London: 1775], ed. Samuel Cole Williams (1930; reprint New York: Promontory Press, 1986), p. 276.

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<sup>3</sup>. The classic work on this era, often reprinted, is Verner Crane, The Southern Frontier (Durham: Duke University Press, 1929).

<sup>4</sup>. John E. Worth, Struggle for the Georgia Coast: An Eighteenth-Century Retrospective on Guale and Mocama (Athens: University of Georgia Press, 1995); John H. Haan, Apalachee: The Land between the Rivers (Gainesville: University Press of Florida, 1988); Alan Galloway, The Indian Slave Trade: The Rise of English Empire in the American South, 1670-1717 (New Haven: Yale University Press, 2002); Steven J. Oatis, A Colonial Complex: South Carolina's Frontiers in the Era of the Yamasee War, 1680-1730 (Lincoln: University of Nebraska Press, 2004); William L. Ramsey, The Yamasee War: A Study of Culture, Economy, and Conflict in the Colonial South (Lincoln: University of Nebraska Press, 2008).

<sup>5</sup>. Estimates of the number of Creek towns vary. In 1734 Two Carolina merchants wrote Oglethorpe that there were "at least Eighteen" of what they called "Chief Towns" among the Creeks. In 1756 South Carolina Indian agent Daniel Pepper reported that he had delivered a speech to representatives of twenty Creek towns. When major towns that had not sent representatives are added, the total rises to at least twenty-five. The most careful list was compiled by Superintendent Edmond Atkin in 1759. He lists a total of thirty-five Creek towns (including two Alabama towns and one Shawnee). Some of Atkin's towns (including "Suckaspoga" "Loustyhatchy," and "Chowwaogley") were pretty clearly satellite villages of major towns. On the other hand, there are obvious omissions to his list (Chehaw, Ouseechee, and Ocmulgee). An estimate of thirty-five Creek towns at mid-century seems about

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right. CRG, XX, 79 (1734 merchants); DRIA, II, 256-57 (Pepper); EAID, XIV, 78-81 (Atkin).

<sup>6</sup>. Edmond Atkin, superintendent for Indian Affairs for the southern colonies, later described the Hitchiti-speaking towns as "the Ancient Possessors" of the Chattahoochee valley. Atkin, Report, p. 57. The Cussitas and Cowetas first relocated to the upper Chattahoochee (probably from the Tallapoosa River) about a half century earlier. Hahn, Invention of the Creek Nation, pp. 27-28. In 1675 Bishop Calderon placed both Cussita ("Cazithto") and Coweta ("Cabita") among thirteen Lower Creek towns in "the Province of Apalachocoli." See "A Seventeenth Century Letter of Gabriel Diaz Vara Calderon, Bishop of Cuba, Describing the Indians and Indian Missions of Florida," Smithsonian Miscellaneous Collections, XCV, no. 16 (Washington: Smithsonian Institution, 1936), p. 9. On classification of languages, see Swanton, "Social Organization," p. 248.

<sup>7</sup>. By far the best account of the evolution of Creek society is Steven C. Hahn, The Invention of the Creek Nation. On the precedence accorded Coweta and Cussita by Upper Creeks, see the exchange between Richard Sattler and me in Ethnohistory, XL, no. 2 (Spring, 1993), 307-309. There I cite two English sources that make the point (GT, pp. 54, 239). See also, GFT, pp. 61, 97. There are French sources too. In November 1763 the new Governor of Louisiana, Jean Jacques Blaise D'Abbadie, informed Major Robert Farmer that the Abeikas ("Abuas"), Chehaws ("Chuashas") and Cussitas ("Kashetas") were all "Dependants on the Kowitas [Cowetas]." MPAED, I, 83. The results of ball games between Creek towns could change moiety affiliations. See Mary Haas, "Creek

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Inter-Town Relations," American Anthropologist, XLII (1940), 479-89.

<sup>8</sup>. Atkin, Report, p. 43. See the classic study by Morton H. Fried, The Notion of Tribe (Menlo Park, CA: Cummings Pub. Co., 1975).

<sup>9</sup>. Creeks evidently referred to Brim more often by his "war title" of Hopoihithli. In his dissertation research Steven Hahn found two sources that referred to Brim by this title. Steven C. Hahn, "The Invention of the Creek Nation" (Ph.D diss., Emory University, 2000), pp. 435-36. First, the 1705 "Submission" of Creeks lists "Hoboyetly" first as "King of the Cowetas" (EAID, XIII, 91). This is confirmed in a 1734 manuscript letter from a Spanish spy shadowing Tomochichi's party in England. Reporting various conversations with the Indians, he repeatedly refers to Brim as "Opujisli," pretty clearly a Spanish version of the same title (Joseph Ramos Escudero to the Conde de Montijo, October 10 and/or October 15, 1734, AGI-SD 2591, Worth transcripts, quoted in Hahn, "Invention," p. 436). Hahn reported these findings more briefly in his book (Hahn, Invention, p. 66 and note 55). Though Brim was a rare individual, his war title was not rare. Other eighteenth-century leaders known by this title included leaders from Tallassee, Tuckabatchee, Coolamee, and Packana. According to Hahn (elaborating on a finding by Janis Campbell), Hopoihithli might be translated as "the one who does the thinking about war." Hahn, "Invention," p. 435. To me the title appears to be a compound of hopoya ("seeker") and hithli ("fog"), whose literal meaning is something like "one who sees through the fog." Although some scholars render this leader's name as Brims, the

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best informed English sources (including Oglethorpe, William Stevens, and Edmond Atkin) give the name as Brim.

<sup>10</sup>. Hahn, Invention, pp. 110-20.

<sup>11</sup>. After the Revolution Spain did negotiate written treaties with Indians. By the Peace of Paris in 1783 Great Britain turned over East Florida and West Florida to Spain. The Spanish promptly followed British practice in negotiating written treaties with the Indians. One motive for this dramatic change was probably that the Spanish supposed that the natives had become so reliant upon treaties that it would be dangerous to discontinue them. Another, probably more important, was that they now recognized that the British had proven such treaties to be a formidable instrument of manipulation. The Spanish then carried their new practice to the trans-Mississippi west. Jack D. L. Holmes, "Spanish Treaties with the West Florida Indians, 1784-1802," FHQ, XLVIII (1969), 140-54; Lawrence Kinnaird, "Spanish Treaties with the Indian Tribes," Western Historical Quarterly, X (1979), 39-48. The French signed a few written treaties in Canada (notably in 1701), but not in Louisiana.

<sup>12</sup>. James M. Anderson, History of Portugal (Westport: Greenwood Press, 2000), p. 40.

<sup>13</sup>. GT, p. 265 (Ellis). The classic account of Southeastern Indians' dual leadership is Fred Gearing, Priests and Warriors: Social Structures for Cherokee Politics in the Eighteenth Century (American Anthropological Society, Memoir 93; Menasha, WI: AAA, 1962).

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- <sup>14</sup>. Corkran, Creek Frontier, pp. 172-76. The text of the aborted treaty is in EAID, XIII, 309-312.
- <sup>15</sup>. Braund, Deerskins & Duffels, pp. 90-92; Robert L. Meriwether, The Expansion of South Carolina, 1729-1765 (Kingsport, TN: Southern Publishers, Inc., 1940), pp. 117-18. A major branching of the Creek path into upper and lower paths occurred just west of the Flint River. See John H. Goff, "The Path to Oakfuskee," GHQ, XXXIX (1955), 1-36, 152-71.
- <sup>16</sup>. GFT, p. 97.
- <sup>17</sup>. Gregory A. Waselkov, "Indian Maps of the Colonial Southeast," in Powhatan's Mantle, ed. Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley (Lincoln: University of Nebraska Press, 1989), pp. 302-303, 324-29, and figs. 4 and 12.
- <sup>18</sup>. Superintendent Atkin's talks with Upper Creek leaders at Tuckabatchee, July 9, 1759, EAID, XIV, 66-71 (quotes at 70-71). Likewise, Robert Beverley commented that the English had long noticed that Indians "were without Boundaries to their Land." Robert Beverley, The History and Present State of Virginia, ed. Louis B. Wright (1705; Chapel Hill: University of North Carolina Press, 1947), p. 17. Relevant studies include: Harold Hickerson, "The Virginia Deer and Intertribal Buffer Zones in the Upper Mississippi Valley," in Man, Culture and Animals, ed. Anthony Leeds and Andrew P. Vayda (Washington: American Association for the Advancement of Science, 1965), pp. 43-65; E. Randolph Turner, "An Intertribal Deer Exploitation Buffer Zone for the Virginia Coastal Plain-Piedmond Regions," Archeological Society of Virginia Quarterly Bulletin, XXXII (1978), 42-48; Paul S. Martin

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and Christine R. Szuter, "War Zones and Game Sinks in Lewis and Clark's West," Conservation Biology, XIII (1999), 36-45. Buffer zones appear to have been the norm for North American Indians. According to Hoekstra, in Mexico "the altepetl [native "principalities"] only occupied rather small areas in prehistoric times." Lowlands "were often the no-man's-lands between the altepetl." This pattern "occurred throughout the whole of prehispanic Mexico, with the exception of the valley of Mexico." Even there, prior to Aztec rule "all altepetl had been separated by some two kilometres of uninhabited area." Rik Hoekstra, Two Worlds Merging: The Transformation of Society in the Valley of Puebla, 1570-1640 (Amsterdam: CEDLA, 1993), pp. 22-23, 93.

<sup>19</sup>. GT, p. 354 (Oconostota).

<sup>20</sup>. GFT, p. 262. For Emistisiguo's later references to his "vine" speech, see ibid., pp. 35 (1767), 51 (1768), 519, n.65 (1771), 383 (1771), 392 (1771), DAR, V, 74 (1772), and GFT, p. 136 (1774).

<sup>21</sup>. GFT, pp. 262-63 (Mortar), 373 (belt).

<sup>22</sup>. GT, pp. 267 (Creek spokesman), 271 (1757 treaty).

<sup>23</sup>. The reference here is to Richard White's path-breaking study, The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815 (New York: Cambridge University Press, 1991). See especially his second chapter.

<sup>24</sup> Four Canadian scholars stand out: Kent McNeil, Ken MacMillan, Geoffrey Lester, and Brian Slattery. MacMillan is an historian; the others are legal scholars. Important early works in this

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tradition include: Geoffrey Lester, "Primitivism Versus Civilization: A Basic Question in the Law of Aboriginal Rights to Land," in Our Footprints are Everywhere (Ottawa: Labrador Inuit Association, 1977); and Brian Slattery, "The Land Rights of Indigenous Canadian Peoples, as Affected by the Crown's Acquisition of their Territories" (Ph.D diss.; University of Oxford, 1979; printed in Saskatoon the same year by the University of Saskatchewan Native Law Centre). The outstanding recent works are: Ken MacMillan, Sovereignty and Possession in the English New World (N.Y.: Cambridge University Press, 2006), especially on territorial sovereignty; and Kent McNeil, Common Law Aboriginal Title (Oxford: Clarendon Press, 1989), especially on land ownership. Significant earlier works by American authors include: Julius Goebel, "Discovery and Occupation in International Law," chapter 2 of Goebel, The Struggle for the Falkland Islands (New Haven: Yale University Press, 1927) and Marshall Harris, Origin of the Land Tenure System in the United States (Ames, Iowa: Iowa State College Press, 1953). I rely most upon my own work: John T. Juricek, "English Claims in North America to 1660: A Study in Legal and Constitutional History" (Ph.D diss.; University of Chicago, 1970), and "English Territorial Claims in North America under Elizabeth and the Early Stuarts," Terrae Incognitae, 7-22.

<sup>25</sup>. Governor's Message to the General Assembly of the State of Georgia, at the Opening of the Annual Session, November 7, 1825, With the Documents Accompanying the Same (Milledgeville: Camack and Ragland, 1825), p. 36. Bevan edited the documents section.

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<sup>26</sup>. Though Oglethorpe's two treaties with the Creeks did not mention payment for lands, in 1736 he acknowledged making reciprocal gifts. He then told the visiting chiefs: "We give You these Presents in token of this Agreement" regarding "the Islands of the Sea." Presumably he had bestowed similar gifts upon receiving the 1733 cessions. GT, p. 74.

<sup>27</sup>. Hahn, Invention, pp. 258-70 (quotes at 263 and 270).