The Sehoy Legacy:
Kinship, Gender, and Property in a Tensaw Creek Community, 1783-1851

by

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Abstract

In 1783, Alexander McGillivray and his sister, Sophia Durant, migrated to the Tensaw Delta with a herd of cattle and forty enslaved laborers to establish a plantation on the periphery of Creek territory adjoining Spanish West Florida. As children of a British trader and a politically connected woman of the powerful Wind clan, McGillivray and his sister helped establish a culturally mixed community that played a prominent role in nineteenth century Creek politics and economics. Within twenty years, several Creek families followed them to settle along the Tombigbee and Little Rivers; their goal was to become incorporated into the cash economy, while remaining near their families in the Creek interior. As they experienced more sustained contact with Euro-American economic and social patterns, this community faced increasing pressures to assimilate, but they successfully adapted their economic policies to their native ethnic identity. Their bicultural identities allowed them to act as conduits between the Euro-American world and the Creek interior, but it also placed them in a precarious position during the Creek War of 1813-14. Later, in 1819, this community became a part of the newly established state of Alabama and faced new legal obstacles that challenged their conceptions of indigeneity, gender, property, and kinship. Using memoirs, letters, federal property claims, and county probate records, this research reorients discussions of cultural identity in nineteenth-century America by focusing on the Creek family unit. This dissertation expands on discussions of biculturalism by

demonstrating how families blended aspects of two societies together, providing a case study into the flexibility and limitations of cultural change.

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Introduction

In 1834, William Weatherford, Jr. accused his half-siblings, Levitia and Alexander Weatherford, of attempting "to injure and defraud" him by denying him his rightful inheritance. In the Mobile chancery court, Weatherford sued his siblings because he wanted to inherit property in Baldwin County, Alabama, that he believed rightfully belonged to their father, William Weatherford, Sr., the famous Red Stick warrior turned plantation owner. Weatherford, Jr. argued that he was the only lawful heir of William Weatherford, Sr., as the elder Weatherford had left his mother, Supalamay Moniac, and lived in "a state of concubinage," with Mary Stiggins, the mother of Levitia and Alexander, making them illegitimate.[1] Alexander Weatherford responded to subpoenas and denied that William was the son of Weatherford, Sr. Instead, Alexander claimed that William Weatherford, Jr. was a "bastard child" and "it was not known who was [the] Complainant's father."[2] The case passed from the chancery court of Mobile to the Alabama Supreme Court in the late 1840s, where the court interviewed numerous relatives and neighbors to determine the legitimacy of the parties' claims.

At first glance, this case, *Weatherford vs. Weatherford, et al.*, appears to simply be a contentious family dispute, but when viewed on a wider scale it illustrates a more complex, cross-cultural interaction. Both sides of the Weatherford family were Creek

[1] "Case No 1299: Weatherford vs Weatherford, Howell et Al" (n.d.), 1-2, SC00164, Alabama Department of Archives and History.
[2] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 10.

and, therefore, part of a matrilineal system that reckoned property passed from mother to child rather than father to son. Yet, Weatherford, Jr., a Creek man, demanded patrilineal inheritance in an Alabama court. His case, as well as Alexander Weatherford's defense, rested on the concept of illegitimacy, which did not exist in Creek society. Matrilineal societies do not have a concept of illegitimacy because the child's identity rests on the identity of his or her mother, which is always known. Alexander Weatherford's ultimate goal was to defend matrilineal inheritance, a Creek cultural practice. The origins of this case, as well as the witness depositions, illustrate the complex amalgamation of Creek and Euro-American cultural customs and legal practices that had evolved on the frontier. Anthropologist Anthony Paredes says the case provides a "window into the intersections of two cultural systems, Creek Indian and Euro-American." [3] While the case offers insight into the transformation and persistence of Creeks' concepts of kinship, property, inheritance, and marriage in the mid-nineteenth century, the case ultimately represents the culmination of change over generations for Creek families on the Tensaw Delta.

A nascent Creek community coalesced on the Tensaw Delta in 1783, when Alexander McGillivray and his sister, Sophia Durant, migrated to the area with cattle, enslaved laborers, and their families to establish a plantation on the Little River, a winding tributary of the Alabama River.[4] The Tensaw Delta sat in the southwestern corner of Creek territory, about sixty miles north of Mobile and Pensacola. The decision

[3] J. Anthony Paredes, "Introduction," in *Red Eagle's Children: Weatherford vs. Weatherford et al.* edited by J. Anthony Paredes and Judith Knight (Tuscaloosa: University of Alabama Press, 2012), 8.
[4] O'Neill to Ezpeleta, 19 October 1783 in John Walton Caughey, *McGillivray of the Creeks* (Norman: University of Oklahoma Press, 1938), 62; Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006), 22.

to migrate to the Tensaw was steeped in economic, political, and tribal motivations. The McGillivray family wanted to establish a trade with Spain that would provide them with an alternative source of supplies from the newly founded United States of America. With the Spanish trade came a political alliance that would replace the protection of Great Britain, which lost much of its colonial possessions after the American Revolution. The Creeks needed an ally that could help supply and protect them against encroaching Georgians. At the same time, by migrating to the area the McGillivray family enforced the boundary between the Creeks and Spain, which ensured that Euro-Americans could not intrude on their southern territory.

While on the Tensaw, the McGillivray family established a cow pen that allowed them to partake in commercial ranching. Their immense success attracted other families to the region who established cow pens, plantations, stores, and ferries that integrated them into the frontier market economy. These Creeks adopted Euro-American economic practices and adapted them to their Creek cultural identity. As a result of taking part in the market economy, their understanding of material possessions, land, and racialized slavery shifted from traditional Creek conceptions, but they held on to the core of their identity: their kinship networks.[5] Creek Tensaw residents continued to reckon identity, inheritance, and obligations through their lens of matrilineal order and, despite economic changes, continued to work within their traditional kinship networks and maintain their Creek cultural identity. This dissertation examines this Creek community, on a micro-scale, and the households within it, to understand the changes in their lifestyle and the

[5] Waselkov says that the Tensaw community became a space in which the tenants of European culture and "civilization" thrived, yet they jealously guarded their Creek customs. See Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 22–26.

continuity in their communal identity. Examining these kinship networks allows for a focus on the social ties between family members and connections between the community as a whole, permitting a more nuanced examination of the social relations between men and women in a family, cultural variation and persistence in the community, and the importance of kinship networks on the frontier in relation to the changing economic and political structures in the nineteenth century.[6]

Creek Networks: Tribal Towns, Clans, and Lineages

Creek political networks revolved around a fluid, sometimes tenuous, alliance among about sixty tribal towns. The primary language spoken in these towns was Muskogee, but other language groups, including Hitichi, Uchee, Natchez, and Alabama, had their own towns and speakers with immense influence in the larger network. Historians have fluctuated between the terms tribe, confederacy, and nation to describe the political structure of the Creeks. Anthropologist Robbie Ethridge calls them a "coalescent society," because, at its foundation, the Creeks consisted of numerous tribes who, at the fall of the Mississippian chiefdoms, coalesced into this historical political structure in order to protect their people, consolidate their resources, and ensure their future. The Muskogee were considered the first of the tribes to immigrate to the region, while others, including the Natchez, Alabama, Koasati, Hitichi, and Uchee joined this network at a later time. Over the seventeenth and eighteenth centuries, these various tribes coalesced into a nation of sorts, with a shared history, culture, and interconnected kinship networks. Historians note that increasingly over the eighteenth century, these

[6] Caroline B. Brettell and James F. Hollifield, "Introduction," in *Migration Theory: Talking Across Disciplines*, ed. Caroline B. Brettell and James F. Hollifield, 2nd ed. (New York: Routledge, 2008), 4–5, 10.

various towns acted together in moments of war, diplomacy, and trade, giving them a common identity, which historians label as "Creek." [7]

Despite these alliances, towns remained independent political and economic units that helped organize individual Creek family life. At the center of the town sat the square ground where the town council settled disputes, distributed the town's farm land, maintained town structures, managed ceremonial activities, and dealt with diplomatic issues. The council also distributed gifts to the people, especially trade items that the *mico*, or town headman, received directly from outsiders. The town collectively owned the land surrounding the square-ground, which the council divided up into smaller plots and assigned to families. These families farmed the land and contributed a portion of their agricultural products to the town granary. This public granary ensured that all the families would have food if their individual crops failed or if there was a famine. The sixty Creek towns generally split into two geopolitical associations, with the Upper Creeks along the Tallapoosa, Coosa, and Alabama rivers in modern day Alabama and the Lower Creeks along the Ocmulgee and Flint Rivers in modern day Georgia.[8]

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[7] Robbie Ethridge, *Creek Country: The Creek Indians and Their World*, 1st New edition (Chapel Hill: The University of North Carolina Press, 2003), 23–24; Ethridge explains the Mississippian Shatter Zone, which provides a nuanced examination of how Mississippian societies unraveled and the historical societies coalesced. See Robbie Ethridge, "Introduction" in Robbie Ethridge and Sheri Marie Shuck-Hall, eds., *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South* (Lincoln: University of Nebraska Press, 2009), 1-40; 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), 2-5; Kathryn E. Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685-1815*, Indians of the Southeast (Lincoln, Neb: University of Nebraska Press, 1993), 4–6; Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 94–95.

[8] Ethridge, *Creek Country*, 154-5; Braund, *Deerskins and Duffels*, 6–7, 15-25; Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities*, Cambridge Studies in North American Indian History (Cambridge: Cambridge University Press, 1995), 45–46; Green, "Alexander McGillivray," 49–51.

These politically distinct towns and regions were held together by trade, military alliances, and kinship. A clan was an extended kinship network that connected the towns by consolidating interests, creating a familial obligation to one another, and essentially creating "one large connected family."[9] Clan membership was matrilineal, meaning that a child belonged to the same clan as his or her mother while the child's biological father belonged to a separate clan. Each clan believed that its members were blood relations who descended from a common, unknown female ancestor from the distant past. Creek myths centered on the origin of the clan, with numerous iterations to explain how they came to be. One myth asserted that the world was once covered in a dense fog. For generations, people wandered through this fog with their family, calling out to one another so as not stray too far and become lost. One day, a great wind blew the fog away and, for the first time, the people could see the world around them. Families named themselves after the first animate object they saw: deer, bear, panther, etc. The first family who left the fog, however, was named the Wind clan after the powerful force that blew the fog away. Throughout all the variations of the origin myth, the Wind family stood out in the naming process, distinguishing this clan from others.[10]

The belief that clan members were blood related created a familial obligation between members even if they were ostensibly strangers. Clans were essentially a social categorization that provided individuals with protection, food, shelter, and support in times of need. If a member of the Bear clan met another Bear member from a distant

[9] George Stiggins Narrative in Nunez, "Creek Nativism and the Creek War of 1813-1814," *Ethnohistory* 5.2 (Spring 1958), 132.
[10] Myths recorded in John Reed Swanton, *Social Organization and Social Usages of the Indians of the Creek Confederacy*, Landmarks in Anthropology (New York: Johnson Reprint Corp, 1970), 107–11; Quote from Stiggins Narrative in Nunez, "Creek Nativism and the Creek War of 1813-1814," 133.

town, they would recognize each other as family and provide each other shelter if necessary. Clans also protected their members from harm; to offend or kill a member of a clan would open a person up to retribution. From adultery to murder, local clan elders sought retribution for any crime committed against one of its members. Similarly, because they were considered blood relations, two members of the same clan could not marry as that would be incest. Even if they came from separate towns two members of the Wind clan could not marry one another, but a Wind person and Bear person from the same town could marry. This created marital connections between the various clans and towns that harmonized and consolidated interests.[11]

Clans served as a categorization for Creeks, but their daily, fundamental social and economic network was their lineage. Creek towns owned land collectively, but lineages controlled individual plots of land, owned chattel, and made unified economic decisions. A lineage was a compact kinship network that could trace its ancestry back to a known, recent female relative. Like clan affiliation, lineages followed the maternal line and only incorporated those who were maternally related. A lineage included a child's mother, siblings, maternal grandmother, aunts, uncles, and cousins born from a maternal aunt. A biological father, though loved and respected, was not considered a blood relative to his child. Instead, a child's mother, maternal aunts and uncles, and maternal grandmother were its direct blood relatives, and held responsible for rearing and disciplining the child. Mothers, which in Creek terms included the biological mother and her sisters, raised young children and taught daughters their role in the household.

[11] Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 191–93; Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2012), 5–6.

Women were the primary agriculturalists and in charge of producing corn, beans, squash, and other herbs needed for their household's consumption and the town's granary. Women also manufactured household goods, including baskets, pottery, and clothing, for the family. In this matrilineal society, gardens, the house, and fruits of the women's labor belonged ultimately to the women. The maternal uncle, as opposed to the father, taught young men how to hunt, fight, and work as men. Men's economic role within the lineage revolved around hunting and trade. A man hunted deer, turkeys, bears, and other animals to provide meat and skins for the family; as a result of the eighteenth-century deerskin trade, their traditional role evolved into a commercial activity in the market economy. When not hunting, men sat on the town council, acted as warriors, or assisted their family's economy by clearing agricultural fields, fixing household structures, and making tools. It was an uncle that ultimately taught these roles and responsibilities to his nephew. As a result, an intense bond between uncle and nephew, brother and sister, and mother and daughter formed as these were the relationships that defined a child's identity in its formative years. Besides this obvious social and emotional network, lineages also controlled property as one entity. Consequently, the wealth and connections of one individual were shared among the lineage and increased that lineage's status and prestige in Creek society. [12]

[12] Hudson, *The Southeastern Indians*, 192–93; Kathryn E. Holland Braund, "'Like a Stone Wall Never to Be Broke': The British-Indian Boundary Line with the Creek Indians, 1763-1773," in *Britain and the American South From Colonialism to Rock and Roll* (Jackson: University Press of Mississippi, 2003), 55; Braund, *Deerskins and Duffels*, 5, 60–61; Kathryn E. Holland Braund, "Guardians of Tradition and Handmaidens to Change: Women's Roles in Creek Economic and Social Life During the Eighteenth Century," *American Indian Quarterly* 14, no. 3 (1990): 239-58.; Ethridge, *Creek Country*, 95; Edward J. Cashin, *Lachlan McGillivray, Indian Trader: The Shaping of the Southern Colonial Frontier* (Athens: University of Georgia Press, 1992), 17; Karl Davis, "'Much of the Indian Appears': Adaptation and Persistence in a Creek Community, 1783-1854" (University of North Carolina, 2003), 8–11.

While husbands and fathers were not officially members of the same lineage as their wives or children, they did share the same house and contribute to the wife's *huti*. *Hutis* were "kin-based residential groups of variable scale, each tied to a physical estate, at the core of which were small matrilineages," essentially meaning that *hutis* were an extended network of houses that were economically connected.[13] A *huti* was not the actual structure of the house, but the manner in which Creeks physically organized themselves. While each individual structure housed a nuclear family, a mother, father, and their children, these structures were built close to one another on commonly owned land. The Creeks organized their *hutis* matrilocally, meaning that the house was located near the wife's maternal family. Women lived near their mother and maternal grandmothers, aunts, cousins, and unmarried uncles and brothers for their entire lives, only moving with them as a unit when it benefitted them economically.[14]

By living matrilocally, Creeks ensured that their most fundamental economic and social network would remain strong. Since women worked in the fields together, they could easily coordinate their work and older relatives would watch young children while younger women labored. Their close proximity meant they could raise the children together, teach them their duties, and protect their financial assets. When a couple married, the husband built a house for his new wife near her family. Though he built it and called it "his house," the structure belonged to his wife. If the wife died or the couple divorced, the husband would leave the house and return to live in his natal *huti* with his lineage until he remarried or died. His biological children remained in the wife's *huti*

[13] Vernon James Knight, "Puzzles of Creek Social Organization in the Eighteenth and Nineteenth Centuries," *Ethnohistory* 65, no. 3 (July 2018): 373–90.
[14] Swanton, *Social Organization and Social Usages of the Indians of the Creek Confederacy*, 79; Braund, *Deerskins and Duffels*, 13; Knight, "Puzzles of Creek Social Organization," 376–77.

with their lineage, as they did not belong to the same lineage or clan as him. While married, however, the husband provided for his wife's *huti*, fixing the house, bringing her skins, and engaging in trade for her and her children. Even as a man actively contributed to his wife's *huti*, he remained loyal and connected to his lineage; he travelled to his sister's home to help raise and discipline her children and still believed in his mother's lineage as his true family and home. An individual's lineage was the most basic, fundamental aspect of a person's identity.[15]

At its core, this dissertation focuses primarily on one important lineage on the Tensaw Delta: the Sehoy lineage. Alexander McGillivray, his sisters and brothers, and maternal nephews and nieces belonged to the Sehoy lineage, so named because they collectively traced their maternal ancestry back to McGillivray's grandmother, Sehoy I. McGillivray and his sister, Sophia McGillivray Durant, who were among the first Creeks to migrate to the area to establish a permanent structure. Their economic success encouraged the migration of other Creek families into the region, most of whom connected themselves to the Sehoy lineage through marriage at some point. Most of the Creek Tensaw residents did not live on the Tensaw exclusively; they kept residences in their tribal towns and split their time between the Tensaw and Creek interior.[16] Other residents, including the Bailey family, left the interior because of conflict and disputes and found refuge on the Tensaw. The Bailey's lived on the Tensaw for an undisclosed amount of time until the dispute was resolved and then returned to their interior town,

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[15] Knight, "Puzzles of Creek Social Organization," 375–76; Braund, *Deerskins and Duffels*, 13.
[16] Alexander McGillivray moved between residences in Little Tallassee and the Tensaw, see Caleb Swan, "Position and State of Manners and Arts in the Creek, or Muscogee Nation in 1791," in Henry Rowe Schoolcraft, *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States* (Philadelphia: Lippincott, Grambo & Co, 1851), part 5, 252.

Autosse. Yet, their children's connection to the Tensaw remained strong as many of them returned later to establish plantations and ferries in the region.[17] Other individuals examined in this dissertation, including Sam Moniac, apparently never resided on the Tensaw Delta, but were intrinsically connected to the region through marriage to the Sehoy lineage and the ensuing economic network.

A focus on lineage allows us to understand the fundamental social network and how it shaped their decisions. Economists use the microeconomic model of individual choice to argue that "individuals act rationally to maximize their utility" and profit, but in reality, none of these historical actors worked in a vacuum as an individual. Their economic and cultural choices derived from their relationships within this larger network. Their place in the network defined their responsibilities, motivated their actions, and explained their choices as they attempted to strengthen their family's position in Creek society and the frontier exchange economy. Intermarriage between these lineages created a migration network that permitted newcomers to integrate into the frontier economy more easily and forged powerful connections to Euro-Americans and Creeks alike. By focusing on the family, this dissertation shows how the practices of their daily life shifted from traditional Creek society to the new culture on the frontier, highlighting the aspects of their culture that changed and those they jealously protected.[18]

Historian Natalie Inman argues that kinship networks "help us understand why and how the intercultural relations of the colonial and early republic eras happened the

[17] Hawkins Journal Entry December 25, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 28.
[18] Brettell and Hollifield, "Introduction," 5–10; quote on page 7.

way they did."[19] Inman insists that kinship networks and kinship definitions were the foundation of Creek politics, "both internally and diplomatically," as kinship relationships had the potential to create an "informal monopoly on land and influence through their kinship ties."[20] These networks allowed individuals to promote their political and economic agendas on a wider scale, while also illuminating that individuals did not work within a vacuum, especially at this time and place as American Indians continued to depend on extended kinship networks "to facilitate success in the competitive environment on the frontier." Inman defined kinship networks as the "system or organization of people related through blood, marriage, and adoption, extending through the branches of family trees in many directions."[21]

Similarly, Tiya Myles examines kinship in her analysis of race and slavery in Cherokee society. Myles uses the experiences of one family to understand the adoption of racialized slavery and cementing of racial understandings among Cherokees. She argues that a family can be used as a "barometer for the society, tracing and reflecting the atmospherics of social life and social change" as its members lived through integral historical moments in the early Republic.[22] Similar to these methodologies, this dissertation uses the Sehoy lineage as a focal point to understand geopolitical pressures, economic change, cultural persistence and variation, and kinship networks at the turn of

[19] Natalie Rishay Inman, *Brothers and Friends: Kinship in Early America*, Early American Places (Athens, Georgia: The University of Georgia Press, 2017), 2.
[20] Inman, *Brothers and Friends*, 4.
[21] Inman, *Brothers and Friends*, 2–6; quote on page 5 and definition on page 6.
[22] Tiya Miles, *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom*, American Crossroads 14 (Berkeley: University of California Press, 2005), 3. Claudio Saunt made a similar argument in his book on the Grierson family in *Black, White, and Indian: Race and the Unmaking of an American Family* (Oxford: Oxford University Press, 2005).

the nineteenth century.[23] In many ways, the Sehoy lineage's story was exceptional from most Creeks at the time. For example, Creek residents of the Tensaw Delta amassed an immense amount of wealth that created an inequality between this region and interior towns, creating tension and conflict that culminated in the First Creek War, 1813-14.[24] On the Tensaw, the Sehoy lineage held an immense amount of influence through the diplomatic ties of Alexander McGillivray to the Spanish and the intermarriage of family members to key people on the frontier. Yet similar to Myles's family, the Sehoy lineage lived through key historical moments and its exceptional appearance in the sources allows historians to understand the nuances of their cultural identity and mirrors the economic and political pressures and cultural change that other Creeks experienced at the turn of the nineteenth century.

Ethnohistorical Approach

This dissertation uses the ethnohistorical approach to its interpretation of sources. Theda Perdue and Mike Green note that ethnohistorians "ask anthropological questions of historical sources, and they focus their attention on the ways in which cultures change

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[23] Archaeologist Greg Waselkov argues for the importance of genealogy in historical work to understand the "small-scale communities" and "underlying community structure" in early America, see Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 35; Historians of American Indians have argued for the importance of kinship networks in understanding the social, economic, and diplomatic decisions and conversations between Euro-Americans and southeastern Indians. See Theda Perdue, *Mixed Blood Indians: Racial Construction in the Early South* (Athens: University of Georgia Press, 2005); Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005); Michelle LeMaster, *Brothers Born of One Mother: British-Native American Relations in the Colonial Southeast* (Charlottesville: University of Virginia Press, 2012).

[24] Claudio Saunt argues for the growing material disparity and resentment between the Tensaw and interior towns in Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century.," *The William and Mary Quarterly* 57, no. 4 (October 2000). On page 735 he writes that Tensaw claims after the First Creek war were 4 percent of the total claims, but represented 21 percent of the total wealth in claims, demonstrating a stark disparity in wealth between this region and interior towns.

over time."[25] Ultimately, the purpose of ethnohistory is to understand history from the perspective of Native Americans by placing their story at the forefront and illustrating their individual agency and influence in American history. Difficulty arises in the lack of documents and materials. Historians generally rely on written documents as the primary evidentiary source of their arguments and interpretations, yet most written documents were composed by and for European colonizers. In their letters, records, and observations, Euro-Americans illustrated their patriarchal bias, imperial justifications, and ultimate lack of understanding in native social and political structures. When examining these records, the ethnohistorian must read against the bias and perspective of the outsider. Instead of taking the document at face value, ethnohistorians examine the possible miscommunication or alternative perspective—what was the purpose of this document? What is the meaning of the native people's purpose in this instance and/or how can their words be interpreted through their own cultural lens?[26]

In sources, the Tensaw residents prove exceptional once again: they both appeared in Euro-American records and, in some instances, created their own records. Alexander McGillivray was a prolific writer as he drafted letters to the Spanish, British, and United States, and crafted two significant treaties with the Spanish in 1784 and the United States in 1790 as well. Because of the wide availability of sources, he has become

[25] Theda Perdue and Michael D. Green, *The Columbia Guide to American Indians of the Southeast*, The Columbia Guides to American Indian History and Culture (New York: Columbia University Press, 2001), 11.
[26] Alyssa Mt Pleasant, Caroline Wigginton, and Kelly Wisecup, "Materials and Methods in Native American and Indigenous Studies: Completing the Turn," *The William and Mary Quarterly* 75, no. 2 (May 3, 2018): 217–18; Michelle LeMaster brilliantly examines the miscommunication in diplomacy as indigenous peoples and Europeans used similar words, "brother," "mother," and "father," but these words had fundamentally different meanings for each side. See LeMaster, *Brothers Born of One Mother*.

the focus of many historical works.[27] In contrast to these existing sources, this dissertation examines his motivations and actions within the context of his kinship networks. His letters both reveal and obscure his motives, but within the nuance of his writing we can uncover his continued reliance on and protection of his family. By zooming out and examining his larger family and community, we can better understand McGillivray's decisions at the end of the eighteenth century.

Similarly, as more of the Tensaw Residents became educated in Euro-American schools, they created their own memoirs. These sources include a memoir by George Stiggins, a Natchez Creek, Thomas Woodward, a neighbor and friend of Tensaw Creeks, J.D. Driesbach, a white man married into the Tensaw community, and Marion Tarvin, a descendant of a Tensaw Creek woman. Memoirs are troublesome. Usually written at the end of one's life, memoirs include distant memories, justifications, and, in some cases, false understandings. While these men may not have intended to lie, some were not present at events described and heard them second-hand. Others may have selectively remembered occurrences or glossed over instances to protect family. Regardless of these troubles, however, these sources illustrate the way in which these men wanted to

[27] See, for example: Caughey, *McGillivray of the Creeks*; J. H. O'Donnell, "Alexander McGillivray: Training for Leadership, 1777-1783," *The Georgia Historical Quarterly* 49, no. 2 (1965): 172–86; Green, "Alexander McGillivray"; Claudio Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999); Amos J. Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815* (Montgomery, Ala: NewSouth Books, 2001); Melissa A. Stock, "Sovereign or Suzerain: Alexander McGillivray's Argument for Creek Independence after the Treaty of Paris of 1783," *The Georgia Historical Quarterly* 92, no. 2 (2008): 149–76; Randolph C. Downes, "Creek-American Relations, 1782-1790," *The Georgia Historical Quarterly* 21, no. 2 (1937): 142–84; Arthur Preston Whitaker, "Alexander McGillivray, 1789-1793," *The North Carolina Historical Review* 5, no. 3 (1928): 289–309; Linda Langley, "The Tribal Identity of Alexander McGillivray: A Review of the Historical and Ethnographic Data," *Louisiana History: The Journal of the Louisiana Historical Association* 46, no. 2 (2005): 231–39.

remember the events and, between them, have certain commonalities. These sources can also reveal *how* and *why* they chose to emphasize what they did. By attempting to understand why they chose to focus on certain events, we can come to understand how they identified themselves and saw their legacy. Few letters between members of the community survived, but many other extant documents, especially legal ones, illustrate the community's connection to the outside. The ways in which they portrayed themselves to the federal and state governments, the courts, and the white community clarifies how this community relied on one another, protected their interests, and conceived of their place in the world. This dissertation also uses anthropological and archaeological interpretations to help supplement the written historical sources.

This dissertation engages with other ethnohistorical works in multiple ways. Its focus on the community, as previously illustrated, fits into a larger discussion of how to examine indigenous peoples. Joshua Piker urges ethnohistorians to center their work on the community, rather than Creeks as a whole, to fully understand how economic, political, and social forces from without altered life within a community.[28] This research will also fit into a larger discussion of trade and the economy's influence in cultural change. Dan Usner examines the "frontier exchange economy" of the Lower Mississippi Valley and the fluidity of cultural variation on the frontier. Kathryn Braund illustrates how traditional roles of hunting and treating deerskins evolved into a commercial activity that permanently integrated Creeks into the market economy. Braund's analysis demonstrates how Creek men and women participated in this process and that ultimately

[28] In his examination of the Creek town Okfuskee, Joshua Piker emphasized the examination of communities in ethnohistory to fully chronicle the shifts in native society. Joshua Aaron Piker, *Okfuskee: A Creek Indian Town in Colonial America* (Cambridge, Mass: Harvard University Press, 2004), 1–4.

Creek culture proved adaptable in the face of economic change. Historian James Axtell posits that Native Americans adopted European materials into their daily lifestyles but integrated them into their indigenous cultural identity. Yet, Axtell argues that it was their pursuit of material objects that shifted social, cultural, and political landscapes, while simultaneously noting that there was a large degree of cultural persistence. Theda Perdue focuses on the role of Cherokee women in the process of trade and how trade altered conceptions of gender. While this new trade threatened women's economic role, Perdue insists that they adapted certain practices to maintain control over their economic future. Lastly, Claudio Saunt focuses on the destructive forces of this economic change, arguing that the introduction of capitalism disrupted and overturned traditional Creek society, creating material disparity and tension between groups.[29]

This work expands on these ideas, both by its focus on radical changes in the economic practices of the Tensaw residents, but also on the economy's influence on their cultural identity. By changing economic practices, Tensaw Creeks had to redefine their relationships to one another and the interior; despite these changes, however, they maintained a traditional order in their lineages. For example, gender roles adapted, but did not alter. Women continued to hold property separate from their husbands and controlled agricultural pursuits. Men dealt with animals, in this case livestock and not

[29] Daniel H. Usner, *Indians, Settlers, & Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley before 1783* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 1992); Braund, *Deerskins and Duffels*; James Axtell, *The Indians' New South: Cultural Change in the Colonial Southeast*, The Walter Lynwood Fleming Lectures in Southern History (Baton Rouge: Louisiana State University Press, 1997); Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835*, Indians of the Southeast (Lincoln: University of Nebraska Press, 1998); Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*; Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century."

wild animals, diplomacy, trade, and provided for and protected their nieces and nephews as the future of their lineage. They continued to practice matrilineal inheritance, among other cultural customs, and in spite of changes in daily activities remained first and foremost Creeks. By focusing on the Tensaw, this dissertation can observe a family and a community that on the surface adopted Euro-American ideals, but in reality, adapted those ideals to their Creek ethnic identity.[30] Members of this community eventually became the Poarch Band of Creek Indians, and observing their reliance on kinship helps explain the later community's continued existence in Alabama after Indian Removal.

Terminology and Chapter Overview

As history is limited to and by the words that historians use, it is necessary to define our terms to clarify the meanings of those words. The term "frontier" can sometimes be used to denote the space or relationship between a more "advanced" society and a "primitive" society, but in this case, it is used to describe a mutually beneficial relationship. Historian John Ellisor defined a frontier as a "territory or zone of interpretation between two distinct societies." [31] Similarly, Dan Usner used the term to refer to a regional network "of cross-cultural interaction through which native and

[30] Other historians have examined the Tensaw in a wider analysis. Greg Waselkov used it to understand the events at Fort Mims while Claudio Saunt used it as a foil to interior towns. Karl Davis examined the Tensaw Creek community, but did not use legal records to examine how their networks continued into the mid-nineteenth century. Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*; Davis, "Much of the Indian Appears"; Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*; Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century."
[31] John T. Ellisor, *The Second Creek War: interethnic conflict and collusion on a collapsing frontier* (Lincoln: University of Nebraska Press, 2010), 5.

colonial groups circulated goods and services."[32] The Tensaw community lived within Creek territory, but along the border of the Creek Nation and Euro-American settlements; both communities relied on each other for certain resources. Yet, this was not a space of balanced power. Before 1814, the Creek community outnumbered the Euro-American population and, therefore, the Creeks continued to control the region. If Euro-Americans trespassed on Creek territory, Creeks retaliated and when the Spanish attempted to punish the Creeks through trade, the Creeks found an alternative trade source. [33] After 1814, however, the frontier receded and boundaries shifted as the Tensaw community became a part of, first, the Mississippi Territory and, later, the state of Alabama. Creek residents on the Tensaw shifted their strategy and tactics to remain in the area.

Most of these Creek men and women on the Tensaw were the children of intermarriage; primarily the children of a European father and Creek mother. Some historians have opted to refer to these individuals as "mestizo" or "metis," respectively the Spanish and French words for "half-breed" or "half-blood." The English translations have long been discarded and historians have opted for these words to describe these men and women's ancestries in a more politically correct way. Theda Perdue challenged their

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[32] Daniel H. Usner, "The Frontier Exchange Economy of the Lower Mississippi Valley in the Eighteenth Century," *The William and Mary Quarterly* 44, no. 2 (1987): 6, https://doi.org/10.2307/1939662.

[33] In *The Middle Ground*, Richard White argues that the colonial relationships evolved into a "middle ground," or mutually invented cultural understanding in which they could negotiate and trade together as equals. In response, Kathleen DuVal insists that in the heart of the North American continent, native groups had the power to "determine the form and content of inter-cultural relations." Terming this a "native ground," DuVal points to the fact that Europeans, low on numbers and far away from their metropole, did not have the power in these colonial relationships. I argue that while the Creeks on the Tensaw negotiated with Spanish, Anglo-American, and United States officials alike, for the time until 1814, they did this in a position of power. Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*, Cambridge Studies in North American Indian History (Cambridge: Cambridge University Press, 1991), 50–53; Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (University of Pennsylvania Press, 2007), 4.

usage as "language… rooted in the era of removal, a period in which white Americans understand these terms to be both 'biological' and 'ancestral.'"[34] Indeed, she further argued that focusing on their European ancestry portrayed these Creeks "as inauthentic, enemies of southern Indians" and used race "to try to discredit their leadership."[35] A collection of historians responded to Perdue, arguing that "mestizo" leaders often played up their Creek identity to Euro-Americans and, in this context, they themselves recognized the importance of race in the construction of authority.[36]

Undoubtedly, these Creeks' European names and education rendered them more accepted in Euro-American society at large; they often could read, write, speak, dress, and act like Europeans, making them easily mesh with their neighbors. At the same time, however, these same men and women interacted easily with their Creek contemporaries and some "full-blooded" Creeks adopted Euro-American economic, political, and social customs.[37] The problem with using these terms mirrors the problem of earlier historians who focused on their subject's ancestry. In an early biography of Alexander McGillivray, John Walton Caughey argues "that McGillivray's worst handicap was his mixed

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[34] Theda Perdue, "Race and Culture: Writing the Ethnohistory of the Early South," *Ethnohistory* 51, no. 4 (Fall 2004): 702.
[35] Theda Perdue, "A Reply to Saunt et Al," *Ethnohistory* 53, no. 2 (Spring 2006): 407.
[36] Claudio Saunt et al., "Rethinking Race and Culture in the Early South," *Ethnohistory* 53, no. 2 (Spring 2006): 401.
[37] Claudio Saunt's book focuses on the disruptive nature of mestizos. In a disclaimer, he writes that he is not linking biology and behavior and acknowledges that not all "disruptive" people are "mestizo" and not all "mestizos" are disruptive, but he finds a strong correlation between having a European father and being "disruptive." His overall argument of economic and political transformation and conflict are incredibly compelling, but his insistence blaming the "mestizo" for these changes are problematic as he minimizes the effect of outside pressures on their decisions or the monumental changes that happened before Alexander McGillivray. The economy and political structure were already transforming before the civilization policy, which accelerated and aggravated change, but his limited view of what it means to be Creek and the adaptability of Creek culture limits his perspective. Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 2.

parentage… [because of] a mestizo's inevitable emotional instability and psychic dualism." Caughey insists that McGillivray thrived in the Creek Nation because of his European ancestry, but if he had lived in "an Anglo-American community… he would have found his Indian blood and characteristics a handicap."[38] These early contentions use McGillivray's ancestry to argue that his political prowess came in spite of his "Indian blood," while more current arguments claim that his choices, good and bad, are in some part a result of his "European blood." Both interpretations limit the individual's agency and ignore the complexity of his decisions within the context of the late eighteenth and early nineteenth centuries. Theda Perdue writes that in this matrilineal society, others would not have seen these individuals as "mestizo" or "partly Creek," but as wholly Creek because of their mothers.[39] This dissertation will *not* use either "mestizo" or "metis." When necessary, it discusses the intermarriage of white men and Creek women but refers to their children as Creeks because their identity followed their mother's line and, in the eyes of their lineages, clans, and towns, they were fully Creek.

However, there was definitely a change in behavior and conceptions at the turn of the nineteenth century. Andrew Frank uses the term "bicultural" to explain the complex amalgamation of cultural and economic identities at the turn of the nineteenth century. Frank effectively argues that this term applies to Indian countrymen, or Europeans who lived in Creek society, children of intermarriage, and "full-blooded" Creeks who blended aspects of both cultures into a new bicultural identity. Instead of focusing on race, biculturalism encourages historians to examine the context, limitations, and motivations

[38] Caughey, *McGillivray of the Creeks*, 5.
[39] Perdue, "Race and Culture," 705; Perdue, *Mixed Blood Indians*.

for the changes.[40] This dissertation will expand on his work on identity to understand the circumstances that led these Creeks to make economic and social decisions and how they blended concepts and practices from these two societies into their lives on the Tensaw; but, ultimately, argues that their foundational identity was Creek.

This dissertation is organized chronologically and thematically. Chapter One focuses on the creation of the Tensaw community in 1783 by the Sehoy lineage. It provides an overview of their extended lineage and examines their motives, decisions, and connections on the frontier. Chapter Two expands on this foundation by examining the economic choices made by this community and its influence in their everyday lives. This chapter studies the Sehoy lineage as well as that of other families that followed them to the Tensaw, expanding the analysis to the larger community. Chapter Three centers on the conflict created by these socio-economic changes that culminated in the First Creek War, 1813-14. The Sehoy lineage and other Tensaw families became divided in this civil war. The chapter examines the causes of the war, explains its impact on the Tensaw, and ultimately argues that familial obligations trumped ideological differences. After the First Creek War, the Tensaw community found itself in an unstable environment—surrounded by Euro-Americans who wanted them to leave. Chapter Four focuses on this period of uncertainty and instability on the Tensaw and examines the methods Tensaw Creeks used to remain in their homes. Finally, Chapter Five examines their use of the legal system to continue matrilineal inheritance and maintain their kinship connections. This chapter uses probate records and cases, particularly *Weatherford vs. Weatherford, et. al* to examine the persistence of matrilineal relationships and inheritance. Even as they appeared to fully

[40] Frank, *Creeks and Southerners*.

assimilate into white society, these records demonstrate the continued reliance on kinship networks into the nineteenth century.

Chapter 1
"The restless Life I am obliged to lead": Alexander McGillivray, the Sehoy Lineage, and the Making of the Tensaw Community, 1783-1793

In the middle of September 1783, Alexander McGillivray, the famous Creek diplomat, arrived on the Tensaw Delta with his sister, Sophia McGillivray Durant. The siblings brought with them "a good herd of cattle and some forty slaves" to establish a plantation and cow pen.[1] Their settlement was roughly sixty miles northeast of Mobile and seventy miles north of Pensacola, along the Little River, a winding tributary of the Alabama River in the southwest corner of Creek territory. This affluent and well-connected family chose to establish this property at this time in response to the geopolitical and economic changes that followed the American Revolution. Their success on the Tensaw attracted about a dozen other Creek families to the region, who at some point in their history became connected to the McGillivray's through marriage, thus creating a cohesive, kin-based community outside of the Creek interior. This community exemplifies one path that Creeks chose in response to external pressures and their experience at the turn of the nineteenth century illustrates the internal conflict over change, continued reliance on kinship networks, and persistence of Creek identities on the frontier.

In many ways this Tensaw community was exceptional. These Creeks held a disproportionate amount of the wealth in the Creek Nation and, consequently, had an

[1]Arturo O'Neill to Don Josef de Ezpeleta, October 19, 1783, in John Walton Caughey, *McGillivray of the Creeks* (Norman: University of Oklahoma Press, 1938), 62.

immense influence in Creek-American relations in the early nineteenth century. They were among the best examples of "civilization" for the United States as they voraciously embraced large-scale cattle ranching and cotton plantations and facilitated the travel of Euro-Americans through Creek territory by establishing ferries over rivers and stores to provide supplies for travelers. Historian James Eyrie Wainwright identifies many of these individuals, as well as other like-minded Creeks, as "native Gulf Southerners," emphasizing their integral role in shifting the southern economy from subsistence to cotton farming. Yet, this terminology obscures the reality that these individuals identified as Creek. Though they adopted Euro-American economic and political practices, they adapted them to their Creek cultural identity to create a new bicultural identity. Understanding why they migrated to this region, the external pressures that shaped their decisions, why and how they established property as a family unit, and what conflict arose as a result of their willingness to work within European power structures provides a clear window into the political and economic climate for the Creek Indians in the early nineteenth century.[2] This chapter focuses on the McGillivray family and their reasons for coming to the region, specifically to enforce tribal claims to the region and to create economic opportunities, and how these decisions benefitted the family as a unit.

[2] James Eyre Wainwright, "Both Native South and Deep South: The Native Transformation of the Gulf South Borderlands, 1770-1835" (Dissertation, Rice University, 2013), 4–14; Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006), 22–26; Karl Davis, "The Founding of Tensaw: Kinship, Community, Trade, and Diplomacy in the Creek Nation," in *Coastal Encounters: The Transformation of the Gulf South in the Eighteenth Century*, ed. Richmond Brown (Lincoln: University of Nebraska Press, 2007); for an examination of the disparity in wealth see Claudio Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century.," *The William and Mary Quarterly* 57, no. 4 (October 2000); the definitive work on "biculturalism" is Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005).

Throughout the eighteenth century, the Tensaw Delta sat within contested territory as native tribes and European colonists vied for control over the region. Older traditions asserted an Alabama tribal claim to the land. According to oral history, the Alabama, who became incorporated into the Creek Nation at some point in the sixteenth century, originally lived around the Tensaw Delta. Anthropologist John Swanton collected origin stories of the Creeks and one asserted that "Old Alabama men used to say that the Alabama came out of the ground near the Alabama River a little up stream from its junction with the Tombigbee."[3] After the Spanish arrived in the region in the 1541, however, the Alabama people moved up the Alabama river to the bend of the Coosa and Tallapoosa, near present day Montgomery, Alabama. This initial migration brought them into closer proximity to Muskogee towns, which provided the Alabama with greater protection as they became incorporated into the Creek Nation.[4]

In the next two centuries, a rivalry between the Choctaw and the Creeks over the Tensaw region resulted in conflict. Both societies argued that the land was a part of their hunting territory and continually fought to protect their interests. At the beginning of the eighteenth century, the French wanted to control the Mobile area to protect their position in Louisiana. They allied with the Choctaw and several smaller native groups, whom they called the *petite nations*, to act as a buffer between their settlements in Mobile and the

[3] John Swanton, *Early History of the Creek Indians and Their Neighbors* (Bureau of American Ethnology Bulletin 73, 1922), 192.
[4] Swanton, 193; Theron A. Nunez, "Creek Nativism and the Creek War of 1813-1814," *Ethnohistory* 5.1 (Winter 1958): 19–20; for a discussion of how Mississippian societies broke down and coalesced into the historical native societies in the Southeast see Robbie Franklyn Ethridge and Sheri Marie Shuck-Hall, eds., *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South* (Lincoln: University of Nebraska Press, 2009); specifically see Sheri Marie Shuck-Hall's chapter on the Alabama and Coushatta peoples, "Alabama and Coushatta and Coalescence in the Mississippi Shatter Zone," in *Mapping the Mississippian Shatter Zone*, 250-71.

Creek Nation to the north. Fighting between Choctaws and Creeks increased in the 1760s, coinciding with the Seven Years' War. In the peace negotiations in 1763, France ceded its territory in West Florida to Great Britain and the French and their *petite nations* fled the area. The British, keen to take control over Mobile and the seemingly open fertile lands that surrounded it, started mapping the Delta for settlement.[5] They quickly faced resistance as the Upper Creeks stepped forward to assert that "those lands were never ceded [to the French] and that they had only allowed the French to settle them on sufferance."[6] The Upper Creeks supported their claim both with their oral traditions and the argument that, since the French and Choctaw allies had fled the area after the war, the land belonged to them by right of conquest.[7]

In the decade following the Seven Years' War, the British and Upper Creeks debated the legitimacy of this cession and, most importantly, the true southwestern border of Creek territory. The Choctaw ceded their claim to the territory to the British, but the Creeks refused. The Upper Creek leader, Emistisiguo of Little Tallassee, asserted Creek authority and a desire to negotiate a permanent boundary that would prevent further encroachment on Creek territory. Emistisiguo explained to the British that he wanted the

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[5] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 16–18; Gregory A. Waselkov et al., *Plantation Archaeology at Rivière Aux Chiens, ca. 1725-1848*, Archaeological Monographs / Center for Archaeological Studies 7 (Mobile, Ala: University of South Alabama, Center for Archaeological Studies, 2000), 32–38; Kathryn E. Holland Braund, "'Like a Stone Wall Never to Be Broke': The British-Indian Boundary Line with the Creek Indians, 1763-1773," in *Britain and the American South From Colonialism to Rock and Roll* (Jackson: University Press of Mississippi, 2003), 72–73.

[6] Governor Peter Chester to the Earl of Hillsborough, August 1772, in K. G. Davies, ed., *Documents of the American Revolution, 1770-1783: Colonial Office Series* (Shannon: Irish University Press, 1972), volume 5, 165.

[7] Braund, "'Like a Stone Wall Never to Be Broke': The British-Indian Boundary Line with the Creek Indians, 1763-1773," 72; Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 17.

line drawn immediately and that after, "I hope my white brothers will all go to their own land… [and the line] should be like a stone wall, never to be broke."[8] Negotiations in the 1760s and 1770s between the British and Upper Creeks focused on the regulation of trade, establishing friendship, and settling this border. Emistisiguo understood that settling a boundary line would protect the Upper Creeks from encroachment and provide them with definitive control over the region. In 1771, Emistisiguo explained that, "You may make your plantations on both sides of the River Conica and Scambia as far up as the old Spanish cowpen."[9] His language illustrated the Upper Creeks' belief in their superior claim since they were allowing the British to settle in certain places. Emistisiguo further insisted that the British were to "not go above Mr Farmar's plantation… you will consider the lands in the forks above the confluence of the Coosa and Tombeckby [sic] Rivers as our property."[10] Major Robert Farmar was a British soldier who entered Mobile as the French retreated, and established a plantation in the area near present-day Stockton, Alabama. The Creeks permitted Farmar to remain in the area, along with others who already lived along the Conecuh and Escambia Rivers, but they did not want them to migrate further north into their territory. Moreover, they made it clear that the land north of this plantation, some of the most fertile lands on the Tensaw Delta, would remain under Creek control.[11]

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[8]Emistisiguo to John Stuart, July 1771, in *Documents of the American Revolution*, edited by Davies, vol. 3, 134.
[9] Emistisiguo, "Proceedings with Congress with the Upper Creeks," October 30, 1771, in *Documents of the American Revolution,* edited by Davies, vol. 3, 218.
[10] Emistisiguo, "Proceedings of Congress with Upper Creeks," October 30, 1771, in K. G. Davies, ed., *Documents of the American Revolution, 1770-1783: Colonial Office Series* (Shannon: Irish University Press, 1972), volume 3, 218-21.
[11] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 17; Waselkov et al., *Plantation Archaeology at Rivière Aux Chiens, ca. 1725-1848*, 35–37; Braund, "'Like a Stone

As they negotiated the boundary line, one point that Emistisiguo insisted upon was complete sovereignty over Creek territory. He wanted guarantees that no Euro-American would establish a plantation, hunt animals, or even fell a tree on the Creek side of the boundary.[12] Emistisiguo further warned the British that the Spanish had made similar arrangements with them decades earlier, "but they did not care to keep within the limits… the consequence of which was war."[13] The British continued to push for a greater share in land, but eventually recognized that they could not afford a conflict with the Creeks. Both parties agreed that Anglo-Americans could establish plantations to the south of "the cut-off," a channel of the Alabama River that connected with the Tombigbee River; in return, the British instigated "proper regulation" of commerce to protect the Creeks from Georgian encroachment. The rest of the Tensaw, everything north of the cut-off and east of the rivers, remained under native control, and Upper Creeks enforced this claim by driving their cattle into the region as early as 1772. While Euro-Americans migrated to the area, it was made clear that they did so with the permission of the Creeks, and they remained outnumbered at this time. Upper Creeks had economic and political control of this region and wanted to ensure their continued dominance.[14] The American Revolution, however, disrupted and threatened this new

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Wall Never to Be Broke': The British-Indian Boundary Line with the Creek Indians, 1763-1773," 68–72.

[12] Kathryn E. Holland Braund, "'Like a Stone Wall Never to Be Broke': The British-Indian Boundary Line with the Creek Indians, 1763-1773," in *Britain and the American South From Colonialism to Rock and Roll* (Jackson: University Press of Mississippi, 2003), 53–55, 72-7; Emistisiguo, "Proceedings of Congress with Upper Creeks, October 30, 1771, in *Documents of the American Revolution,* edited by Davies, vol. 3, 219.

[13] Emistisiguo, "Proceedings of Congress with Upper Creeks, October 30, 1771, in *Documents of the American Revolution,* edited by Davies, vol 3, 219.

[14] Earl of Hillsborough to John Stuart, July 1771, in Davies, *Documents of the American Revolution, 1770-1783,* vol 3, 132; Emistisiguo, October 30, 1771, Davies, Vol 3, 218-9; Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa:

agreement. When the British signed the Treaty of Paris in 1783, they ceded their territories in East and West Florida to Spain. Additionally, Emistisiguo, the prominent Upper Creek headman, had died in the war and Upper Creeks needed a new leader to protect their borders and establish a strong trade after the war; their new representative would be Alexander McGillivray.

Born in Little Tallassee in 1750, McGillivray lived the first fourteen years of his life inside the Creek interior.[15] He learned of his obligations to his family, clan, and town from his mother, Sehoy, and maternal uncle, Red Shoes, an influential Alabama chief. As a member of the Wind Clan, one of the most prominent and powerful clans in the Creek Nation, McGillivray had kinship connections to important leaders and a vast network of warriors who would support him. At the age of fourteen, however, he moved to Charleston at the request of his biological father, Lachlan McGillivray. The elder McGillivray was a well-established Scottish trader and planter, whose marriage to Sehoy provided him with protection and influence in the Anglo-Creek trade. In Charleston, Alexander McGillivray received a Euro-American education and hands-on experience in a mercantile firm, where he served as an apprentice.[16]

University of Alabama Press, 2006), 16–19; Karl Davis, "'Much of the Indian Appears': Adaptation and Persistence in a Creek Community, 1783-1854" (University of North Carolina, 2003), 47–48; Kathleen DuVal argued for the persistence of native control in affairs in areas where the indigeneous population outnumbered colonists. That is certainly the case in the Tensaw, see Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (University of Pennsylvania Press: Philadelphia, 2007).

[15] Date provided by Lachlan McGillivray's will in 1767, found at the Alabama Department of Archives and History, SPR326; For an overview of how different authors have dated McGillivray's birth and why see Amos J. Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815* (Montgomery: New South Books, 2001), 182-3.

[16] Edward J. Cashin, *Lachlan McGillivray, Indian Trader: The Shaping of the Southern Colonial Frontier* (Athens: University of Georgia Press, 1992), 263; Michael D. Green, "Alexander McGillivray," in *American Indian Leaders: Studies in Diversity*, ed. R. David Edmunds (Lincoln: University of Nebraska Press, 1980), 41–43; Waselkov, *A Conquering Spirit*, 36–39; Amos J.

When the American Revolution began, McGillivray returned to his home of Little Tallassee, a small Creek town along the Coosa River and just above present-day Wetumpka, Alabama, while his father, a loyalist, fled the continent to return to Scotland. McGillivray sided with the British in the war; his education and kinship connections, both maternal and paternal, made him an ideal candidate for a position as an agent for the British. As an agent, he assisted David Taitt, the commissary among the Upper Creeks, by distributing trade and maintaining cordial relations between the British and Creek. McGillivray used his position to gain influence among the Creeks as he distributed goods, including clothing, equipment, and provisions during the war. Even before contact with Europeans, many American Indian groups believed that the gifts a leader received from a foreigner displayed his power as a leader. To provide for his people bolstered one's security as a leader as he proved his worth to the community. Gifts were the basis of diplomatic relationships, which usually evolved into a trade alliance. A Creek leader's ability to maintain a positive trade relationship with foreigners strengthened his position in the town.[17] In return for distributing these goods, McGillivray could call on the warriors to help fight with the British when needed. When asked by the British to bring warriors to help defend Pensacola, McGillivray initially came with six hundred men and then called upon eleven hundred more to come. His experience in the war taught

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Wright, *The McGillivray and McIntosh Traders*, 184–87; Amos J. Wright, *Historic Indian Towns in Alabama, 1540-1838* (Tuscaloosa: University of Alabama Press, 2003), 106–7.

[17] Kathryn E. Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685-1815*, Indians of the Southeast (Lincoln, Neb: University of Nebraska Press, 1993); Joseph M. Hall, *Zamumo's Gifts: Indian-European Exchange in the Colonial Southeast*, Early American Studies (Philadelphia: University of Pennsylvania Press, 2009), 2–10; Davis, "Much of the Indian Appears," 17–19.

McGillivray the importance of trade in controlling Creek politics and gave him a respectable reputation in Upper Creek society.[18]

After the war, McGillivray became a key leader and representative for Upper Creek towns. The geopolitical shift that followed the American Revolution was the immediate reason that Alexander McGillivray came to the Tensaw in 1783. When the Spanish arrived in Mobile and Pensacola, they began recruiting British loyalists to the region to establish residences and plantations. They needed people to supply food for their garrisons and wanted to surround themselves with potential allies who would provide a buffer between Spanish holdings and Georgia. McGillivray approached the Spanish to establish an alliance and, from 1783 until his death in 1793, acted as a diplomat and intermediary between the Spanish and Creek interior. He quickly reasserted Creek sovereignty and authority in the region, declaring, "If the British Nation has been Compell'd to Withdraw its protection from us, She has no right to give up a Country she never could call her own."[19] His declaration mirrored the assertions of Emistisiguo, and he clearly wanted assurances that the Spanish would respect the established boundary line and Creek sovereignty within their own territory. The Spanish understood that their

[18] Kathryn E. Holland Braund, "'Like to Have Made War among Ourselves': The Creek Indians and the Coming of the War of the Revolution," in *Nexus of Empire: Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s*, ed. Gene Allen Smith and Sylvia L. Hilton (Gainesville: University of Flordia Press, 2010), 53–56; Kathryn Holland, "The Anglo-Spanish Contest for the Gulf Coast as Viewed from the Townsquare," in *Anglo-Spanish Confrontation on the Gulf Coast During the American Revolution*, ed. William S. Coker and Robert R. Rea (Pensacola: Gulf Coast History and Humanities Conference, 1982); J. H. O'Donnell, "Alexander McGillivray: Training for Leadership, 1777-1783," *The Georgia Historical Quarterly* 49, no. 2 (1965): 177–78; Green, "Alexander McGillivray," 41–43; Wright, *Historic Indian Towns in Alabama, 1540-1838*, 106–7; Claudio Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999), 75–76.

[19] Alexander McGillivray to Miro, March 28, 1784, in Caughey, ed., *McGillivray of the Creeks*, 73.

precarious hold on Pensacola and Mobile depended on a healthy relationship with native tribes. Arturo O'Neill, the Spanish Governor of Pensacola, noted that they would need the consent of nearby towns to have any Euro-American settlements.[20]

The Creeks lost their primary trading partner, the British, after the war and McGillivray wanted to find an alternative trade source to Georgia. He distrusted the Georgians and the newly established United States as he believed they had a "disposition to usurp" power whenever and wherever they were "allowed to establish themselves." [21] He did not want to place his trust in Georgians, who he feared would use the trade to expand their territory.[22] Simultaneously, he needed to be at the center of this new trade relationship in order to maintain his control of the trade and his new position in Creek society. The arrival of Spain offered a new opportunity; the decision to move to the Tensaw protected Creek authority, but also created a new economic opportunity that he and his family wanted to capitalize on. He played on Spanish fears of Georgian expansion and growing influence to encourage a profitable alliance, warning that "the Americans will very Shortly engross the Indian trade & of consequence gain the Indians to their Interest, & who will make the worst use of their influence." [23] Ultimately, he insinuated that the Georgians would use the Creeks to attack Spain, saying the Georgians were, "Very dangerous Neighbours [sic]" as they would urge the Creeks to join them "in all the designs they may form against Pensacola & Mobile."[24] The only way to prevent such an eventuality was to supply the Creeks with manufactured goods at a steady,

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[20] Arturo O'Neill to Josef de Ezeplata, October 19, 1783, in Caughey, ed., *McGillivry of the Creeks,* 63.
[21] McGillivray to Folch, 22 April 1789 in Caughey, *McGillivray of the Creeks*, 227.
[22] Braund, *Deerskins and Duffels*, 170.
[23] McGillivray to Estevan Miro, 28 March 1784 in Caughey, *McGillivray of the Creeks*, 74.
[24] McGillivray to Arturo O'Neill, January 1, 1784, in Caughey, 65.

reliable price. By migrating to the Tensaw, McGillivray placed himself both literally and figuratively between the Spanish officials and the Creek towns; he made himself a key figure in Spanish-Creek negotiations and shifted the flow of trade from the east to the south.

On May 30 and June 1, 1784, McGillivray met with Spanish officials, including Estevan Miro, Arturo O'Neill, and Martin Navarro, in Pensacola to negotiate an official alliance. In the subsequent agreement, called the Treaty of Pensacola, both parties promised military assistance, peace, and established a trade relationship. Spain would provide traders for the Creeks, and, in turn, McGillivray promised they would only accept trade from the Spanish. To cement this alliance, Spain promised to respect and protect Creek rights and sovereignty to their land, protecting Creek territory from European settlement and promising to punish crimes against Creeks. In return, McGillivray agreed to punish any Creeks who attacked Euro-Americans, to make an oath of fealty to the Spanish crown, and to not fight against Spain in a war.[25] In contrast, Lower Creek towns, which sat along the Chattahoochee, Ocmulgee, and Flint Rivers in modern day Georgia, wanted to continue to trade with Georgia to the east. The Upper Creek and Lower Creek towns were connected together through kinship, sharing the same clan networks and even intermarriage, and they often negotiated together with foreign nations after war, but they had separate territories and often pursued distinct foreign policies.[26] Lower Creeks, led by Hobolithe Mico, negotiated treaties with Georgia in 1783 and 1785. These treaties established trade between Georgians and Lower Creeks, but their relationship was

[25] Treaty of Pensacola, June 1, 1784, in *American State Papers, Foreign Relations,* edited by Walter Lowrie and Matthew St. Clair Clarke, Volume I (Washington: Gales and Seaton, 1833), 278-9.
[26] Braund, *Deerskins and Duffels*, 6–7.

contingent on the Creeks ceding land to Georgia. Through these negotiations, Georgia nearly doubled its size; McGillivray and other Upper Creeks leaders condemned the treaties and violently opposed these land cessions.[27]

A week after the Treaty of Pensacola, Estevan Miro, the Spanish Governor of Louisiana, officially announced that Alexander McGillivray was the new Spanish commissary to the Creeks. In this position, McGillivray was responsible for overseeing traders and the trade, distributing presents, and ensuring the continuity of peace between Spain and the Creeks. The Spanish also requested that McGillivray maintain peace between the Creeks and Choctaw and Chickasaw as well as encourage agriculture and commerce throughout the southeastern Indian nations. In return, he received a monthly salary and complete access to and control over the trade.[28] McGillivray used this position to influence Euro-American traders living in Creek towns. In 1786, Daniel McMurphy, the newly appointed Georgia agent to the Creeks, complained to the Spanish because none of the traders held a Georgia license. Instead, they held licenses issued by McGillivray and claimed they were "Subject to him & no other." McGillivray encouraged the traders to "observe regulations given by former Superintendents," but held the power to rescind licenses if they acted poorly or disobeyed him. McMurphy found this particularly abhorrent since he believed the Creeks lived "within the State of Georgia" and McGillivray's licenses "infringed on the Territory of the State against Law

[27] Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 79–80; Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities*, Cambridge Studies in North American Indian History (Cambridge, [England] ; New York: Cambridge University Press, 1995), 284–85; Randolph C. Downes, "Creek-American Relations, 1782-1790," *The Georgia Historical Quarterly* 21, no. 2 (1937): 143–44.
[28] Miro to McGillivray June 7, 1784 in Caughey, *McGillivray of the Creeks*, 77; Miro to McGillivray, June 20, 1784, Panton, Leslie Papers, Reel 1, 1417-1420, RBD.

& Government." A second complaint from McMurphy was that McGillivray allied himself with William Panton, an English trader, who had "ordered all the Traders that had Goods from Georgia not to pay their Debts but carry their Skins either to Pensacola, or St. Marks," in order to trade with his firm, Panton, Leslie & Company.[29]

McGillivray preferred Panton, Leslie, & Company because they provided quality British goods that Creeks had become accustomed to. Commodities included woolen blankets and garters, linen shirts and handkerchiefs, axes, hoes, tea kettles, silver trinkets, leather goods, rifles, ammunition, rum and brandy, and various other iron and textile goods.[30] McGillivray and the merchants of the company, William Panton, John Leslie, and John Forbes, insisted that the British were not only more capable of producing these quality goods than Spain, but also able to process the deerskins in the trade. When the Spanish attempted to oust the company from its store in St. Marks, McGillivray came to its defense, saying that the "Store [at St. Marks] was Settled there by the desire of this Nation as we were in great distress," and that it should not be removed or "the Indians in this neighborhood will all take arms in [their] defece [sic]."[31] McGillivray's protection of the company was not altruistic, however, as he held a share in the firm; he promoted this company because it would benefit him as well as provide the necessary goods for the Creeks.[32]

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[29] McMurphy to O'Neill, July 11, 1786, *Papeles de Cuba*, Lejajo 37, Doc. 112, Reel 169, PK Yonge Library, University of Florida; Caughey, 119-20.
[30] John Forbes, "Articles of British Manufacture absolutely necessary for the Indians inhabiting the Western frontier of East & West Florida," September 28, 1783, Panton Leslie Papers, Reel 1, 1041-1044, RBD.
[31] McGillivray to Miro, 24 March 1784, D. C. Corbitt, "Papers Relating to the Georgia-Florida Frontier, 1784-1800," *The Georgia Historical Quarterly* 20, no. 4 (1936): 360.
[32] Charles McLatchy to Miro 4, March 1784, Corbit, "Georgia-Florida Frontier," (1936), 359; William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie & Company and John Forbes & Company, 1783-1847* (Gainesville,

The Spanish initially resisted giving Panton, Leslie & Company a monopoly over the trade, but their inability to provide enough goods forced them to reevaluate their relationship with the firm. By May of 1785, the Spanish had failed to supply the Upper Creeks with satisfactory goods, and McGillivray complained that they were not matching Indian demand. He warned that if the Spanish could not deliver goods, Creeks would begin "to doubt the Sincerity of the proceedings of the Congress," and eventually turn to the Georgians. The only reason they did not, McGillivray argued, was the "extraordinary exertions of Messrs. Panton Leslie & Company to throw in so ample & timely a Supply of Goods" to prove to the Creeks that the Spanish king was devoted to a "Sincere friendship toward them." McGillivray encouraged the Spanish to establish a more permanent trade and recommended Panton, Leslie & Company for the job.[33] By September of 1785, Governor Miro requested that William Panton be given a license for 1786 to provide goods to the Creeks and export skins from Pensacola. On September 16, 1785, Panton officially received this license and brought $125,000 worth of goods to Pensacola, giving him exclusive access to this port that would increase its influence over the southeast.[34] McGillivray, as one of the partners, benefited from this monopoly as he had direct access to the goods that entered Pensacola.

FL : Pensacola: University Presses of Florida ; University of West Florida Press, 1986), 54–56; Davis, "The Founding of Tensaw: Kinship, Community, Trade, and Diplomacy in the Creek Nation," 82–83; 97.

[33] McGillivray to Zéspedes, May 22, 1785, in Caughey, *McGillivray of the Creeks*, 88–89.

[34] Governor Miro to the Intendant-General Martin Navarro, September 16, 1785, in D. C. Corbitt, "Papers Relating to the Georgia-Florida Frontier, 1784-1800. II," *The Georgia Historical Quarterly* 21, no. 1 (1937): 76–77; "Disposition of the Intendant General Martin Navarro in Favor of William Panton," Corbitt, 77; Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, 68–72.

McGillivray's key place in Euro-Creek negotiations, position in the Pensacola trade, prolific letters and writings, and charismatic personality makes him stand out as an exceptional historical character in southern history. His centrality to trade negotiations and economic decisions, which affected both him as an individual and the Creeks as a society, have made him a controversial figure to historians. Historians interpret McGillivray's motivation for these choices in two main ways: as a selfless leader or a self-interested business man. Governor Miro mirrored this quagmire in a 1787 letter when he wondered whether McGillivray "does it for love of the Sovereign, or for his private interests." By Sovereign Miro probably meant the Spanish king, whom McGillivray worked for as Spanish commissary, but nevertheless, like modern historians, Miro questioned McGillivray's fundamental motivation for this commercial relationship.[35]

Some historians focus on McGillivray as a Creek leader, both anxious for his people's autonomy and protecting their land. Historian Mike Green argues that "McGillivray did not seek power egotistically," but instead "he sought and used power in the hope of assuring an independent future for his people."[36] These interpretations focus on McGillivray's attempt to protect Creek sovereignty over their territory and, certainly, McGillivray made several proclamations about the Creek's independence and right to their land. In one letter he claimed that they "were a free Nation" who had the "undoubted right" to choose their allies and trade partners.[37] Historian Melissa Stock

[35] Miro and Navarro to Sonora, March 24, 1787, edited by D.C. Corbitt and Roberta Corbitt, in "Papers From the Spanish Archives Relative to Tennessee and the Old Southwest, 1783-1800," in *The East Tennessee Historical Society's Publications*, 11 (1939), 70.
[36] Green, "Alexander McGillivray," 48.
[37] McGillivray to Miro, March 28, 1784, in Caughey, *McGillivray of the Creeks*, 73-4.

posits that McGillivray used his knowledge of European politics to argue for Creeks in a manner that Europeans understood. McGillivray used the European concept of sovereignty, or the authority of a state to govern itself within its own boundaries. This theory was not articulated by nor fully understood by these independent Creek towns, but McGillivray knew it was a valid argument that could protect the Creeks and their territory at large. While Creek towns frequently worked together, their primary loyalties were often more localized; McGillivray presented a cohesive nation because he understood that to be the only way to get the Spanish and Americans to negotiate with the Creeks as equals. [38] In this way, he expanded policies that had developed after the Seven Years' War, in 1763, to combat Anglo-Creek land disputes. Steven Hahn claims that the creation of the idea of a Creek Nation was linked to defense of its land rights after the war and, therefore, McGillivray would be expanding on this idea after the Revolution.[39] These historians focus on how McGillivray attempted to stabilize Creek diplomacy and economics in a time of change.

In contrast, other historians argue that McGillivray was fundamentally an opportunist who used his connections to both Creeks and Euro-Americans to benefit himself.[40] Claudio Saunt argues that many *mestizos,* or "half-blood" Creeks, in particular Alexander McGillivray, had "a profound and disruptive impact on Creek society," as their material acquisitiveness and political centralization threatened traditional Creek

[38] Melissa A. Stock, "Sovereign or Suzerain: Alexander McGillivray's Argument for Creek Independence after the Treaty of Paris of 1783," *The Georgia Historical Quarterly* 92, no. 2 (2008): 149–76.
[39] Steven C. Hahn, *The Invention of the Creek Nation, 1670-1763*, Indians of the Southeast (Lincoln: University of Nebraska Press, 2004), chapter 7.
[40] For an excellent overview of both sides of the historiography see Wainwright, "Both Native and Deep South," 112–13.

lifestyles. Saunt dismisses McGillivray's self-identification as a Creek in various letters, saying these declarations had the "tone of a man who protests too much;" instead, he posits that he used his Creek identity only when necessary in negotiations. Writing that McGillivray labored under the "weight of a double identity," Saunt claims that he often failed to fully shed his European ancestry or upbringing, which made him an outsider to many Creeks. Similarly, Saunt questions McGillivray's motives for making a trade alliance with Spain and promoting Panton, Leslie & Company, arguing that it benefited him as an individual more than the Creek Nation. He insists that McGillivray "operated with conflicting interests," namely that his stock in the firm and position as a Creek leader prevented him from making a disinterested choice. Ultimately, Saunt implies that McGillivray's choices were self-interested and focused on gaining him the most power and wealth.[41] James Eyre Wainwright agrees with Saunt that McGillivray's rhetoric pointed to a person confused about his place in the world—pointing out that he switched from descriptions of "the Indians" to proclamations of "our Nation" which illustrated his split persona. Wainwright writes that McGillivray "often appeared more interested in his own personal advancement and wealth than in the fortunes of his fellow Creeks." Yet, Wainwright also includes a caveat to these conflicting analyses: McGillivray's own words can be used to support both historiographical interpretations.[42] Indeed, both camps use McGillivray's letters to support their arguments, which leads to the question: are these interpretations mutually exclusive?

[41] For Saunt's argument about mestizos see, Saunt, *A New Order of Things,* 2; for his in-depth analysis of Alexander McGillivray, see Saunt, *A New Order of Things,* chapter 3.
[42] Wainwright, "Both Native and Deep South," 112–15.

Certainly, selfless and self-interested are antonyms of one another, but a Creek leader could look out for the general interests of his people *and* his own personal interests. Undeniably, McGillivray benefited from his position in the trade network; he rose to the rank of *isti atcagagi thlucco,* or "Great Beloved Man," the highest rank of advisor that a man of his age could receive. Moreover, there were a number of "beloved men," but McGillivray received the addition of *thlucco,* or great, to distinguish him even more. His increased influence was intrinsically linked to his control of the trade in the Revolution and after.[43] However, his focus on trade and his central position in it were not radically different from previous leaders' methods. A mico received his position through clan affiliation, but he also had to prove his ability in war, the hunt, and, most importantly, his ability to provide his town with their material needs. Establishing trade demonstrated diplomatic prowess, strength as a leader, and bolstered support for one's leadership. Creek society functioned fundamentally around reciprocal relationships; a leader provided trade to his town and, in return, the town supported his decisions. Indeed, problems arose when a leader amassed wealth, but did not share it with his people. As the eighteenth century ended, connections to Euro-Americans, influence in the trade, and even material wealth became an important indicator of a Creek leader's ability.[44]

McGillivray's identity and motivations were a result of a complex amalgamation of Creek and European customs. Historians that argue McGillivray was "self-interested"

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[43] Green, "Alexander McGillivray," 49; Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 75; Robbie Ethridge, *Creek Country: The Creek Indians and Their World*, 1st New edition edition (Chapel Hill: The University of North Carolina Press, 2003), 102.

[44] Wainwright, "Both Native and Deep South," 15; Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 44–45; Ethridge, *Creek Country*, 102–5, 282 n. 64.

generally focus on aspects of his life that connected him to Europeans. For example, Saunt portrays McGillivray as a disconnected leader, arguing that McGillivray's use of an interpreter at Creek meetings illustrated that he was "ambivalent about his identity" because he did not have a "fluent command of the language."[45] Recently, however, anthropologist Linda Langley postulates that McGillivray's use of an interpreter did not indicate "his lack of solidarity with the Indians and his high level of acculturation," but the circumstances of his birth.[46] McGillivray was born in an Alabama town to an Alabama mother; though part of the larger Creek Nation, the Alabama's spoke a different language than their Muskogee brethren. Muskogee was the official language used in inter-town meetings. Since McGillivray left the Nation at age fourteen, he likely never officially learned Muskogee, which is why he required an interpreter. Yet Langley points to other instances in which McGillivray did not need an interpreter, which indicates he spoke the native language of his Alabama kin. When McGillivray spoke, he was lauded for his strong rhetorical skills; an interpreter might also have been necessary to convey nuances in his speeches and garner trust from other town leaders, who knew the interpreter better than they knew McGillivray.[47]

In other instances, historians point to his clothing and demeanor as a signal of his European identity. When McGillivray met Abigail Adams in New York in 1790, she

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[45] Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 83.

[46] Linda Langley, "The Tribal Identity of Alexander McGillivray: A Review of the Historical and Ethnographic Data," *Louisiana History: The Journal of the Louisiana Historical Association* 46, no. 2 (2005): 235–36.

[47] Langley, "The Tribal Identity of Alexander McGillivray," 233–37; Braund, "'Like to Have Made War among Ourselves': The Creek Indians and the Coming of the War of the Revolution," 54; David Andrew Nichols, *Red Gentlemen & White Savages: Indians, Federalists, and the Search for Order on the American Frontier* (University of Virginia Press, 2008), 109.

described him as "intelligent and much of a Gentleman," as he "dresses in our own fashion speaks English like a Native, & [she] should never suspect him to be of that Nation, as he is not very dark."[48] Historians have used this as proof that McGillivray lived more as a European than Creek. Yet, in another description of McGillivray, given by George Washington's close confidant and advisor, David Humphreys, a different person appears. Humphreys, who encountered McGillivray in the southeast, wrote that he "dresses altogether in the Indian fashion & is rather slovenly otherwise."[49] By the "Indian fashion," Humphreys meant a mixture of European and native dress. Many Native Americans adopted parts of European fashion—linen shirts, brocade jackets, and even woolen blankets that they converted to robes. Very rarely did they adopt European fashion wholesale from head to foot; instead, they created a distinct look that incorporated bright colors, European goods, and native clothing.[50] These two radically different descriptions of McGillivray can be used to support either interpretation. The truth lies between the two extremes in the fact that McGillivray was a bicultural man. After decades of sustained contact, historical actors became exposed to various economic, political, and cultural concepts that differed from their traditional ones; some rejected new ideas, while others blended the new with the old. Much like the "Indian fashion" that McGillivray supposedly wore in front of Humphrey, biculturalism was the mixture of two cultures, to varying degrees, that allowed people to survive and thrive

[48]Abigail Adams to Mary Cranch, August 8, 1790, in Stewart Mitchell, ed., "New Letters of Abigail Adams, 1788-1801," *American Antiquarian Society* 55, no. 1 (April 1945): 169.
[49] "Founders Online: To George Washington from David Humphreys, 26 September 1789," accessed August 12, 2018, http://founders.archives.gov/documents/Washington/05-04-02-0059.
[50] Timothy J. Shannon, "Dressing for Success on the Mohawk Frontier: Hendrick, William Johnson, and the Indian Fashion," *The William and Mary Quarterly* 53, no. 1 (1996): 21.

along the frontier.[51] McGillivray could speak, dress, and write like a European *and* act and dress like a Creek, allowing him to work within both systems to gain influence. Therefore, his motivations were equally divided between general Creek survival and individual gain. Yet, fundamentally, McGillivray was a Creek man. He lived his formative years in the Creek Nation and his fundamental identity came from his lineage. Because he was a Creek, he did not work as an individual economic unit, instead he was a part of a larger kinship network.

Notably, Alexander McGillivray did not move to the Tensaw as an individual, but with his sister, Sophia Durant. These siblings were both a part of the same lineage, the fundamental economic unit in Creek society. Lineages were a compact kin network that only included immediate, maternal blood relatives. While Creek towns owned land collectively, lineages controlled individual plots of land, owned chattel, and made unified economic decisions. McGillivray and his sisters belonged to the Sehoy lineage because they could trace their family line back to their maternal grandmother, Sehoy I. Lineages controlled property as one entity, consequently wealth enhanced a lineage's prestige and garnered it more political and social influence in Creek society.[52] The trade deals that McGillivray negotiated not only benefited him, but his siblings who received direct access through him. This network was one of the most important parts of a Creek's identity and daily life; as a child, McGillivray's mother and uncle taught him about his responsibility to his lineage. He returned to his maternal family in the Revolutionary War

[51] Frank, *Creeks and Southerners*, 1–10.
[52] Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 192–93; Ethridge, *Creek Country*, 95; Davis, "Much of the Indian Appears," 8–11; Cashin, *Lachlan McGillivray, Indian Trader*, 17; Braund, "'Like a Stone Wall Never to Be Broke': The British-Indian Boundary Line with the Creek Indians, 1763-1773," 55.

and relied on them during his years as Spanish Commissary, but he also knew that they relied on him. His growing influence and wealth benefited more than him as an individual, it increased his family's wealth and position on the frontier.

Sehoy II married Lachlan McGillivray, a Scottish trader, and had three children: Sophia, Alexander, and Jeanette.[53] Sehoy II was also mother to Sehoy III and Malcolm McPherson; though these two children had a different father, they were still considered full siblings to the McGillivray children because they shared the same mother. Malcolm McPherson became the principal mico of Hickory Ground, an Upper Creek town about six miles from Little Tallassee, which increased his lineage's influence in the interior.[54] McGillivray's move to the Tensaw helped establish the lineage's power on the periphery, making them one of the most influential families at the turn of the century. Their advantageous marriages to influential traders and other prominent Creek lineages resulted in a strong network that crossed cultural and racial boundaries on the frontier.

In Creek society, marriage created an alliance between two lineages and clans. Marriage resulted in a reciprocal responsibility to one another—a husband provided goods for his wife's lineage and a wife fed her husband and assisted him on the hunt and

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[53] Historians refer to the "Sehoy" women as Sehoy I, Sehoy II, and Sehoy III to distinguish them from one another. They would have not referred to themselves in this manner, but historians use these monikers to avoid confusion. For a kinship diagram, look to table 1 & 2.

[54] The relationship between McGillivray and Sehoy and McPherson are described in Benjamin Hawkins to William Eustis, August 27, 1809, *Letters, Journals, and Writings of Benjamin Hawkins*, ed. Charles L. Grant (Savannah, Ga: Beehive Press, 1980), 556; McGillivray to Miro, February 1, 1789, Caughey, *McGillivray of the Creeks*, 220 n.183; McPherson's position in Hickory Ground described in Hawkins, December 21, 1796, in Thomas Foster, ed., *The Collected Works of Benjamin Hawkins, 1796-1810* (Tuscaloosa: University of Alabama Press, 2003), 45; for an overview of McGillivray's siblings see Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815*, 188–95. Wright argues that the biological father of Sehoy and Malcolm was a trader named August McPherson, while Greg Waselkov writes that it was Malcolm McPherson, Waselkov, *Conquering Spirit*, 38. While the paternity of these two Creeks is unclear, it is only their maternity that matters for their identity and relationship to McGillivray.

in trade. While the man and woman had some control over whether or not they married, the woman's family had immense influence in the decision and could prevent a marriage if they wanted. A man had to present himself to a potential wife's maternal family before he could approach her, and he had to prove to them that he was capable of providing food and skins for her and her family. A marriage not only affected the individuals, but also the larger economy of the *huti*; therefore, marriages were not only emotional, personal connections but also economic relationships and political alliances. After contact, Creek families generally attached themselves to Europeans in order to gain access to trade. These marriages provided European men with access to their wife's kinship network, providing them with access to land and resources in Creek territory and protection from opposition from other Creeks. They were accepted into Creek society, permitted to become the town's trader, and ensured that their children were legitimate Creeks.[55]

McGillivray's three sisters married men of European descent.[56] Sophia McGillivray married Benjamin Durant, a French Huguenot from South Carolina, and Jeanette McGillivray married Louis LeClerc Milfort, a French adventurer. Both men provided economic assistance and connections outside of the Creek Nation. Milfort had served in the French army until 1774 and then made his way to Creek country. Once there, he became friends with Alexander McGillivray, who used Milfort's military knowledge when necessary. Milfort's time with the Creeks strengthened his opinion that West Florida should be retroceded to France and he hoped his connection to McGillivray

[55] Theda Perdue, *Mixed Blood Indians: Racial Construction in the Early South* (Athens: University of Georgia Press, 2005), 15–23; Kathryn E. Holland Braund, "Guardians of Tradition and Handmaidens to Change: Women's Roles in Creek Economic and Social Life During the Eighteenth Century," *American Indian Quarterly* 14, no. 3 (1990): 239-58.
[56] Look to Tables 1 & 2 for a kinship diagram for the Sehoy lineage.

would help prove the benefits of such a move to the French government.[57] In his memoirs, Milfort wrote about how his relationship with McGillivray's sister, Jeanette, began. Milfort said that after a trip to Coweta, where he became "tempted" by a pretty Creek woman, McGillivray exclaimed, "I thought you had an insurmountable dislike for the women of this nation… but your adventure [at Coweta] gives me proof of the contrary." McGillivray allegedly proposed that "the friendship which binds us together makes it possible for me to propose to you to marry my sister," and he explained that "she knows the English language and that of savages, and thus will be able to be sometimes of assistance to you, and serve as an interpreter." Milfort wrote that he was happy in his marriage, but the relationship did not start with romantic interest, but as a business proposition between two men.[58] Milfort gained an influential kinship connection in Creek society and a wife that could help him navigate Creek customs, while McGillivray ensured that if the French did return to the area, he would have a well-placed relative. Benjamin Durant was not as well-connected, but he helped contribute economically to the lineage, as he produced goods for the trade and attended to McGillivray's cattle on occasion.[59]

Sehoy McPherson (Sehoy III), McGillivray's maternal sister, made marital connections to two prominent Anglo-American men during her life, David Taitt and

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[57] Gilbert C. Din, "'Louis LeClerc De Milford, a.k.a. General Francois Tastanegy: An Eighteenth-Century French Adventurer among the Creeks,'" in *Nexus of Empire: Negotiating Loyalty and Identity in the Revolutionary Borderlands, 1760s-1820s*, ed. Gene Allen Smith and Sylvia L. Hilton (Gainesville: University of Florida Press, 2010); E. Wilson Lyon, "Milfort's Plan for a Franco-Creek Alliance and the Retrocession of Louisiana," *The Journal of Southern History* 4, no. 1 (1938): 72–73.

[58] Louis Milfort, *Memoirs or A Quick Glance at My Various Travels and My Sojourn in the Creek Nation*, trans. Ben C. McCary (Kennesaw, Georgia: Continental Book Company, 1959), 200–202.

[59] "Current Account of Alexander McGillivray with Panton, Leslie & Company," August 27, 1791, Panton Leslie Papers, Reel 6, frame 940.

Charles Weatherford. Taitt was the deputy to the British Superintendent in the 1770s; he was living in Little Tallassee when Alexander McGillivray returned to the Creek Nation, and he helped connect McGillivray to the British trade system. It was around the time of McGillivray's return that Taitt married Sehoy, who was around eighteen at the time. This marriage reinforced the existing political relationship between Taitt and McGillivray and illustrated the pro-British sentiment of Little Tallassee. The couple had two children in quick succession, David and Eloise, before Taitt fled the Creek Nation in 1778 as American traders worked against him and threatened his life. When Taitt left, McGillivray took control of the remaining goods in his store. Taitt's abandonment allowed for Sehoy to divorce him and become eligible for remarriage, which she did around 1780.[60]

Her second husband, Charles Weatherford, was an Anglo-American loyalist who fled the eastern seaboard during the American Revolution. With Weatherford, Sehoy had four children, Elizabeth, John, Roseannah, and William Weatherford, the famous Red Stick leader during the Creek War, 1813-14.[61] Their marriage proved beneficial to both parties as Weatherford became a trader and delivered letters and goods for McGillivray. Sehoy herself was a trader, but she held her business and property separate from her husband.[62] Simultaneously, her family connections provided key advantages to

[60] Braund, "Like to Make War Among Us," 54-56; Waselkov *A Conquering Spirit*, 41–42, 283 n. 19; Jacob F. Lowrey, "David Taitt," Encyclopedia of Alabama, accessed October 20, 2018, http://www.encyclopediaofalabama.org/article/h-1538.
[61] Thomas Simpson Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama* (Mobile, Ala: Southern Univ. Press, 1965), 77.
[62] In a letter on August 7, 1798, Sehoy Weatherford was listed as owing $579.46 for sundry goods to the United States' factory. [Unknown], August 7, 1798, *Records of the Creek Trading House Letter Book, 1795-1816*, National Archives Microfilm Publications, microcopy 4 (Washington:

Weatherford, giving him access to land so he could build a plantation to raise cattle and a fine stock of horses.[63] More importantly, her family protected Weatherford's economic interests, so long as he contributed to their lineage.

These women's marriages to non-Creek men connected the Sehoy lineage to the outside world and allowed them to maintain direct control over their assets. Conversely, McGillivray married within the Creek community to two well-connected Creek women. Creeks practiced polygyny, allowing a man to marry multiple wives if he could afford it and if his first wife approved of the match. McGillivray's increasing wealth made him a prime candidate for two wives and his first wife, Elise Moniac, allowed him to take on a second wife. Even if she protested, it did not prevent McGillivray from marrying his second wife, Levitia (Vicey) Cornells. His first wife, Elise Moniac, was daughter of Jacob Moniac, a Dutch trader and interpreter at Little Tallassee, and Polly Colbert, a Tuskegee Creek woman. Elise Moniac's brother, Sam Moniac, served as an interpreter and advisor for McGillivray, delivering letters for him and travelling with him for treaty negotiations. With Elise, Alexander McGillivray had three children, two daughters, Margaret and Elizabeth, and one son, Alexander McGillivray II. His second wife, Vicey Cornells, was the daughter of Joseph Cornells, a white trader in Tuckabatchee, and a Creek woman. Like Moniac, Cornells served as an interpreter and intermediary for McGillivray and his daughter's marriage to him cemented this relationship.[64]

National Archives, 1941), 133; For another example where Sehoy's name appears as a trader see Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 284 n. 26.

[63] Hawkins, Journal entry, December 20, 1796, *Letters, Journals, and Writings of Benjamin Hawkins*, 23–24.

[64] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 36–40; Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815*, 266–67.

In travel narratives and memoirs, Europeans and Creeks wrote that McGillivray held three residences at Little Tallassee, Hickory Ground, and Tensaw.[65] His expansive holdings indicated his wealth to observers, but at least two of those residences belonged to his two wives. Elise Moniac McGillivray lived on a plantation in Little Tallassee, near her maternal family. Vicey Cornells McGillivray lived at a plantation on the Tensaw near McGillivray's cow pens. Like Elise's property in Little Tallassee, the residence belonged to Vicey and her family; her sister, Lucy, also lived on the Tensaw with her husband and the rest of Vicey's family moved to the Tensaw soon after. Both Vicey Cornell's father, Joseph Cornells, and her husband, Alexander McGillivray, sent enslaved people to the plantation, illustrating how their economies had become intertwined through marriage, but the residence would belong to the Cornells lineage.[66] These two residences match the matrilocal custom of the Creeks, allowing the women to live close to their families with the added bonus of keeping the wives far apart to maintain harmony.[67] The residence at Hickory Ground belonged to the Sehoy lineage, as Malcom McPherson, McGillivray's brother, was the *mico* of Hickory Ground; his sisters established plantations just south of it, and their extended family was originally from that town. Indeed, when one traveler,

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[65] Marion Tarvin, "The Muscogees or Creek Indians from 1519 to 1893; Also an Account of the McGillivray Family and Others in Alabama" (1893), 8, Creek File, Folder 40, Gilcrease Museum Collection; Henry Rowe Schoolcraft, *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States* (Philadelphia: Lippincott, Grambo & Co, 197AD), 252; John Pope, *A Tour through the Southern and Western Territories of the United States of North-America*, A facsim. reproduction of the 1792 ed. with an introd. and index, Bicentennial Floridiana Facsimile Series (Gainesville: University Presses of Florida, 1979), 48.

[66] Hoboithle Micco complained of slave raids that the two men committed and claimed they hid the enslaved people on their Tensaw plantation. For quote and larger discussion of raiding see Joshua S. Haynes, *Patrolling the Border: Theft and Violence on the Creek-Georgia Frontier, 1770–1796* (University of Georgia Press, 2018), 95.

[67] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 36–40; Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815*, 266-7.

John Pope, arrived in there he met McGillivray's nephew, who accompanied Pope to Little Tallassee, where McGillivray was at that time. This instance illustrates that other Sehoy members lived at that residence and it would serve as a home when McGillivray conducted business at Hickory Ground, including fulfilling his duty as an uncle.[68]

While the residence on the Tensaw belonged to the Cornells lineage, the cow pen established by McGillivray and Durant belonged to the Sehoy lineage. In a letter written by William Panton, McGillivray's business associate, Panton said that McGillivray traveled from "his cow-pen on the Little River" to Pensacola.[69] Interestingly, Panton emphasized his cow-pen and not a plantation, indicating that the plantation did not directly belong to McGillivray, but the cow pen did. He could reside at his wife's home when necessary, especially to have greater access to trade ports, but during his life his lineage's plantations remained in the interior, near Hickory Ground. It was not until his nephew moved to the region that the Sehoy lineage built permanent residences on the Tensaw. At first, McGillivray's main property was the cow pens to help protect his cattle from enemies in the interior and to more easily supply Spanish garrisons with beef.[70] The lineage owned the cattle collectively, which explains why Sophia Durant travelled with McGillivray to establish the cow pen and after his death, she and her sister, Sehoy, claimed the cattle as their own.[71] McGillivray's exceptional wealth allowed him to provide residences for both of his wives and to protect his lineage's economic interests;

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[68] Pope, *A Tour through the Southern and Western Territories of the United States of North-America*, 47.
[69] William Panton to Lachlan McGillivray, April 10, 1794, in Caughey, *McGillivray of the Creeks*, 363.
[70] Tarvin, "The Muscogees or Creek Indians from 1519 to 1893; Also an Account of the McGillivray Family and Others in Alabama," 9; Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 22–23.
[71] Hawkins to William Eustis, August 27, 1809, in Grant, 556.

but in doing so he did not break with Creek economic traditions, holding property separate from his wives while simultaneously contributing to their *huti's* economy.

These two marriages created a kinship connection between McGillivray and two well-connected men he trusted, solidifying a business relationship into a kinship bond. Both sides provided services for the other; as the husband, McGillivray joined his wives' separate *hutis* and was responsible for helping provide for them, conceivably letting them borrow some of his slaves to help in their agricultural pursuits. He also provided their families with direct access to trade goods while at the same time helping his direct lineage. In one account ledger for McGillivray with Panton, Leslie & Company, all of his responsibilities are clear. On March 9, 1790, he obtained $20 worth of goods for his wife's brother, Sam Moniac, while the next year he applied for $100 in goods for "Mrs. Cornells," his wife or one of her relations. He paid Mr. Durant, his sister Sophia's husband, for attending his cattle and then procured $32 of goods for Mrs. Durant. For his other sister, Sehoy, he placed an order for goods that amounted to $90. More than just obtaining goods, McGillivray also sent eighty-one beaver pelts on behalf of "Sehoy & Weatherford," that amounted to $68.[72] McGillivray was central to both his wives' and his sisters' economic success.

Similarly, he helped other "relations" receive goods from Pensacola. In 1786, McGillivray wrote a letter to Governor O'Neill on behalf of "the Chief Warrior of Cluwally My Relation." The warrior brought the letter with him to Penscola in order to "receive 300 lb powder and 600 lb Ball 200 flints" for his "Large Town." In the letter, McGillivray also urged O'Neill to give his relation "some kegs of Taffia & any presents,

[72] "Current Account of Alexander McGillivray with Panton, Leslie & Company," August 27, 1791, Panton Leslie Papers, Reel 6, frame 938-40.

etc. you might think proper" since he was a "failful" and "good" man.[73] This unnamed warrior was not a member of the Sehoy lineage, but was related to McGillivray through the Wind clan. Though he was a distant relation, McGillivray honored his reciprocal responsibility to this warrior by giving him direct access to goods in Pensacola. In return, McGillivray had this warrior and his town's support for his decisions. These reciprocal relationships were incredibly important to McGillivray's power and success in the Creek Nation; having a large kinship network loyal to him allowed him to make certain decisions and have them enforced. When Hobolithe Mico opposed McGillivray's negotiations with Spain and chose instead to negotiate with Georgia, McGillivray sent "young men of his relations" to destroy Hobolithe Mico's house, cattle, and corn. The destruction of property was a traditional Creek punishment, and McGillivray's relations remained loyal to him and defended his interests because he supplied them with "frequent and profuse presents." These "relations" were members of the Wind clan, yet their loyalty was not only based on their kinship connection to the Sehoy lineage, but also McGillivray's ability to supply them with goods.[74] This expansive network also protected the Sehoy lineage; when Georgians wanted to be "rid of him" as he was the "principal person" against them, they asked Lower Creeks to kill him. The Creeks refused because "He is from a large family" that would seek revenge upon them.[75] Despite the fact that,

[73] McGillivray to O'Neill, 26 August 1786, Papeles de Cuba, Legajo 37, Doc 117, Reel 169, PKY, UF.
[74] Schoolcraft, *Historical and Statistical Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States*, 281–82; when he wanted to patrol the eastern border to prevent Georgian encroachment, McGillivray sent out his own kin, see Haynes, *Patrolling the Border*, 110.
[75] "Contextacion que al otro dia 22 hicieron los Reyes, Hombres Princpales, y guerreros de la nacion crique," October 22, 1786, EF, reel 43, bnd 114J9, RBD; Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 82–83.

throughout his career, many Creeks grew agitated and threatened by his wealth, behavior, and political decisions, McGillivray had such a solid kinship network that no one felt it safe to assassinate him.

The Sehoy lineage also used marriage to help control the expanded Euro-American settlements along the Escambia River and Tombigbee. According to agreements, Euro-Americans could settle south of the "cut-off" and west of the Tombigbee River. The Spanish encouraged British loyalists to migrate to the area to protect their holdings from Georgia. They hoped that by filling the region with "friendly Indians and Mestizos" and interracial families they could stabilize their border and build up allies against the United States. They believed loyalists, along with Creeks like McGillivray, could help provide resources for them while also protecting Spanish interests.[76] McGillivray allowed settlements so long as the loyalists were "respectable men… who have been accustomed to Industry, well Skilled in Farming, raising Stock or anything in that way." He argued that these men would benefit Spain by making valuable products for Spanish garrisons; he knew their work would supplement Creek products to meet Spanish demands. McGillivray was not open to mass settlement, however, and warned the Spanish not to accept lazy or dishonest loyalists and, most especially, not to accept any American patriots. He warned that Americans who would "leave their own government" should not be permitted to come as they were a "rebellious crew" and would destroy the area.[77] While Creeks permitted the migration of loyalists to the region, they clearly stated that Euro-Americans must remain outside of Creek territory.

[76] O'Neill to Sonora, July 11, 1787, in Caughey, *McGillivray of the Creeks*, 157.
[77] McGillivray to O'Neill, February 5, 1784, in Caughey, *McGillivray of the Creeks*, 69-70.

The Euro-American and Creek communities lived in spatially distinct areas, divided by an international boundary, but they communicated with one another. Creek women learned to spin and weave from white women and took this knowledge back to the interior. [78] Similarly, McGillivray hired a white man, William Walker, to oversee the Tensaw plantation. While the residence and land belonged to the Cornells lineage, many of the enslaved peoples belonged to McGillivray. Presumably, Walker oversaw McGillivray's enslaved laborers and used his agricultural knowledge to help the plantation prosper. This economic relationship illustrated the exchange of knowledge and expertise on the frontier. [79] The Sehoy lineage became personally linked to this white community when Sophia Durant, the daughter of Sophia McGillivray Durant, married John Linder, Jr., the son of the magistrate to the Euro-American Tensaw community. It is unclear whether or not this was a love match or an alliance negotiated between McGillivray and Linder, Sr.; there is no marriage certificate or discussion of the marriage to clarify when or why the marriage took place.[80] Linder, Sr. and McGillivray communicated often and even worked together, and the marriage between Linder's son and McGillivray's niece provided them both with powerful allies in each community.

When these Euro-Americans illegally crossed the boundary lines, however, Creeks responded with violence. In 1789, a group of white men crossed the boundary line

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[78] Hawkins, Journal Entry for December 25, 1796, in Grant, 29; Hawkins to Henry Gaither, February 27, 1799, in Grant, 241.
[79] McGillivray to John Linder, December 26, 1788, *Elizabeth West Papers,* Reel 1, Legajo 52, Document C.
[80] While there is no marriage certificate to substantiate the marriage between these two people, there are two sources that identify her as "Sophia Linder McComb" (McComb being her second married name). In a letter to Andrew Jackson, Edmund P. Gaines identified her as "Sophia Linder McComb, niece of McGillivray." Gaines to Andrew Jackson, July 9, 1815, Jackson Papers, Roll 75, NA; Also identified in Deed Book I:23-4, Washington County, Alabama; Wright, *The McGillivray and McIntosh Traders*, 264-5, 299 no. 81.

into Creek territory "to establish themselves on the land and to build a trading house there." These men "roused among the Indians a great fear of the Americans… because of their disposition to usurp, and they now begin to say that the Americans have formed a plan of surrounding them." McGillivray explained that he had warned the Spanish to "restrict settlement to a few of the larger and better proprietors," but they had not listened; instead they allowed a group of would-be usurpers into the region who wanted to encroach on Creek territory.[81] The Creeks responded with violence and plans to loot the settlers; McGillivray claimed he could not prevent them from protecting their own property. This interaction angered the Spanish, along with the Creeks continued warfare against Georgia. The Spanish grew weary of United States retaliation for them providing ammunition to the Creeks. Miro pleaded with McGillivray to "make up matters with our Neighbours [sic] the Americans in such a manner as that you live in quiet & that your Nation continuing under the Protection of his majesty should persevere in refusing to have any Intercourse with them."[82] Spain began limiting the amount of goods, especially ammunition, that entered the Creek Nation in hopes of bringing McGillivray to heel.[83] William Panton complained that Miro ordered that "no vessels of ours from a Foreign port with Goods" would be admitted nor would they "permit [them] to export skins" without extra duties.[84]

By 1789, Georgia wanted peace, and the Creeks, in need of better trade conditions, acquiesced. McGillivray assured Panton that his negotiations with Georgia

[81] McGillivray to Folch, April 22, 1789, in Caughey, *McGillivray of the Creeks*, 226–27.
[82] Miro to McGillivray, May 9, 1787, in Caughey, 152, n.94.
[83] Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815*, 225–27.
[84] Panton to Miro and Navarro, January 28, 1788, *Elizabeth West Papers* (Gainesville, Fla.: University of Florida Libraries, 1968), Legajo 203, Reel 1, Document 2.

would focus on boundary lines and Creek sovereignty, but he also conceded that to have a friendship with Georgia meant having a commercial relationship. He claimed that without opening up a trade, this peace could not last. McGillivray promised not to enter into any agreement that contradicted the agreement with the Spanish, so long as they upheld their bargain. Spain had "to afford [the Creeks] their decided support by every means in their power & not under any pretence [sic] repeat the Conduct of last summer… to refuse further aid."[85] He wanted sustained trade and, furthermore, to receive excellent quality goods at an affordable price. By 1790, McGillivray was set to negotiate a peace with the newly formed federal government of the United States, but the Creeks' precarious position with the Spanish certainly influenced his negotiations that led to policies that would define Creek-American relations in the early nineteenth century.

In 1790, McGillivray traveled to New York with a delegation of Creek leaders, many of whom were kin to McGillivray, to negotiate a peace with the new President, George Washington. The Treaty of New York created the foundation for Creek-American relations in three major ways. First, after agreeing to boundaries between Georgia and the Creek Nation, the United States recognized the sovereignty of the Creek people in their own territory. In the eyes of the new government, this meant that the Creek Nation was on equal footing with the federal government and could only negotiate with them and not individual states. This protected Creeks from avaricious Georgian traders who could intimidate an individual Creek into signing land away. Simultaneously, it permitted Creeks to punish interlopers, including US citizens, by their own laws. Second, the treaty solidified the federal policy of civilization, which will be discussed in detail in Chapter

[85] McGillivray to Panton August 10, 1789, *Elizabeth West Papers*, Legajo 203, Reel 1, Document 7.

Two. In short, the civilization policy was an attempt to accelerate the use of economic alternatives, including cattle ranching, commercial agriculture, and weaving, on a wide scale; these were activities that Tensaw Creeks already practiced, but the United States wanted to spread them throughout the Creek Nation. Lastly, a set of secret articles negotiated at New York established a trade agreement between the United States and the Creeks. The agreement was that the United States would establish a permanent trade by 1792 that would directly compete with the Spanish trade. Until that time, though, the United States guaranteed that if the Spanish failed to meet trade requirements, they would import $60,0000 worth of trade goods to the Creeks, duty free. This commercial agreement protected the Creeks if the Spanish should cut off their trade again. At the same time, Great Britain and Spain appeared to be on the brink of war in 1790, so McGillivray was hedging his bets by opening up an alternative trade should Spain or Panton, Leslie & Company not be able to send supplies.[86]

The articles, both public and secret, of the Treaty of New York had tremendous effects on the Creeks as a whole, both positively and negatively. Protecting their sovereignty was, nominally, a win for the Creek Nation, but one that was not always honored in dealings with the Creeks. The civilization policy provided the Creeks with numerous resources that helped them adapt to new geo-political circumstances, but also caused a rift within the community as disparities in wealth and the breakdown of

[86] The Treaty of New York, 1790 can be found in Charles Joseph Kappler, and United States, eds., *Indian Affairs: Laws and Treaties* (Washington: U.S. G. P. O, 1975), v.2, 25–28; The secret articles can be found in David Hunter Miller, *Treaties and Other International Acts of the United States of America*, Treaties, Etc. (Washington, D.C.: U.S. G.P.O., 1931), v. 2, 344; a great overview of the treaty is J. Leitch Wright, "Creek-American Treaty of 1790: Alexander McGillivray and The Diplomacy of The Old Southwest," *The Georgia Historical Quarterly* 51, no. 4 (1967): 379–400; Nichols, *Red Gentleman and White Savages,* 120-3; Green, "Alexander McGillivray," 55–57; Downes, "Creek-American Relations, 1782-1790," 184.

traditional relationships threatened the fabric of their society.[87] The trade, overall, improved the opportunities of Creeks and, arguably, was an objective McGillivray sought for the good of his people. Yet, like his earlier negotiations with Spain, McGillivray's motivations were ultimately divided between his role as a leader and his obligation to his lineage.

In another secret article, Alexander McGillivray received the rank of Brigadier General and Agent of the United States; a position that came with a salary of twelve hundred dollars a year, which McGillivray later disavowed.[88] Similar to his position as Spanish Commissary, this title was largely nominal and a gave him access to the United States government and influence over the flow of presents in the trade. Once again, though he negotiated a solid and potentially beneficial trade deal for the Creeks, he wanted to be at the center of the trade for both his and his family's interests. Ultimately, his position allowed him to utilize the Creek play-off diplomacy, where his integral role in the trade permitted him to use the fear of the "other" side to improve prices and availability. He could tell the Spanish that he would turn exclusively to the Americans if they did not provide and vice versa.[89] McGillivray was not the only individual to benefit from these negotiations, as another secret article provided a commission for certain Upper and Lower Creek chiefs and their beloved men. Their salary was significantly less,

[87] This is what Saunt effectively argues in his monograph, *New Order of Things*.
[88] Miller, *Treaties and Other International Acts of the United States of America*, v. 2, 344; Wright, "Creek-American Treaty of 1790," 386.
[89] Steven Hahn described the "Coweta Resolution," in 1718 in which Creeks practiced neutrality between the various European powers to play them off one another. After the Seven Years War and the American Revolution, this system became harder as certain colonial powers vanished, but McGillivray continued to use the fear of the "other side" in his negotiations with Spain and the United States. See Hahn, *The Invention of the Creek Nation, 1670-1763*, 3–4, chapter 4.

one hundred dollars a year, but it illustrated that the other leaders also received a salary for their part in the negotiation.[90]

In one more major secret article, McGillivray provided a guarantee for his family's future. The secret article stated, "The United States agree to educate and clothe such of the Creek youth as shall be agreed upon, not exceeding four in number at one time."[91] This provision provided an avenue for the men of the Sehoy lineage to become educated by and connected to important officials in the United States, and would allow them to remain in positions of influence. They would have contacts in the government, opportunities to negotiate, and the ability to communicate. The first youth to benefit from this article was McGillivray's nephew, David Tate. Tate had traveled north with his uncle for the treaty negotiations and was "placed at school under the supervision of Gen. Washington, where he remained five years." Later, Tate travelled to Scotland to receive further education before returning to live in the Creek Nation.[92] In later years, other men of the Sehoy lineage, including Lachlin Durant, the son of Sophia McGillivray Durant, and David Moniac, the maternal nephew of David Tate, received formal educations in Philadelphia and New York. Other prominent lineages profited from this arrangement, but relations of McGillivray benefited frequently.[93] The purpose of this education was to allow Creek men, and occasionally women, to thrive in the Euro-American economy. This education, coupled with their native upbringing, made these children bicultural—

[90] Miller, *Treaties and Other International Acts of the United States of America*, vol. 2, 344.
[91] Miller, *Treaties and Other Internal Acts of the United States of America*, vol. 2, 344.
[92] Alabama Historical Society, ed., *Alabama Historical Reporter* (Tuskaloosa, Ala: The Society, 1879), 7; Nichols, *Red Gentleman and White Savages*, 120-23.
[93] See Hawkins, *Letters, Journals, and Writings of Benjamin Hawkins*, ed. Grant, 67, 94, 104, 293.

comfortable moving between and living in both cultural worlds.[94] This allowed them to flourish on the frontier as they could interact easily with the various groups they encountered; simultaneously, their biculturalism made them an enigma to their American counterparts who wanted to view them as either "civilized" or "savage."

While McGillivray likely left New York satisfied with the decisions, many groups back in the south resented the treaty, especially when they discovered the secret articles. Spain felt betrayed by McGillivray's commercial agreement and rank as Brigadier General. Georgia balked at the new federal government's recognition and protection of Creek sovereignty; the state felt that it should have the ultimate authority over relations with Creeks and the ability to expand. Many Creeks resented that the new boundary included some of the territories ceded to Georgia in 1783 and 1785 and Lower Creek towns distrusted McGillivray's motives. After 1790, McGillivray's power began to wane as his promises and loyalties divided his attentions, and he suffered from a series of chronic illnesses which prevented him from traveling.[95] McGillivray made several complaints to his friend, William Panton, saying in one letter, "I am positively Harassed and Wearied out by the restless Life I am obliged to lead," and in another saying he planned to move permanently to his Little River plantation on the Tensaw because he was "absolutely worn down with the Life I have lived for ten years past."[96] His decision to

[94] Frank, *Creeks and Southerners*, 76; Cashin, *Lachlan McGillivray*, 70-75.
[95] Wright, "Creek-American Treaty of 1790," 395–97; Green, "Alexander McGillivray," 57–60; Kevin Kokomoor, "Creeks, Federalists, and the Idea of Coexistence in the Early Republic," *Journal of Southern History* 81.4 (November 2015): 803–4.
[96] First quote, McGillivray to Panton, May 21, 1789 in D. C. Corbitt, "Papers Relating to the Georgia-Florida Frontier, 1784-1800," *The Georgia Historical Quarterly* 21, no. 3 (1937): 287; second quote, McGillivray to Panton, October 28, 1791 in Caughey, *McGillivray of the Creeks*, 300.

move might have stemmed from fear over Lower Creek retaliation or to spatially separate himself from the politics of the Creek Nation.

On February 17, 1793, McGillivray died at the age of forty-three after "complications of disorders of Gout in the stomack [sic]."[97] Immediately following his death, Panton mourned his friend, but feared for the position of Panton, Leslie & Company and Spain within the Creek Nation. Already in a precarious position as the Creeks increasingly turned to the United States, Panton believed that the loss of McGillivray would precipitate a shift in geopolitical control of the Gulf. He urged the Spanish to quickly find a substitute for McGillivray and hoped that, one day, McGillivray's son would replace his father in the Creek Nation.[98] Yet, in his life, McGillivray prepared his nephew, David Tate, to take charge of the family and rise into leadership, not his biological son. After his death, his sisters gathered his property, divided it amongst their lineage and disposed of parts as was custom in the Creek Nation.[99] After his death, some praised his actions while others condemned his mistakes, but regardless, he had established a legacy that his lineage and its extended kinship networks would continue on the Tensaw.

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[97] Quote from Panton to Carondelet, February 16, 1793 in Caughey, *McGillivray of the Creeks*, 353; Date given in Panton to Carondelet, February 20, 1793, in Caughey, 354.
[98] Panton to Carondelet, February 20, 1793, in Caughey, *McGillivray of the Creeks*, 354; Panton to Lachlan McGillivray, April 10, 1794 in Caughey, 363.
[99] Hawkins to William Eustis, August 27, 1809, in Grant, 556.

Chapter 2
Economic Change and Cultural Persistence on the Tensaw, 1783-1812

The civilization policy, as outlined in the Treaty of New York, sought to transform Creeks into a society of "herdsmen and cultivators, instead of remaining in a state of hunters." Overall, federal officials believed that altering their economic decisions would lead Creeks into "a greater degree of civilization."[1] Secretary of War Henry Knox promoted the policy because he believed that the wars during the Confederation Period (1781-1789) had become too costly. [2] Instead, Knox urged the government to impart "our knowledge of cultivation and the arts to the aboriginals of the country" in hopes that it would "preserve" their population for a "future life and happiness." He acknowledged that this would be "an operation of complicated difficulty," but insisted it would prove successful as it would mirror the "progress of society, from the barbarous ages to its present degree of perfection." In his proposal to President Washington, Knox outlined important markers of civilization that they would need—implements for animal husbandry, agriculture, and a "love for exclusive property." While Knox portrayed this policy as partially humanitarian, a way to prevent the "extermination" of "part of the

[1] "A Treaty of peace and Friendship, made between the President of the United States of America, on the part and behalf of the said States, and the undersigned kings, chiefs, and warriors of the Creek Nation of Indians, on the part and behalf of the said nation," 7 August 1790, *American State Papers: Indian Affairs*, edited by Walter Lowrie and Matthew St. Clair Clarke (Washington: Gales and Seaton, 1832), 1:82.
[2] Reginald Horsman, "The Indian Policy of an 'Empire for Liberty,'" in *Native Americans and the Early Republic*, edited by Frederick E. Hoxie, Ronald Hoffman, and Peter J. Albert (Charlottesville: Published for the U.S. Capitol Historical Society by the University Press of Virginia, 1999), 38–39.

human race," he admitted that it would have "the salutary effect of attaching them [the Creeks] to the interest of the United States."[3] The plan had three main economic focuses: to encourage men to farm and ranch, women to perform domestic tasks, and Creeks in general to shift from a communal understanding of land to private property. By changing Native American conceptions and practices in these three areas, the government hoped to align native interests with its own, and open up territory for white settlement. For instance, if Indian men farmed and ranched on individual property, it would open up their vast hunting territory and make it accessible for American citizens to expand.[4]

In the treaty, the United States promised to "furnish gratuitously the said nation with useful domestic animals and implements of husbandry" as well as send agents to assist the Creeks in these economic ventures.[5] Benjamin Hawkins served as the United States agent to the Creeks from 1796 until 1816, where he taught women how to spin and weave, introduced the plow to Creek men, and encouraged the expansion of ranching. Hawkins noted that the Tensaw Creek community "embraced the plans of civilization first and by their conduct merited the attention of the Agent for Indian affairs."[6] He

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[3] Letter from General Knox to the President of the United States, 7 July 1789, *American State Papers: Indian Affairs* 1: 53-4.

[4] Theda Perdue, "George Washington and the 'Civilization' of the Southern Indians," in *George Washington's South*, ed. Tamara Harvey and Greg O'Brien (Gainesville: University Press of Florida, 2004), 318–19; Kevin Kokomoor, "Creeks, Federalists, and the Idea of Coexistence in the Early Republic," *Journal of Southern History* 81, no. 4 (November 2015): 809–12; Joshua S. Haynes, *Patrolling the Border: Theft and Violence on the Creek-Georgia Frontier, 1770–1796* (University of Georgia Press, 2018), 157–58; Robbie Ethridge, "Creeks and Americans in the Age of Washington," in *George Washington's South*, ed. Tamara Harvey and Greg O'Brien (Gainesville: University Press of Florida, 2004), 280–81.

[5] "A Treaty of peace and Friendship, made between the President of the United States of America, on the part and behalf of the said States, and the undersigned kings, chiefs, and warriors of the Creek Nation of Indians, on the part and behalf of the said nation," 7 August 1790, *American State Papers: Indian Affairs*, edited by Walter Lowrie and Matthew St. Clair Clarke (Washington: Gales and Seaton, 1832), 1:82.

[6] Benjamin Hawkins to William Crawford, January 19, 1816, in *Letters, Journals, and Writings of Benjamin Hawkins*, edited by Charles L. Grant (Savannah, Ga: Beehive Press, 1980), 768.

frequently lauded their economic choices by describing individuals as "prudent," "neat," "economical," and, most often, "industrious."[7] In the early nineteenth century, the word "industrious" in this context referred to Creeks who adopted Euro-American economic values and practices. Conversely, Hawkins described Creeks who remained in a mixed economy of hunting, gathering, and farming as "idle" and "mischievous."[8] By attaching this terminology to Creek actions, Hawkins attempted to categorize Creek behavior into two classifications— "civilized" and "savage."

The Tensaw became a place in which Creek families could easily practice these activities without fear of retribution. In the interior, individuals raised livestock and diversified their crops, but, usually, on a smaller scale. Creeks turned to ranching as a viable alternative as the deerskin trade declined after the American Revolution; but free-ranging cattle threatened the traditional talwa system, which relied on unfenced agricultural fields for subsistence. Many Creeks who pursued ranching on a larger scale moved away from the town center not only to preserve the town's economy, but also to protect their cattle.[9] Indeed, one descendant of Tensaw Creeks claimed that Alexander McGillivray first moved to the Tensaw to "benefit of their large stock of cattle." The Tensaw provided a large tract of land for foraging, but also protected McGillivray's cattle

[7] Specifically, Hawkins used these adjectives to describe Lynn McGhee in a letter to Matthew Hopkins, March 5, 1799, in Grant, ed., 242 and Mrs. Bailey in a journal entry for December 18, 1796 in Grant, ed., 21.
[8] Claudio Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century.," *The William and Mary Quarterly* 57, no. 4 (October 2000): 747.
[9] Ethridge, "Creeks and Americans in the Age of Washington," 281–82; Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006), 22–23.

from political retribution.[10] Similarly, the Bailey family of the Creek town of Autosse moved to the Tensaw to protect their livestock. Benjamin Hawkins noted that in the early 1790s the Baileys were "under the necessity to remove to Tensaw, on account of their stock, and the ill nature of the Indians," who are "in the habit of distroying [sic] hogs or cattle whenever they trespass on the fields under cultivation."[11] The Baileys returned to Autosse later in the decade when the town promised not to kill their livestock, but the Tensaw had proved to be a place of refuge. The Bailey children returned to the Tensaw in the early nineteenth century to practice ranching, cotton-farming, weaving, and ferrying.

Yet, even as Tensaw Creeks adopted these Euro-American economic practices, they maintained Creek cultural customs and adapted these new activities to their Creek ethnic identity, which placed them in a contentious place. For example, Hawkins had praised the Bailey family for being "industrious." In particular, he lauded the Bailey's son, Dixon, who had received an education in Philadelphia. Hawkins noted that after Bailey returned to the Creek Nation he brought "so much contempt for the Indian mode of life [with him] that he got himself into discredit with them [the Creeks]." [12] Hawkins believed that Bailey, and the rest of his family, illustrated the successes of the civilization policy, but just two years later Hawkins claimed that Bailey was "neither Indian or white man" as "much of the Indian appears" in his behavior. [13] While Hawkins wanted to label them, the Tensaw Creeks created an identity that defied categorization. The Tensaw

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[10] Marion Tarvin, "The Muscogees or Creek Indians from 1519 to 1893; Also an Account of the McGillivray Family and Others in Alabama" 1893, Creek File, Folder 40, 9, Gilcrease Museum Collection.
[11] Hawkins Journal Entry December 25, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 28.
[12] Benjamin Hawkins, *Letters, Journals, and Writings of Benjamin Hawkins*, ed. Charles L. Grant (Savannah, Ga: Beehive Press, 1980), 293.
[13] Hawkins, Grant, ed., note on 293.

residents did not cease to be Creek when they adopted commercial agriculture, ranching, weaving, and African slavery. Instead, they created a new bicultural identity that blended aspects of both European and Creek cultures. Understanding which socio-economic customs the Tensaw Creek residents chose to adopt from Euro-America and which they maintained from Creek society will illustrate the dynamic processes of the frontier economy and the cultural persistence of Creek ethnic identities.

Certainly, the everyday lives of Creeks on the Tensaw differed from a traditional Creek lifestyle because of the activities they adopted, but they continued to understand their world in traditional ways. These families continued to order property and identity matrilineally, divide labor along gendered lines, and women maintained their economic role. The first part of this chapter will examine the continuation of these customs even as ranching, weaving, and cotton farming became their primary economic tasks. Simultaneously, their choices did not deviate entirely from Creeks who remained in the interior, as other Creeks diversified their household economies, but the Tensaw deviated from the average Creek in the interior by the scale of their property. The Tensaw community had some of the largest herds, enslaved populations, and cotton fields in the Creek Nation.[14] Two aspects that evolved more significantly in this period on the Tensaw were their attitude towards racialized slavery and their increased material wealth. In many ways, their choices aligned them economically and socially with white settlers, but at the core of their actions, Tensaw Creek focused on promoting their matrilineal family's interests. They carefully made marriage arrangements that would concentrate their wealth and solidify trade relationships. Connections to the Tensaw provided Creeks with

[14] Ethridge, "Creeks and Americans in the Age of Washington," 281–82.

opportunities to create a new bicultural life, but also, ultimately, isolated them from both the Creek interior and white communities that surrounded them.[15]

The Sehoy lineage first migrated to the Tensaw in 1783 and its initial success attracted other families. Soon new Creek families with the surnames Randon, Bailey, McGhee, and Steadham joined the more established families of Tate, Durant, Weatherford, and Cornells on the Tensaw Delta. These families intermarried, creating a cohesive community connected by kinship and reciprocal obligations. Many of these families do not appear in the written record at this time, but prominent families, including the Sehoy and Bailey lineages, provide case studies for the larger community. Some families created permanent residences on the Tensaw, while most held dual residences on the Tensaw and interior. Other branches of these families, including Sam Moniac, who was related to the Sehoy lineage through marriage, never officially lived on the Tensaw; but Moniac's connection to the Sehoy lineage benefited him economically, and his wife and biological children were intimately connected to the Tensaw through kinship. Therefore, his life and experiences mirror the households on the Tensaw.

Tensaw Creeks continued to understand property as collectively belonging to a lineage. When Alexander McGillivray died in 1793 his sisters, Sophia Durant and Sehoy Weatherford, along with their sons "took possession of the greatest part of the property,"

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[15] For more on biculturalism see especially: Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005); Theda Perdue, *Mixed Blood Indians: Racial Construction in the Early South* (Athens: University of Georgia Press, 2005); Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*. James Eyre Wainwright argues that Creeks, including those on the Tensaw, were responsible for shifting the south from native to antebellum economies as they first introduced cotton farming and African slavery in the deep south. See Wainwright, "Both Native South and Deep South: The Native Transformation of the Gulf South Borderlands, 1770-1835" (Rice University, 2013).

including enslaved peoples, cattle, hogs, and horses. When David Tate, McGillivray's maternal nephew, returned from his education abroad to the Creek Nation in 1800 he took "possession of most of the property" and worked alongside his mother, Sehoy, to improve it.[16] In a related situation, these sisters took possession of the property held by their other maternal brother, Hickory Ground mico Malcolm McPherson, when he passed away in 1799. According to one trader, the sisters allowed McPherson's biological son to use his father's deerskins to pay off his debts, but within a year they had taken all of the cattle and slaves from the estate.[17] These sisters' right to this property was rooted in traditional Creek matrilineal inheritance patterns. Lachlin Durant, McGillivray's maternal nephew, explained Creek inheritance by saying that when a man died his nearest male relations, usually his uncle or nephew, took possession of the property and carefully sorted it from his wife's estate. The children received nothing, however, since "brothers and sisters inherited." This is because the lineage owned property, both moveable and real, collectively and separately from each individual's spouse. Durant further explained that after marriage "the husband had nothing to do with, nor had he any control of the wife" or her property.[18]

The true mystery that remains was the distinction between private and communal property. Unfortunately, the Tensaw residents did not explain which parts of this new

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[16] Hawkins to William Eustis, August 27, 1809, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 556; Tarvin Manuscript, 10.
[17] Daniel McGillivray was a trader in Hickory Ground that changed his name to McGillivray to utilize the reputation of the McGillivray family. McGillivray to Panton, September 28 1799, Greenslade Papers, PK Yonge Library; McGillivray to Panton, October 13, 1800, Greenslade Papers; Claudio Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999), 169–71.
[18] Deposition of Laughlin Durant, "Case No 1299: Weatherford vs Weatherford, Howell et Al" (n.d.), SC00164, Alabama Department of Archives and History.

economy belonged to individuals and which belonged to the lineage as a whole. Traditionally, individual property included clothing, jewelry, weapons of war, and other trinkets. Communal property, or objects that benefitted the lineage as a whole, included agricultural produce, animal skins, improvements to the land, and enslaved persons. In one account, a Lower Creek described his enslaved laborer as family property, indicating that traditionally slaves belonged to a lineage. When individuals died, their family destroyed their personal belongings.[19] As Creeks became literate, personal belongings expanded to incorporate their manuscripts and letters. After McGillivray died, many Euro-Americans assumed that his writings were "perished, for the Indians adhere to their custom of destroying whatever inanimate objects a dead friend most delighted them."[20] In a letter, Benjamin Hawkins claimed that Sophia Durant and Sehoy Weatherford "have destroyed the stock of horses and cattle." If he meant that they literally destroyed the cows and horses, that indicates that the livestock in question were the personal property of Alexander McGillivray. Alternatively, Hawkins, who often did not approve of these women's economic choices, might have been referring to them selling or mismanaging the livestock, thus "destroying" the large herd that McGillivray had built in his life.[21] In either instance, the sisters took immediate charge of the animals, which illustrated that they believed they had an obligation and right to the property first; they believed in some

[19] Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 39–41; Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America*, Reprint edition (Cambridge (Mass.); London: Harvard University Press, 2012), 129; Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866*, 1st ed (Knoxville: University of Tennessee Press, 1979), 13.
[20] "Obituary Notice in the Gentleman's Magazine," in John Walton Caughey, ed., *McGillivray of the Creeks* (Norman: University of Oklahoma Press, 1938), 362.
[21] Hawkins to William Eustis, August 27, 1809, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 556.

capacity that they should take charge of livestock, which means it may have economically belonged to the lineage as a whole, like animal skins had before. As the nineteenth century progressed, indigenous families stopped destroying the expensive cattle and horses and, instead, believed that the spirit of the animal joined its owner in the afterlife, while its body remained to assist the deceased's kin.[22] These sisters still worked and identified as a unit, showing that their matrilineal identity remained strong. The sisters distributed the enslaved laborers among McGillivray's nephews. It seems that in a person's life, while they possessed these enslaved people, slaves were personal property, but upon one's death the lineage took control of them. As the Tensaw community progressed and began leaving wills in the nineteenth century, however, some individuals left enslaved people to their biological children. This does not contradict traditional Creek culture, as an individual could bequeath personal property to children or other individuals if they wished, but only if they made their intentions known before their death.[23] The line between personal and communal property shifted as they incorporated new items into their everyday lives, but the matrilineage remained an important force in their economic lives and the distribution of property.

Tensaw Creeks further maintained traditional matrilineal property traditions as women continued to control property separate from their husbands. In 1796, Hawkins encountered McGillivray's sisters and noted that they kept "the command absolute of

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[22] James Taylor Carson, "Horses and the Economy and Culture of the Choctaw Indians, 1690-1840," *Ethnohistory* 42, no. 3 (Summer 1995): 504.

[23] Christina Snyder noted that by the nineteenth century, enslaved people became the personal property of individuals; but as Kathryn Braund wrote, the practice of destroying enslaved people appeared to end with McGillivray. Therefore, there is a tension between the personal/communal understanding of enslaved property. See Snyder, *Slavery in Indian Country*, 187; Kathryn E. Holland Braund, "The Creek Indians, Blacks, and Slavery," *Journal of Southern History* 57, no. 4 (November 1991): 626.

every thing from their husbands," presumably this included the roughly eighty enslaved peoples that they held.[24] According to this account, Sophia's husband, Peter Durant, lived with her, though she kept command of the estate. Sehoy, however, apparently kept a completely separate residence from her husband, Charles Weatherford. In 1796, Hawkins visited the plantation of Charles Weatherford, but never mentioned Sehoy; he only commented on Sehoy when he discussed her sister, Sophia, and their economic situation. This suggests that Sehoy lived closer to her sister than her husband. In 1799, Hawkins commented on Weatherford's location and claimed that after he left the trade Weatherford "moved down the Alabama below Sehoy's." This language indicates that Sehoy and Charles lived apart from one another for a significant portion of their marriage and continued to even after Charles moved closer to her, as his residence was "below" her own.[25] Moreover, both had separate accounts with Panton, Leslie, & Co.; in a list of debts due by traders to the firm, Charles Weatherford and Sehoy Weatherford are entered into the record separately.[26]

Sehoy's decision to live apart from her husband was a strategic move to protect her property from Weatherford's frequent debt and poor decisions. Earlier in their marriage, Weatherford had been jailed in Spanish prison for trade infractions. Sehoy's lineage was unwilling to pay reparations for his release and McGillivray, Sehoy's brother, defended this decision by saying "if ever Weatherford Shews [sic] himself within

[24] Hawkins Journal Entry, December 20, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 23.
[25] Hawkins to James Seagrove, August 9, 1799, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 256.
[26] John Innerarity, "The Creek Nation, Debtor to John Forbes & Co., Successors to Panton, Leslie & Co. A Journal of John Innerarity, 1812," *The Florida Historical Society Quarterly* 9, no. 2 (1930): 86.

ten Miles of my house, he will be Servd as he Justly deserves." [27] A petition was sent to the Spanish government on behalf of Weatherford, claiming that his debt was beyond his control as others had taken his property. Over sixty "humble petitioners" asked for "this poor man" to be pardoned, but not one of the signatures came from a member of the Sehoy lineage.[28] Six months later, McGillivray requested Weatherford's release, on behalf of his sister and her family, hoping that this "punishment he has received will make a favorable alteration in his manners & disposition."[29] A decade later, however, James Seagrove, the former Superintendent of Indian Affairs, applied to the Secretary of War to help collect Weatherford's personal debt to him, and a group of Creek chiefs complained about his roguish behavior, wanting him to leave the Nation and only granting him a reprieve "on account of his family."[30] Sehoy's separate residence from Charles undoubtedly allowed her to protect her property from his debt and ensured her economic reputation would not be marred by his actions. Sehoy taught her daughter, Elizabeth, this valuable lesson as Elizabeth later explained "the woman had her own [property] and the man had his own," and that the woman and her family protected their property from the husband's actions.[31] Just like her mother, Elizabeth held property separate from her husband, so when he had "little or no property left" because he was "continually drunk & made bad deals," her property remained intact.[32]

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[27] McGillivray to O'Neill, 12 July 1787 in Caughey, *McGillivray of the Creeks*, 158.
[28] "Petition to Arturo O'Neill," February 12, 1797, Papeles de Cuba, Legajo 37, reel 169, document 153, PK Yonge Library, University of Florida.
[29] McGillivray to Miro, January 10, 1788, in Caughey, ed., *McGillivray of the Creeks*, 167.
[30] Hawkins to James Seagrove, August 9, 1799, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 256; Hawkins to Edward Price, May 29, 1798, in Grant, ed., 195.
[31] Deposition of Elizabeth Weatherford Moniac, "Case No 1299: Weatherford vs Weatherford," ADAH.
[32] "David Tate to David Moniac," 1822, SPR357, ADAH.

Even the Baileys, who had removed to the Tensaw to protect their cattle, observed matrilineal property holding. By 1796, the Bailey family had returned to Autosse after Mrs. Bailey, a Creek woman, negotiated terms with the town. The town was desperate for her husband, Richard Bailey, to return because he was their trader who provided them with necessary goods. After three years without trade the town was willing to overlook their livestock. Mrs. Bailey only agreed to return if their "stock could be secure." Mrs. Bailey, a Wind person, negotiated directly with her kinsmen to secure the town's agreement.[33] Hawkins wrote that when they returned to the town, the Baileys claimed the property as belonging to his wife and children, which Hawkins believed was merely a ruse to secure their livestock.[34] Since the property belonged to Mrs. Bailey, her family had an incentive to protect the animals as their own, and other families would not hurt them for fear of angering the Wind clan. This may not have been a lie, though; Hawkins could have easily misinterpreted the situation because of his patriarchal bias. The livestock could have been the property of Mrs. Bailey, which she allowed her husband to look after and trade on her behalf; since animals belonged in the realm of men, however, her husband probably purchased them himself. Nevertheless, in traditional Creek society women claimed at least a portion of their husband's animal hides and Mrs. Bailey could have seen the livestock as hers regardless of who initially purchased them. Even if this claim was a play, their assertion demonstrated that the Baileys understood and worked within Creek conceptions of matrilineal property.

[33] Hawkins Journal Entry on December 25, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins,* 28.
[34] Hawkins Journal Entry on December 18, 1796, in Grant, ed., 21.

Hawkins's other observations of Mrs. Bailey demonstrated that she was a strong Creek woman who maintained an active role in her family's business. He wrote that she "shares in the toils of her husband," including attending pack horses to market, swimming rivers to transport goods, preparing all of their food, managing her slaves, and watching the livestock.[35] Even as Hawkins wished to portray Mrs. Bailey as passive and domestic, her actions leap across his account to demonstrate a dynamic economic participant. After her husband's death, Mrs. Bailey maintained the plantation, increasing the livestock, and even expanded it to include over fifty beehives, which produced honey for trade.[36] Historian James Wainwright argues that Hawkins's observations indicated that Mrs. Bailey and her husband maintained gendered labor roles, with Mrs. Bailey focused on agriculture and food and Richard Bailey on livestock and the peltry trade, both worked together to supply for their family, but held on to distinct gendered divisions based on Creek customs.[37]

The civilization policy sought to shift traditional gender roles in the southeastern American Indian societies by encouraging men to farm, a traditionally female activity, and women to pursue domestic tasks, such as weaving. Historian Theda Perdue argues that Native women's economic productivity threatened American ideals of gender and gender roles in the Early Republic. In Euro-American society, women's primary economic role was a consumer, not a producer. Euro-American women farmed or worked outside of the house only when necessary, and this usually indicated poverty in the minds

[35] Hawkins Journal Entry December 18, 1796, Grant, ed., 22; Hawking Journal Entry December 25, 1796, Grant, ed., 28.
[36] Hawkins, "Sketch of Indian Country 1798-9", in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 293.
[37] James Eyre Wainwright, "Both Native South and Deep South: The Native Transformation of the Gulf South Borderlands, 1770-1835" (Dissertation, Rice University, 2013), 105–6.

of Euro-Americans. In contrast, Creek women's primary role as farmers and direct ownership of their products challenged the gendered notions of the United States. Creek women traded their agricultural produce when they wanted and owned their dwelling, furniture, and personal goods apart from their husbands. The civilization policy was supposed to put Creek women in their proper place, the home, as it encouraged Creek men to farm, a role analogous to castration for traditional Creeks.[38] The Tensaw community adopted these new activities, but they adapted them to traditional gender roles.

On the Tensaw, men focused on animals, the livestock, and trade while women directed agriculture and clothing. Anthropologist Robbie Ethridge argues that ranching shifted gender roles as women traded livestock in the market place, but this does not deviate from women dressing animal skins and trading them in the market. Certainly, women had a more direct connection to animals after ranching, and some women took on the role of rancher if they did not have a husband, brother, or slave to help them.[39] Yet, the Bailey family's economy illustrates the economic choices of a single woman and her brothers and demonstrates contrasting choices. The Bailey family returned to Autosse by 1796, but the children, specifically Dixon, James, and Peggy Bailey, returned to the Tensaw in the next decade to establish their own plantations and businesses. Peggy Bailey, an unmarried woman, held property on the Tensaw that included at least two acres of land, two horses, household furniture, and farming equipment. Specifically, she owned cotton cards, a spinning wheel, axes, hoes, pots, bedding, and kitchenware. On her

[38] Theda Perdue, "Native Women in the Early Republic: Old World Perceptions, New World Realities" in *Native Americans and the Early Republic*, edited by Frederick E. Hoxie, Ronald Hoffman, and Peter J. Albert (Charlottesville: University Press of Virginia, 1999), 105-11.
[39] Ethridge, "Creeks and Americans in the Age of Washington," 282.

two acres, Bailey grew corn, which was valued at around $60. In contrast, her two brothers' property consisted primarily of livestock with a total of 300 cattle, 110 hogs, and five horses between the two of them. In 1813, one brother, Dixon, also had over 12,000 pounds of cotton that he was preparing to gin. The other brother, James, had a "crop" that was worth around $300, which could have either been corn or cotton. It's value, well over Peggy's $60 amount of corn, indicates that it was either a much larger portion of corn or, more likely, cotton for trade.[40]

These three siblings' property illustrates how the lineage could have functioned as a whole economic unit. The two brothers held vast amounts of livestock, which would ultimately be slaughtered for meat for markets in Pensacola and Mobile and even for their own consumption. This aligned with their traditional role as hunters, as they provided meat for their family, and as traders as they drove their livestock to the market. Their agricultural pursuits focused on commercial interests by producing vast amounts of cotton, which was planted and harvested by their slaves. Not wanting to take part in the traditionally female role of farming, the brothers bought African slaves to tend the fields. Their property did not include spinning wheels or any implements to process the cotton into clothing, which indicates it was primarily meant for commercial trade and not personal use.

In contrast, Peggy's property centered around implements needed to process cotton and make clothing, which was certainly an objective of the civilization plan. Yet, this action expanded on a woman's traditional role to manufacture clothing. The process

[40] Richard S. Lackey, ed., *Frontier Claims in the Lower South: Records of Claims Filed by Citizens of the Alabama and Tombigbee River Settlements for Depredations by Creek Indians during the War of 1812* (New Orleans: Polyanthos, 1977), 49–51.

itself changed, but the occupation remained a feminine pursuit. Based on the individual claim, Peggy did not grow cotton herself; she presumably received cotton from her brothers and either helped them process it for the market or made clothing for herself and them. On the land she claimed, Peggy grew corn, a customary Creek agricultural staple, which she most likely grew for her family's consumption and, secondly, for trade. Throughout the eighteenth century, Creek women had traded their produce with Euro-Americans, especially when the deerskin trade began to decline. It was a way for women to insert themselves directly into the market economy.[41] Peggy probably traded at least some of her corn in Pensacola and Mobile markets for other goods. All three siblings held horses, as they would have been the primary mode of transportation and facilitated planting the fields efficiently. Since these three people were a part of one matrilineage, their economies were interlinked, but the evidence of their individual property provides insight into how they worked as one unit with a gendered divide. While the brothers focused on ranching and cotton, their sister continued to plant corn and manufacture clothing.

Certainly, other Creek families may not have organized their labor and new economic activities in this exact same way. Abram Mordecai, a white man living in Creek territory, recounted that Benjamin Hawkins had requested that he build a cotton gin house so that Creek women "could bring him what cotton they made in Canoes from the Rivers."[42] This indicates that women may have had more control over cotton farming

[41] Kathryn E. Holland Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685-1815*, Indians of the Southeast (Lincoln, Neb: University of Nebraska Press, 1993), 74.
[42] Albert James Pickett, "Notes Taken from the lips of Abram Mordecai," September 30, 1847, Box 2, Section 15, 5, in "Albert J. Pickett Papers, 1779-1904." ADAH

than the Bailey lineage's property initially illustrates. Peggy may have had an understanding with her brothers that they should focus on cotton while she would plant corn. Simultaneously, with the introduction of enslaved African labor wealthier women would not have necessarily farmed the cotton directly, but they still claimed the products as their own and took an active role in trade. Indeed, Mrs. Bailey, the matriarch of the Bailey family, attended the market with her husband and even "swam rivers to facilitation the transportation" of their goods; at this time, the goods may have still been deerskins, but it demonstrated a Creek woman's active role in her family's economy and trade.[43]

Sophia Durant and Sehoy Weatherford, both acted as traders directly with Panton, Leslie, and Company, taking their products, including cotton, to the firm in order to receive tools and other manufactured goods. In 1796, both sisters had become dependent on the trade for their agricultural pursuits and had a dispute with Panton that halted their access to goods. This caused them to face financial problems as they could not acquire new "tools for [their] labourers [sic]."[44] They eventually repaired relations with Panton, Leslie, & Co. and its successor, John Forbes & Co. reopened their access to trade. While they did "destroy" the herds of horses and cattle, they conceivably kept some of the livestock and used their enslaved laborers and sons to take charge of ranching, a traditionally masculine pursuit.[45]

When David Tate returned to the Creek Nation from his education abroad, he ostensibly took up his uncle's position in the family and the Tensaw community. After his uncle's death, William Panton sent Tate to Scotland to be further educated, along with

[43] Hawkins, Journal Entry December 18, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 22.
[44] Hawkins, Journal Entry December 20, 1796, in Grant, ed., 24-5.
[45] Hawkins to William Eustis, August 27, 1809, in Grant, ed., 556.

McGillivray's son, Aleck. Aleck died in Scotland and soon after Tate returned. One account of Tate described him as a man "of stern character, reserved manners… [and] a remarkable influence over men." He inherited "an ample fortune," which he dispensed "with a liberal hand in the way of charity, on those who were worthy and in need."[46] Tate appeared to take over not only his uncle's place in his family, but also in the larger community. He had an influence in the community, presumably dispensing trade goods, making alliances, and providing those who came to him with "charity." Indeed, this could have been an outgrowth of a traditional distributive role—those who came to him "worthy and in need," may have been clan members, lineal members, or friends who Tate saw as his responsibility to help.[47]

Most importantly, Tate helped his matrilineal family, including his brothers, sisters, and maternal nieces and nephews, which demonstrated his loyalty to matrilineal relations. Tate housed his maternal half-brother, William Weatherford, for some time, probably before Weatherford got married to Polly Moniac. Here, Weatherford could learn about ranching and running a plantation directly from his older brother who had received a formal education.[48] Also, Tate provided for his sister's children by ensuring his nephew, David Moniac, received an education at West Point. While Moniac was there, Tate updated him on family matters and provided Moniac with money to return home when he pleased. At this same time, Tate's niece lived with him and he sent her to

[46] Tarvin, "The Muscogees or Creek Indians from 1519 to 1893," 10.
[47] Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 310–12.
[48] Thomas Simpson Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama* (Mobile, Ala: Southern Univ. Press, 1965), 82.

school.[49] Like his uncle before him, Tate took an active part in his nieces and nephews lives and provided them with necessary opportunities that would allow them to survive in the changing socio-political climate of the Tensaw. They learned skills necessary to work within the Euro-American world, while maintaining a close, matrilineal kinship network.

Matrilineal relationships remained important as brothers continued to help in raising their sister's children. Soon after Alexander McGillivray's death in 1793, his first wife, Elise Moniac McGillivray, also died. Their orphaned children went to live with their maternal uncle, Sam Moniac, not McGillivray's sisters because they belonged to Moniac's lineage. Benjamin Hawkins had wanted to take in McGillivray's daughters "under [his] own roof" so that he could "fit them for acts of usefulness, and particularly to fit them to be instrumental in civilizing their brethren." As the biological children of McGillivray, Hawkins believed that the girls could serve as a symbol in the Creek Nation and use their influence and connection to their father to help change Creek society. Hawkins did not recognize yet that their family would not see these girls' legacy as connected to McGillivray, but to their mother's family. That is why they insisted on having the girls live with their uncle as "the custom of the nation forced."[50] This custom of uncle caring for nephew and niece apparently continued to thrive in the Tensaw Creek community well into the nineteenth century, as McGillivray's nephew, Lachlin Durant housed and schooled his own maternal nephew, Ward Coachman, until Coachman was twenty-two years old.[51] Over time, Tensaw Creeks sustained these matrilineal kinship networks and relied on them to pass down other important customs.

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[49] "David Tate to David Moniac, April 23, 1822," SPR357, ADAH.
[50] Hawkins to William Eustis, August 27, 1809, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 556.
[51] Tarvin, "The Muscogees or Creek Indians from 1519 to 1893," 13.

Tensaw Creeks maintained traditional routines and ceremonial customs at the turn of the nineteenth century, including hunting, cleansing, and celebrating the Green Corn Ceremony. William Weatherford allegedly "was reared to manhood in his native forest," and did not receive a formal education like his brother but learned necessary skills in Creek society. He was "skilled in the arts of hunting" and war, gaining him respect and influence as a Creek man.[52] Even after Weatherford took up ranching and farming, he continued to hunt, killing deer and turkey with his brother, David Tate, and other men and later partaking in a bear hunt.[53] Though not explicitly stated, Weatherford may have very well performed traditional rituals before the hunt, including scratching, prayer, and abstaining from sex, in order to increase his chances of success.[54] Dixon Bailey also continued to hunt, taking part in it while he left his assistant, Lynn McGhee, to watch over his ferry business.[55] These men raised livestock, and yet continued to hunt. Hunting could have become a pleasurable leisure activity; all of these men were wealthy and well-connected and may have adopted the Euro-American concept of hunting as something done for enjoyment instead of subsistence. Likewise, these Tensaw men could have continued to hunt for the peltry trade, bringing pelts with their livestock and cotton to the market.[56] Just as plausible, however, these Creeks continued to hunt as a way to hold on to their traditional masculine role. They no longer required the hunt to survive, but

[52] J.D. Driesbach to Lyman Draper, July 1784, "Lyman Draper Manuscript Collection," State Historical Society of Wisconsin, Series V, Georgia, Alabama, and South Carolina Papers.
[53] Woodward, *Woodward's Reminiscences*, 82; Albert James Pickett, Notes taken from the lips of Col. Robert James, Box 2, Section 12, p. 6, "Albert J. Pickett Papers, 1779-1904." ADAH.
[54] Hudson, *The Southeastern Indians*, 272–80.
[55] Albert James Pickett, Notes taken from the lips of Dr. Thomas G. Holmes, "Albert J. Pickett Papers, 1779-1904," Box 2, Section 25, 26, ADAH.
[56] Wainwright, "Both Native and Deep South," 111.

hunting connected them to their culture and expressed their masculinity in a traditional manner.

Tensaw Creeks also performed ceremonial rituals important in traditional Creek life. Mrs. Bailey kept her family "healthy and cleanly" by continuing a custom "every morning winter or summer [to] bathe in cold water."[57] Archaeologist Greg Waselkov connected this daily routine to traditional bathing in Creek culture that was intended to cleanse the spirit as well as the body. Waselkov argues that this ritual mirrored the annual poskita purification ceremony, where the community bathed in the river in order to achieve spiritual renewal.[58] Bailey insisted that her children perform this routine and, in her own way, passed down this ceremonial legacy to them. More importantly, every year Tensaw Creeks returned to their mother's town to participate in the annual Green Corn ceremony. The Green Corn ceremony, or poskita, was a sacred, communal festival to celebrate the crop harvest and purify the community. The festival lasted multiple days and included feasting, fasting, and rituals, including the extinguishing of the sacred fire and reigniting a new fire for the next year. The ceremony ended with the purifying plunge into the river and a feast with dancing. After the Green Corn ceremony, the community was purified, whole, and transgressions (short of murder) were forgiven. The fact that Tensaw Creeks returned for this ceremony illustrated a deep connection to sacred customs and a cultural identification with their town's traditions.[59]

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[57] Hawkins Journal Entry December 18, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 22.
[58] Waselkov, *A Conquering Spirit*, 50–52.
[59] Adam Hodgson, *Letters from North America / Written during a Tour in the United States and Canada by Adam Hodgson.* (London: Printed for Hurst, Robinson, & Co., and A. Constable, Edinburgh, 1824), 132; Stiggins Narrative, Theron A. Nunez, "Creek Nativism and the Creek War of 1813-1814," *Ethnohistory* 5, no. 1 (Winter 1958): 40–41; Hudson, *Southeastern Indians*, 365-75.

Despite the continuation of traditions and the adaptation of Euro-American economics to Creek socio-cultural conceptions, the civilization policy introduced monumental changes to the Creeks, particularly the adoption of racialized slavery. Traditionally, Creeks, along with other Southeastern Indians, obtained slaves through warfare as warriors took captives and brought them back to their town. Warriors brought their captives to their mothers or sisters and allowed them to decide their fate. These captives had three potential fates: torture and death, adoption, or enslavement. The first option, torture and death, revolved around vengeance; if the war began as a way to avenge the death of a kinsmen, the suffering and execution of the captive was meant as a way to atone for the loss of family members or the general losses in the war. The second, adoption, was means of replacing lost family. The women could choose to adopt the captive to replace a fallen warrior or even a person who died of disease. If the captive was adopted, he or she was given the full advantage of kinship and belonging in the community. The third, enslavement, was defined by the captive's lack of kinship ties; since they were not adopted fully into the society, their captors were not required to treat them as full human beings.

A slave's labor included hauling in water, gathering wood, working in the field, helping in the household, and any other service the family might need. Captives were not determined by race, as there were Indian, white, and black captives throughout the eighteenth century. Enslaved persons belonged to the warrior who captured them and the warrior's family, but their status was not necessarily permanent. The family could later

choose to adopt or marry the enslaved persons and, even if they did not, their enslaved status did not pass down to their children.[60]

In the late eighteenth and early nineteenth centuries, Creek society in general and the Tensaw Creeks in particular, shifted from this fluid understanding of captivity and slavery to a more rigid form of racialized slavery. This shift towards racialized slavery began as they assisted white slave owners in regaining their runaway slaves, or captured enslaved Africans from Anglo-Americans to sell to the Spanish. As the deerskin trade began to wane in the late eighteenth century, Creeks exchanged African American captives for livestock, cash, or other goods. By seeing these enslaved people as viable commodities, they began equating African Americans with slavery. This shift was not immediate, but gradual as Creeks began to buy or steal their own enslaved African Americans.[61] In McGillivray's correspondence to Spanish officials, he frequently mentioned his role in obtaining runaway slaves for Spanish settlers. He promised that "any Negroes that run away & come into the Nation shall always be delivered to their owners whenever demanded…I will endeavor to have these Sent to You when they arrive here."[62]

While McGillivray's assurance that Creeks would capture and return runaway slaves was partially an economic choice, it was also political—a way to affirm their

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[60] This overview is based on two expert works on slavery in Southeastern societies: Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America*, (Cambridge (Mass.); London: Harvard University Press, 2012), 13-183; Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866*, (Knoxville: University of Tennessee Press, 1979), 3-49.

[61] Snyder, *Slavery in Indian Country*, 183–201.

[62] Alexander McGillivray to Folch, March 2, 1789, Elizabeth Howard West and University of Florida, eds., *Elizabeth West Papers* (Gainesville, Fla.: University of Florida Libraries, 1968) reel 1, Legajo 52, Document D. This service was also mentioned by Arturo O'Neill on May 26, 1786, *Elizabeth West Papers,* Reel 1 Legajo 40, Document 18.

friendship and cooperation with the Spanish. At times, however, McGillivray refused to accommodate them. In one instance in 1788, an enslaved man ran away a Pensacola resident, Mr. Zenon Balls, and made his way into the Creek Nation. While in the Creek Nation, the unnamed man began to work for Panton, Leslie & Company; when he was recognized he fled to McGillivray's house. When authorities pursued the runaway slave, they found him at the home of McGillivray's sister, who refused to let them take the man. The Spanish reached out to McGillivray and ordered him to "apprehend [the man] and give him up but McGillivray threatened to use a Razor on anyone who tried to capture him."[63] McGillivray tried to appease the owner with 200 pesos, but the owner demanded 400. O'Neill's letter does not reveal what ultimately happened to this man, but McGillivray's actions were somewhat confounding. He could have refused to assist the Spanish because of a kinship connection to the man, though none is identified. The enslaved man is only identified as a "Mulatto," so perhaps he had either a blood or marital kinship connection to the Sehoy lineage. Equally plausible is that McGillivray was upset with the Spanish and refused to help because of political reasons. Nevertheless, this refusal to help and, most especially, the fervent threat that he would "use a Razor" on those who wanted to capture the man illustrate a deep attachment to this man that belied his assurances to help capture runaway slaves.

At the same time, McGillivray held a number of enslaved Africans, roughly sixty men and women, whom he referred to in indifferent and, increasingly, racial terms. In 1788, John Linder, a Spanish Magistrate in the Tensaw region, filed a lawsuit in order to

[63] O'Neill to Miro, July 28, 1788 in D.C. and Roberta Corbitt, eds., "Papers from the Spanish Archives Relating to Tennessee and the Old Southwest, 1783-1800," *The East Tennessee Historical Society Publications* 15 (1943): 97.

gain possession of a woman, named Rachel, on McGillivray's plantation.[64] In a letter to Linder, McGillivray complained that Rachel, who he called "a Certain Mullato wench," was lodging complaints against his overseer, Mr. Walker, and causing trouble between Linder and Walker. McGillivray chastised Linder for dealing directly with Walker over the issue, as McGillivray asserted his claim over Rachel by "Virtue of an American Bill of Sale." This was to prove the legality of McGillivray's property relationship with Rachel and to ensure that Linder would deal with McGillivray, not Walker, which McGillivray insinuated would be a bad move for Linder's career.[65] McGillivray's actions and choice of words enlighten the reader to his shifting (or fully shifted) view of enslavement. McGillivray had purchased Rachel from an American market, showing that he saw her as a commodity to be bought and sold. He hired a white overseer to help him run his estate smoothly, a practice learned from his white neighbors. Similarly, he could have hired Walker because he did know how to manage his enslaved population and did not want to deal with it directly. This relationship demonstrated that racial lines remained blurred along the frontier as a white man was subordinate to a Creek man; furthermore, that Creek man had a better reputation and more influence in the surrounding white community. Yet, McGillivray's designation of Rachel as a "wench," illustrated a hardening of his racial understanding of blacks. He might have used this particular word out of anger in this individual situation, a way to discredit Rachel to Linder. Or it could illustrate that he was beginning to define her by her race ("Mulatto") and believing that race to be inferior. Historian Kathleen Brown argues that the word "wench" embodied

[64] Braund, "The Creek Indians, Blacks, and Slavery," 614.
[65] McGillivray to John Linder, December 26, 1788, *Elizabeth West Papers,* Reel 1, Legajo 52, Document C, Ralph Draughon Brown Library, Auburn University.

racial understandings of slavery as colonial slaveholders began to understand African women to be morally inferior to the "good wives," or white women.[66] His use of this particular word and the designation of her race suggested that McGillivray understood the difference between him and his enslaved people as racial and economic, not kinship, which demonstrates a shift in the purpose of slavery. He probably inherited this understanding from his time spent with his father, Lachlan McGillivray, who was a slaveholder himself.

McGillivray's kin also held enslaved people, but their relationships between themselves and their forced laborers appeared different. McGillivray's sister, Sophia Durant, held a number of enslaved people and her husband wanted to sell a young man because he "is of No Service to him but steals horses from every one." Durant and her husband now owed money to all of the men who had lost property to this horse thief and her husband believed selling him would give them enough money to pay off these debts. Yet, Sophia insisted they not sell this unnamed man.[67] A year later, after going into more debt, she did have to sell some of her slaves, but she remained "Very much concerned" about their well-being and planned to "redeem them" as soon as she had the money. Her brother requested that the Spanish accept some of her beef cattle as a fair trade for a good price in order to help her reacquire her enslaved people, even though he did not understand her attachment to them.[68]

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[66] Kathleen Brown, *Good Wives, Nasty Wenches and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 1-2.
[67] McGillivray to O'Neill July 25, 1787 in Caughey, ed., *McGillivray of the Creeks*, 159; Saunt, *New Order of Things*, 120.
[68] McGillivray to O'Neill March 1, 1788 in Caughey, ed., *McGillivray of the Creeks*, 170.

Sophia Durant formed personal attachments to her enslaved people that made her feel obligated to them as individuals. Later, after her brother's death, she held a total of eighty slaves, some of whom she inherited from her brother. Hawkins visited her and chastised her for her poor management of the eighty slaves, saying that only forty were "capable of doing work in or out of doors," and her "bad management" made them a "heavy burden to her and to themselves, [since] they are all idle." Durant claimed their "idleness" came from a lack of proper tools, which she could not get because of broken relations with trader William Panton and because of a poor harvest as cotton worms devastated her crop. Similarly, Hawkins condemned her sister, Sehoy, who lived "expensively," and whose slaves "consume every thing in common with their mistress." Hawkins saw neither of them as proper mistresses because of how they interacted with their enslaved property, believing them to be too loose and familiar in their management. He noted that the chores of the slaves were primarily to gather wood and cultivate corn and, sometimes, cotton for their mistress. In contrast, Hawkins believed Mrs. Bailey managed her enslaved women well; she had two assisting her in the kitchen, though she did most of the cooking herself. Her other five slaves presumably labored in the fields, which was, to Hawkins, a good division of labor and use of enslaved peoples.[69]

The description of Sophia's and Sehoy's enslaved laborers matched the traditional labors of Creek captives, demonstrating that the use of enslaved people did not differ greatly at first. Sehoy and Sophia used them to gather necessary items, like water and lumber, and help them grow produce. Historian Kathryn Braund equated Sophia's and Sehoy's relationship to their slaves to a patron-client relationship; this meant that the

[69] Hawkins, Journal Entries for December 20 and December 25, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 23–29.

slaves had relatively considerable freedom as they contributed to their own upkeep and gave a portion of their produce to their patron.[70] The main purpose of slaveholding in this relationship would be the prestige that it provided the women. The slaves would help them grow cotton and other commercial goods for the market, allowing them to increase their productive labor to more than their lineage could manage. Sophia obviously formed strong relationships with her enslaved people, not wishing to part with them and recognizing kinship connections. Despite all of this, however, a central part of these relationships was economic. Ultimately, Sophia willingly sold a number of her slaves to get out of debt. Even if she planned to purchase them back, she viewed these people as an investment. Their high numbers allowed her to expand commercially, but also acted as a financial buffer. In some ways, this mirrored the inherently unequal status slaves traditionally had in Creek society, but it differed as they placed a fixed chattel price on another human being. Once they considered African American slaves as property, however, Tensaw Creeks passed them down the matrilineal line as all other property. Sehoy and Sophia acquired Alexander's personal slaves after he died, and Hawkins openly assigned these women "possession" of these enslaved people, and not their husbands.

Socially, and geographically, the Sehoy lineage and Tensaw Creek families served as intermediaries between Euro-Americans and interior Creeks; they developed relationships with white settlers, enslaved Africans, and Creeks that allowed them to spread information and blend the cultures together. Around Christmas time in 1796, Hawkins wrote that enslaved people from the area traveled to Sophia Durant's home

[70] Braund, "The Creek Indians, Blacks, and Slavery," 625.

because "there lived more of the black people than any other part of the nation… there they had a proper frolic of rum drinking and dancing." Moreover, it was not only enslaved African Americans, but also "white people and Indians" who met at "the same place with them to enjoy the same amusement."[71] While her property at this time was closer to the interior, this occasion marked the ways in which the Sehoy lineage acted as an intermediary and illustrated the complex social and racial relationships on the frontier. Tensaw Creek residents brought new skills and information from the frontier back into the interior. Mrs. Bailey and her daughters learned how to spin during their time in Tensaw; she mentioned that they learned this skill from white women living near them. Similarly, Sophia Durant learned how to spin and weave, skills expected of women in the civilization policy. The Baileys and Durant took their newly acquired knowledge and shared it with Creek women in the interior.[72] The Tensaw served as a connection between the two communities and demonstrated how the cultures could blend together, but their relationship to the white community threatened their place within Creek society as fear of white encroachment and accommodation created tension in the 1810s.

In 1805, relations between the United States and Creek Nation changed as a new treaty allowed the United States to establish a Federal Road directly through Creek territory. The road would expand a post-rider path through the Creek Nation that connected Milledgeville, Georgia to Fort Stoddert, Mississippi Territory. The treaty held Creek chiefs accountable for having "boats kept at the several rivers for the conveyance of men and horses, and houses of entertainment established at suitable places on said path

[71] Hawkins, Journal Entry for December 25, 1796, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 29.
[72] Hawkins, Journal Entry for December 25, 1796, in Grant, ed., 28; Hawkins to Henry Gaither, February 27, 1799, in Grant, ed., 241.

for the accommodation of travellers [sic]." Prominent, wealthy Creeks built such establishments and ferries, including Dixon Bailey, Jim Cornells, and Sam Moniac, all people intimately connected to the Tensaw. It was their responsibility not just to provide for white American travelers , but also to protect them from potentially hostile Creeks. The Old Federal Road became the principal travel route between eastern seaboard states and western cities, such as Mobile and New Orleans. The road was a space that permitted trade, travel, migration, cultural interaction, and conflict. It blurred boundaries between Creeks and Americans and benefited some, while threatening others.[73]

Benjamin Hawkins asked Sam Moniac to build a station along the federal road because he was a prominent, well-connected Creek. Though Moniac did not live on the Tensaw, he was intrinsically connected to the community by economic and familial ties. Alexander McGillivray's first wife was Elise Moniac, Sam Moniac's sister. This provided him with direct access to McGillivray, who apparently trusted and appreciated Moniac. When McGillivray traveled to New York to negotiate with George Washington and Henry Knox, he brought Moniac with him. Reportedly, McGillivray "relied" on Moniac during the negotiations, illustrating McGillivray respected Moniac and his opinion.[74] After McGillivray's death, Moniac married Elizabeth Weatherford, McGillivray's maternal niece, which continued his close connection to the Sehoy lineage.

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[73] "Treaty with the Creeks, 1805," *Indian Affairs: Laws and Treaties,* edited by Charles J. Kappler, http://digital.library.okstate.edu/Kappler/Vol2/toc.htm; Raven M. Christopher and Gregory A. Waselkov. *Archaeological Survey of the Old Federal Road in Alabama* (Center for Archaeological Studies: University of South Alabama, 2012) also available at http://www.usouthal.edu/archaeology/pdf/ofr.pdf, 3; 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), 1-7; Henry Delon Southerland, Jr. and Jerry Elijah Brown, *The Federal Road through Georgia, the Creek Nation, and Alabama 1806-1836* (Tuscaloosa: University of Alabama Press, 1989).

[74] Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians*, 82.

This relationship was further cemented when William Weatherford, Elizabeth's brother, married Moniac's sister, Polly Moniac. This level of intermarriage demonstrated an alliance between these two families and a decided preference when it came to marriage. He formed a friendship with his wife's male relations, traveling with William Weatherford to the market, hunting with Weatherford and Tate, and, in general spending time with her family.[75] His connection to the Sehoy lineage most likely provided him with access to certain trading privileges that allowed him to accumulate wealth and prestige; this prominence was undoubtedly the reason Hawkins approached him. As one of the wealthiest Creeks in the Nation, Hawkins knew that Moniac's station would prove "a useful one" since Moniac "is a wealthy man and can keep it supplied with necessaries at all times."[76] What started as a station for post riders became a central spot for trade, travelers, and conflict on the road.

While Moniac did not live on the Tensaw, his extensive property was well-documented and provides an insight into the changing material wealth of Tensaw Creeks and like-minded individuals. Moniac had four structures: his station on the federal road, a dwelling house on the Alabama river, a cotton gin house, and a mill. He valued the house on the federal road at $30. Archaeologists Raven Christopher and Greg Waselkov postulate that this low value, along with the archaeological finding of unclenched nails, means that this house was almost certainly a notched log building. They further claim that it was a dogtrot-style log house since that was a particularly popular architectural

[75] Driesbach Letter, "Lyman Draper Manuscript Collection," Series V; Woodward, *Woodward's Reminiscences,* 8, 82-4.
[76] Benjamin Hawkins to John B. Chandler, January 19, 1809, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins,* 549; Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 40.

style among the Creeks during this time.[77] In contrast, his dwelling house, valued at $230 and found on the river plantation, most likely mirrored more of a European-style architecture that resembled other major plantations in the region. Both indicated a trend to build more permanent structures that deviated from traditional Creek architecture; families on the Tensaw likely built similar homes on the land they worked. The other two structures—the mill and cotton gin house—represented his investment in commercial agriculture. The horse mill, valued at $75, and cotton gin, $220, helped Moniac's production of copious amounts of wheat and cotton.[78] Presumably, other Creeks living around him would have made use of these machines, garnering Moniac more wealth and influence in the area, but Tensaw families began building their own structures like this closer to their homes.

Moniac possessed 50 horses, 700 cattle, 48 goats and sheep, 200 hogs, and eight slaves. His enslaved population was much lower than some of the Tensaw Creeks, as David Tate would later claim sixty slaves in the 1820 census, but his livestock holdings probably matched many on the Tensaw.[79] In order to maintain the plantation, Moniac owned pieces of farming equipment: six ploughs, five augers, 15 weeding hoes, 15 axes, 16 reap hooks, eight spinning wheels, a weaving loom, and a grinds tone. The scale of his collection illustrates a high volume of agricultural produce, indeed in one year he produced 2,000 pounds of cotton, 500 barrels of corn, 50 pounds of beeswax, 40 pounds of wheat, and 30 pounds of wool—fully demonstrating the productivity of his plantation.

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[77] Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 41.
[78] Anonymous, "An Act for the Relief of Samuel Manac, also of an Act for the Relief of Certain Creek Indians", 20th Congress, 1st Session, House Document No. 200 (20-1), Serial Set 173 (Washington, DC: Gales & Seaton, 1828), 9
[79] Baldwin County Census, 1820, F332.B2 B25 2003, ADAH.

In total, his crops valued around $620, which was beyond subsistence agriculture and illustrated he had fully shifted into commercial farming.[80]

Moniac owned relatively few material possessions, indicating he did not live ostentatiously. The items include furniture (twelve chairs, three trunks, a table and bedstead), cooking utensils (ten iron pots, three Dutch ovens, four tin kettles, two funnels, and two cork screws), serving vessels (two japanned sugar canisters, three demijohns, two dozen earthen plates, two dozen cups and saucers, six tin cups), and miscellaneous household items (two feather beds, two candlesticks, four candle moulds, and a lantern).[81] These items are predominantly used in the kitchen or to serve food, which might mean that these possessions were kept at the station to serve travelers. The cooking utensils, serving vessels, table and chairs could have been used in the tavern, along with the bedstead, feather beds, candlesticks, and lantern for the inn.[82] His possessions certainly indicate a wealthy man, who could afford certain luxuries; the Tensaw residents likely furnished their own homes with similar furniture, serving vessels, and household items. Yet, the majority of his wealth was invested in livestock, slaves, and farming equipment, which correlates to the economic decisions on the Tensaw.

While Moniac held numerous European-made goods, he also had a number of Creek-manufactured objects. Archaeological digs on the site of his house found traces of Creek pottery; archaeologists identified sherds of a Creek-made cooking vessel that was commonly used to make sofki, a fermented corn soup consumed by Creeks.[83] Moniac's wife, Elizabeth Weatherford Moniac, conceivably used this Creek pottery to cook

[80] Anonymous, An Act for the Relief of Samuel Manac, 9.
[81] Anonymous, An Act for the Relief of Samuel Manac, 9-10.
[82] Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 181.
[83] Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 186.

traditional Creek meals for her family and visitors, illustrating a continuation of Creek traditions. However, archaeologists also found remnants of English pottery in his home. The hand-painted pearlware sherds and plain creamware sherds came from serving vessels. The presence of both Creek and English pottery illustrates his acceptance of both cultures and possibly an attempt to combine the two together in his home, allowing him to serve both Euro-American and Creek travelers.[84]

Moniac was not the only one to build such a structure for travelers; Jim Cornells built a station closer to the Tensaw at Burnt Corn Springs. His location was near the intersection of the road with the Wolf Trail, a trading route to Pensacola. Presumably, he intended it to be a location to accommodate mail riders, traders, and travelers, but he built his much later, around 1812.[85] He did not leave behind an extensive record of his possessions like Moniac, or more accurately the record has been lost some time in the last two centuries, but he probably had many of the same items available for travelers. Similarly, Dixon Bailey opened a ferry that allowed travelers to cross the Alabama at the Tensaw. These men facilitated American travel through Creek Nation, which threatened many Creeks who felt as if white Americans were encroaching on their territory.[86] Tensaw Creek residents and their extended families maintained cultural and ceremonial customs even as they shifted economic practices, but the acquisition of so much wealth in each lineage mirrored a shift from communal, reciprocal obligations to individualism. These businesses allowed them to gain wealth, but at a disproportional rate to other

[84] Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 186-7.
[85] Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 119-20.
[86] Historian Angela Pulley Hudson argues that this was a catalyst for the violence in the First Creek War (1813-14), *Creek Paths and Federal Road*, 7.

Creeks. These stations were zones of interaction—where Moniac could serve meals on pearlware ceramic platters and *sofki* cooked in a clayware pot; but they also became scenes for conflict during the First Creek War, 1813-14.

Chapter 3
A Family Divided, A Family United: The First Creek War, 1813-1814

On August 29, 1813, Zachariah McGirth, a native Carolinian, left his Creek wife and children within the presumably safe confines of Fort Mims, about forty miles north of Mobile, as he and two of his slaves rowed up Tensaw lake to his farm. While gathering corn and pumpkins for the white and Creek Tensaw refugees at Fort Mims, he heard a dreadful sound—heavy firing that told him that the enemy they "had long expected had now arrived."[1] Anxious to know the results of the attack, and to find his family, McGirth threw the provisions from his boat so that he and his slaves could "row on rapidly toward the source of action." When they arrived at Fort Mims, they hid in a canebrake "until only one gun could be occasionally heard at intervals."[2] About sundown, the uproar was "now hushed in awful silence." As McGirth made his way to the fort, he saw bodies lying "in the sleep of death, some still bleeding, all scalped and mutilated."[3] He believed that his wife and children's bodies were among the slain, but he had to depart when night fell without finding his family. The next morning, when he returned to the fort, he found the mutilated bodies of a woman and children and, assuming them to be his family, he buried their bodies in the ruins of the fort.

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[1]Albert James Pickett, "Notes taken from the Lips of Col. Robert James, relative to Zachariah McGirt & Weatherford," Albert J. Pickett Papers, 1779-1904, LPR185, Box 2, Section 12, 1; Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006), 57.
[2]Pickett, "Notes taken from the Lips of Col. Robert James," Albert J. Pickett Papers, 1.
[3]Pickett, "Notes taken from the Lips of Col. Robert James," Albert J. Pickett Papers, 1–2.

While in Mobile nearly a year later, a friend told McGirth that some people wished to see him at the wharf. When he arrived, he found a woman and children sitting in a canoe, nearly starved to death. As he looked into their faces, he realized they were his wife and children. Overwhelmed by this sudden and unexpected reunion, McGirth asked how they had escaped certain death. His wife, Vicey, reminded him of the young Creek child they had befriended years earlier. They adopted the boy, who had no family or friends, as their son. When Creeks began to divide between the Red Stick and National factions, McGirth's son left his family and chose to join the Red Sticks who attacked Fort Mims. He wholeheartedly embraced the Red Stick cause at Fort Mims and was "bold and active in killing the unfortunate inmates… slaying the women and children," but when he came across his adoptive mother and siblings he "suddenly stopped [as] pity and gratitude took possession" of him and he "determined to save them by claiming them as his slaves."[4] He took them to Hickory Ground, provided them with supplies, and guarded them from potential threats until he died in battle about seven months later. At that time, Vicey McGirth took her children and escaped, eventually making her way to Mobile where she finally reunited with her husband.[5]

The First Creek War was a civil war between opposing Creek factions that divided families and communities. The McGirth's story illustrates this complicated relationship between familial obligation and factional ideology. This family was first divided over ideological differences as the son joined the Red Stick movement, which condemned accommodation with the United States and the socio-cultural changes that followed. The parents did not join this movement most likely because they actively chose

[4] Pickett, "Notes taken from the Lips of Col. Robert James," Albert J. Pickett Papers, 3.
[5] Pickett, "Notes taken from the Lips of Col. Robert James," Albert J. Pickett Papers, 3–4.

to join the National Creeks, who sought to protect their property and economic relationship with the United States. The McGirth's decision to seek refuge at Fort Mims made a statement on their position in the war. Yet, even at one of the most violent moments of the conflict, this family proved that their kinship connection to one another was more important than their factional divide as the Red Stick son saved his adoptive mother and siblings.[6] Moreover, the attack's physical location within the Tensaw region revealed the growing schism between the Creek Tensaw community and the Creek interior as the Tensaw region became a target of Red Stick animosity.

The attack on Fort Mims was a direct retaliation for the Battle of Burnt Corn Creek, which occurred on July 27, 1813. Earlier that July, a group of Red Stick warriors traveled down to Pensacola in hopes of procuring supplies, including food, blankets, ammunition, and weapons, from the Spanish. After the Spanish granted a few of their requests, providing food, clothing, and some ammunition, these Creek warriors returned to Creek territory. While encamped by Burnt Corn Creek, the Red Sticks were ambushed by 150 white American militiamen and some thirty Tensaw Creeks. The ensuing battle ended in a Red Stick victory and had relatively small casualties, but it was significant because it brought American soldiers into direct conflict with the Red Sticks, thus insinuating the United States into the Creek civil war. Additionally, it was important as a group of Tensaw Creeks stood with these American soldiers, as Creeks led them to Burnt Corn Creek, killed Red Stick warriors, and protected the American militias as they retreated. The leader of these Tensaw Creeks, Captain Dixon Bailey, went to Fort Mims after this battle, along with other Tensaw Creeks and white militiamen who had taken

[6] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 33.

part in Burnt Corn. The Red Sticks, infuriated by the Creek-American attack, targeted Fort Mims in retaliation for the violence at Burnt Corn Creek. This explains the attack on Fort Mims, but the Red Sticks had already destroyed and pillaged Tensaw Creek property before Fort Mims.[7] This chapter examines the conflicts and confrontations in the Tensaw before the war to understand why the community became a target of Red Stick hostility, the ways in which the Red Sticks attacked the Tensaw during the war, and how the war challenged familial obligations.

Several historians have examined the First Creek War and provided various arguments for Red Stick motivations ranging from spiritual to strategic to economic. Historian Joel Martin argues that the revolt was "a religious phenomenon" and, while he claims there were cultural, economic, and political dimensions of the revolt it was "a spiritual movement… empowered by contact with spirits of earth, water, and sky."[8] As an extension of this spiritual movement, the Red Sticks shed the symbols of colonial civilization—ridding themselves of certain ornaments (beads, brass, silver, glass), implements of husbandry, livestock, and other trade goods to return to a more traditional Creek life.[9] This interpretation of Red Stick spiritual motivations is not entirely wrong—Red Stick prophets certainly influenced the actions and beliefs of the Red Stick faction, but not necessarily in an all-encompassing fashion. Recent excavations at Holy Ground, a sacred Red Stick site, demonstrate that the line between Red Stick ideology and Euro-American manufactured goods was not hard and fast. Archaeologists have found the foundations of three cabins, constructed similar to those of white settlers and metal

[7] Waselkov, *A Conquering Spirit*, 98–101.
[8] Joel W. Martin, *Sacred Revolt: The Muskogees' Struggle for a New World* (Beacon Press, 1993), 6.
[9] Martin, *Sacred Revolt*, 142.

artifacts, including iron kettles, axes, door locks, straight razors, and brass arrow heads, which shows that Red Sticks did not reject all types of Western technology.[10] These archaeological finds prove that, while the Red Stick faction actively spoke out against white culture and accommodation to the United States, they did not entirely reject all of the symbols and manufactured goods of its society. Therefore, the spiritual interpretation does not fully explain the communal rift and destruction of property on the Tensaw.

Other scholars recognize the spiritual aspects of the Red Stick movement, but also provide context that emphasizes economics and politics. Archaeologist Greg Waselkov's argument centers on spiritualism and the rejection of American culture; but he includes an examination of the growing debt and poverty in the Creek nation as well as the growing wealth gap between particular groups. Waselkov insists that the Tensaw's economic prosperity, along with certain key town leaders, caused anger within the Creek nation that motivated action.[11] Gregory Dowd posits that the Red Stick uprising was the continuation of nativist movements after the American Revolution. These nativist movements had a spiritual aspect, and revolved around the concept of a pan-Indian identity and rejection of Euro-American culture and influence. Therefore, the war and violence of the Red Sticks was simultaneously a spiritual and political movement.[12] Claudio Saunt understands the Red Stick faction as opposing the newly emerged Creek elite that formed after the American Revolution. He argues that Red Sticks destroyed the

[10] Mike Toner, "The Story of Holy Ground: Archaeologists Are Investigating a Legendary Battle Site That Went Missing for Two Centuries," *American Archaeology* 20, no. 2 (Summer 2016): 33–37.
[11] Waselkov, *A Conquering Spirit*, 73–76.
[12] Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815*, Johns Hopkins University Studies in Historical and Political Science, v. 109, no. 4 (Baltimore, Md: Johns Hopkins University Press, 1992), xix-xxii.

National Creeks, especially the Tensaw community's, property to dislocate these individuals and weaken their power and influence. In this instance, the motivation was less about revitalization and more a military strategy that would disrupt supply chains and starve the National Creeks out.[13]

The Tensaw region was a microcosm of all of these different forces during the First Creek War. It demonstrated the political, cultural, and economic stresses that led to the war and exacerbated the conflict between the Red Sticks and the National Creeks. The Tensaw community became a symbol of accommodation, acculturation, and economic prosperity. The destruction of its property before and after Fort Mims was both a way to rebuke the economic relationship between the Tensaw community and the United States and punish the Tensaw Creeks for their acquisitiveness. Underlying these tensions was a perception that the Tensaw Creeks' acceptance of Euro-American economic practices coincided with a change in their cultural and familial identities.[14] Andrew Frank's analysis of the violence and destruction of the Red Sticks concludes that they served as punishment for a perceived transgression. This transgression might have been the collapse of the traditional reciprocal relationship that had existed between the Tensaw region and the Creek interior, where Tensaw Creeks, especially Alexander McGillivray, provided access to cattle, money, and trade and in return received greater influence in Creek politics and society. If this system broke down, then the destruction of

[13] Claudio Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999), 554–55; Claudio Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century.," *The William and Mary Quarterly* 57, no. 4 (October 2000).

[14] Karl Davis similarly argues that the Tensaw was targeted because of its economic, cultural, and political decisions. He ultimately argued that the Red Sticks acted to protect their own sovereignty. Karl Davis, "'Much of the Indian Appears': Adaptation and Persistence in a Creek Community, 1783-1854" (University of North Carolina, 2003), 125–61.

the property would have served as a penalty.[15] Ultimately, the economic decisions of the Tensaw Creeks set them apart from the Creek interior; therefore, this chapter will examine specific conflicts and confrontations that revolved around property on the Tensaw to better understand how economic decisions caused a strain on kinship relationships that alienated the Tensaw Creeks from their families in the Creek interior and initiated divisions within the Tensaw community itself. This war divided the community and families against one another, and events on the Tensaw also reveal that in the midst of this disunion, familial obligation to one's lineage was the most important part of individual identity.

Dixon Bailey's life serves as a case study for the difficulties Tensaw Creeks faced because of their economic decisions. Bailey operated a ferry that crossed the Alabama River and served both Creek and American travelers. In the 1805 treaty between the United States and the Creek Nation, the Creeks allowed the United States to build the federal road that would connect Savannah and New Orleans and run through Creek territory. The treaty also required the Creeks to "have boats kept at the several rivers for the conveyance of men and horses, and houses of entertainment established at suitable places on said path for the accommodation of travellers [sic]."[16] These businesses were meant to aid and protect white travelers, and proved beneficial to the Creeks who operated them. This treaty protected Creek sovereignty by restricting these businesses to Creeks, rather than allowing white Americans to open their own facilities. Bailey was

[15] Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005), 36, 100.
[16] "Treaty with the Creeks, 1805," *Indian Affairs: Laws and Treaties,* edited by Charles J. Kappler, http://digital.library.okstate.edu/Kappler/Vol2/toc.htm

able to own and operate his ferry, along with a helper Lynn McGhee, because he was a Creek man. His profits benefitted himself, his lineage, and other Tensaw residents, but did not directly help Creek kin in the interior. Instead, Bailey's ferry played into a larger conflict over the federal road, as anxieties increased over the influx of American travelers through the Creek nation.

Bailey's ferry was just one of several establishments that facilitated American travel, which also included Sam Moniac's stand, closer to the interior, and Jim Cornells's stand, near Burnt Corn Springs. These businesses facilitated travel and served both Creek and American customers, but the profits belonged to these individuals and were not redistributed to their towns. Redistribution of gifts was common in the traditional Creek economic system. There was inequality between different families, as they had disproportionate access to trade, yet within the traditional system a good leader was generous and displayed his power by redistributing gifts and food among his people. This system of reciprocity was based on the idea that people took what they needed and, in return, helped others when called upon. Private property, such as guns and clothing, was never taken without permission, but requests to borrow were rarely denied. Anthropologist Robbie Ethridge explains that Creeks understood property as social capital; distributing trade objects and food allowed Creeks the chance to solidify their social relationships. They knew that if they shared their surplus today, then they would be able to borrow at a later date if needed. However, as Creeks increasingly pursued capitalist ventures, like commercial agriculture and livestock raising, they began to see their profits as their own and they stopped the practice of sharing their wealth with distant clan or town members. In fact, Ethridge claims they began to redefine the idea of

"borrowing" as "theft." For example, Tensaw Creeks no longer understood it as another Creek "borrowing" a horse, but as the stealing of private property. Ethridge notes that this shifting understanding of property and the breakdown of reciprocity created social and political problems in the Creek nation.[17]

The expectation and subsequent breakdown of this reciprocal relationship was one reason that the Tensaw became a space of contention in the years before the First Creek War. In March of 1809, a group of Coosada warriors, led by Coosada headman Captain Sam Isaacs, visited Dixon Bailey at his ferry. Isaacs demanded that Bailey pay a $100 rent for the privilege of having a ferry. Bailey refused to give Isaacs any money as he believed he had a right to the ferry's profit as "any other of the nation." Isaacs threatened to return and, if Bailey refused to pay, cut up Bailey's ferry and drag him off. Isaacs then traveled further into the Tensaw and collected $2.00 for every hundred head of cattle the Tensaw Creeks held. Twelve or fifteen warriors accompanied him, and he told the Tensaw Creeks that if they refused to pay the warriors would run their cattle off into the nation as payment. After Isaacs received a "considerable quantity of money from them" he made his way to Mobile to purchase supplies and then returned to Bailey's ferry. He found Lynn McGhee, a Tensaw Creek who worked as a ferry operator for Bailey, in charge of the ferry and demanded $100. McGhee refused and told Isaacs that "Bailey did not intend to pay him a cent." Isaacs and his party surrounded McGhee and "beat him almost unto death and then began to cut up the [ferry]." Bailey was hunting nearby when someone alerted him to what was happening. He quickly made his way there and "rushed

[17] Robbie Ethridge, *Creek Country: The Creek Indians and Their World*, 1st New edition (Chapel Hill: The University of North Carolina Press, 2003), 180–82; Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 311–12.

upon [Isaacs], knocked him over and [beat] him severely." He was then surrounded "by Isaacs warriors with their tomahawks [and] one after another he laid them out." Supposedly, as Bailey fought Isaacs and his men, one of Isaacs's warriors snuck up behind Bailey to attack him. Bailey's sixty year-old mother "seized the fellow round the middle and with a fortunate exertion threw him into the river." Bailey's mother fell into the river with the Creek warrior and they continued to fight "one trying to drown the other." They both made it to shore and crawled out only to see that Bailey had cornered Isaacs and his other men. As Isaacs retreated, he challenged Bailey to a trial before the chiefs in the nearby Creek town of Hickory Ground, but Isaacs withdrew this challenge before a meeting could be set up.[18]

The source of this confrontation is potentially problematic, as it was a recollection recorded years later; while some of the details may be exaggerated, the general confrontation revealed the growing tension over the wealth in the Tensaw. Waselkov argues that this conflict began because the Coosada town understood the Tensaw to be a *talofa*, or daughter settlement, which would mean the inhabitants of the Tensaw owed taxes to Coosada in order for the wealth to be redistributed. Additionally, Waselkov deconstructs the wording of the confrontation, saying that when Isaacs asked for payment for the "privilege" of having a ferry it insinuated that Isaacs did not view Bailey as a Creek. A white man would have to pay for the right to have a ferry, but a Creek would not. Therefore, Bailey's insistence that he had a right to a ferry as "any other of the nation" was a confirmation of his Creek identity.[19] In either of these possibilities, Isaacs

[18] Albert James Pickett, "Notes taken from the Lips of Dr. Thomas G. Holmes," Albert J. Pickett Papers, 1779-1904, Box 2, Section 25, 25–27.
[19] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 53–55; Pickett, "Notes taken from the Lips of Dr. Thomas G. Holmes," 26.

and his warriors believed the Tensaw region owed them in some manner—either as a talofa or as outsiders. The Tensaw's physical separation from the Creek interior might have emphasized differences in economics, but this was not a Creek versus non-Creek confrontation. Instead, it represented the breakdown of reciprocity.

In the early nineteenth century, there was a growing economic rift between those either unwilling or unable to adopt Euro-American economic practices and those who did. The Tensaw Creek residents exemplified economic incorporation, but even some headmen and other individuals in the interior had adopted Western economic values.[20] If Isaacs believed that he and his town had a real claim on the Tensaw profits, he would have brought the issue to the chiefs of Hickory Ground. The fact that he did not indicated that his claim for rent was not readily accepted elsewhere or that he feared they would not hear his complaint. Arguably, Bailey and other Tensaw Creeks became a target of Isaacs's expedition because the Coosada warriors wanted to enforce a reciprocal relationship between the Tensaw residents and Coosada. Captain Isaacs used the profits from these taxes to buy supplies from Pensacola, presumably to help those struggling financially in his town. Bailey's refusal illustrated that he felt no obligation to Captain Isaacs or Coosada; perhaps he was rejecting reciprocity or perhaps he believed that the profits belonged to his lineage and those who labored alongside him. This conflict illustrated a continued expectation of reciprocity and the violent response when it was rejected.

While ferries helped white and Creek travelers to cross rivers, stations, owned and run by Creek individuals, provided supplies, entertainment, and lodgings for American

[20] Waselkov, *A Conquering Spirit*, 55.

travelers on the Federal Road. Sam Moniac built a stand along the Federal Road just below present-day Montgomery and James Cornells built a stand near Burnt Corn Creek, on the Tensaw.[21] Both men's property became targets of Red Stick ire during the war, but even before the First Creek War began their stands became scenes of conflict between the Creeks and white Americans who used them. As the Federal Road widened and more Americans traveled through the Creek Nation, disgruntled Creeks began to attack travelers to emphasize their resentment at white encroachment. Mostly, these conflicts centered around property as Creeks stole the horses, trading goods, and disrupted the mail by attacking post riders.[22] These stations became a place where travelers congregated and, as houses of entertainment, also served local and travelling Creeks; interactions at these places occasionally led to violent altercations.

On March 26, 1812, Maumouth, a Creek man, murdered a white traveler named Thomas Meredith near Moniac's station. Meredith traveled with his family and his son provided an eyewitness account of the events. His son explained that he and the rest of his family had crossed a creek and his father stood on the opposite bank; suddenly Maumouth "fell on him without interruption and killed him dead, as he was trying to make his escape in a canoe." Meredith's son claimed that Maumouth "appeared to be in liquor," which he may have obtained at Moniac's stand, which also served as a tavern.

[21] The location of Sam Moniac's store can be found at U.S. Department of the Interior, Bureau of Land Management, US Surveyor General, Thomas Freeman's circa 1816-1817 plat for Township 14 N, Range 17E, http://www.glorecords.blm.gov.

[22] For examples of conflict along the road see Benjamin Hawkins to Henry Dearborn, August 29, 1805, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 497; Hawkins to Dearborn, September 11, 1805, in Grant, ed., 499; Hawkins to William Eustis, May 21, 1809, ibid., 551; Hawkins to Eustis, January 6, 1811, ibid., 581; Hawkins to Wade Hampton, August 26, 1811, ibid., 590.

Moniac called this quarrel an "accident."[23] By using the term "accident" Moniac was not denying that Maumouth murdered Meredith, but made an attempt to limit hysteria and prevent American intervention. Calling it an "accident" assured Americans that it was the action of one individual, presumably a brawl that turned deadly, instead of a concerted, premeditated attack on white travelers. This would ensure that travelers would continue to stop at his stand and convince American officials that the National Creek Council should handle punishment.[24] In this way, Moniac's terminology protected his own business interest and Creek sovereignty in their land by preventing American involvement in Creek punishment.

This instance illustrates the tension the Federal Road created and why the Creeks who assisted its expansion and facilitated the journey of travelers along it became a target for the Red Sticks.[25] The visit of Tecumseh, a Shawnee war leader, in 1811 exacerbated the existing issues. Tecumseh came to the Creeks to share his brother's, the Shawnee Prophet Tenskawata, idea of "the whitemans [sic] oppressive and domineering encroachments on indian rights," including the white man's "dispossessing them wantonly and insatiably of their lands and country."[26] Both Shawnee called for a pan-Indian resistance to white encroachment and believed that once the native tribes united together, the creator of life "in his wrath would assist the Indians in recovery of their

[23] Benjamin Hawkins to William Eustis, April 6, 1812, 605.
[24] Gary Burton, "Pintala's Cold Murder Case: The Death of Thomas Meredith in 1812," *The Alabama Review* (July 2010), 178-9.
[25] Angela Pulley Hudson argues that the expansion of the federal road is the main catalyst for Red Stick anger and destruction in the First Creek War. See 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), 1-7.
[26] Stiggins Narrative, edited by Theron A. Nunez, "Creek Nativism and the Creek War of 1813-1814, Part II" *Ethnohistory* 5.2 (Spring 1958), 145.

lands and country, which he had made on purpose for their special use."[27] These speeches tapped into the resentment that many Creeks felt, some of whom chose to follow Tecumseh back to Shawnee territory to meet the Prophet and join the cause. Upon their return to Creek territory, they "committed some outrageous murders on some unoffending families for no other provocation than being a white people."[28]

As the lines between different factions began to form, the United States government and Benjamin Hawkins pressured the National Council to punish these men. The council convicted the men of murder and executed them immediately for their transgressions. While this decision appeased Hawkins and the United States, it undoubtedly increased resentment in traditionalists who believed justice should be carried out by clans, not a National Council. Traditionally, when a person committed a crime, especially murder, it was up to clans to find and punish the perpetrator, keeping justice within the family sphere.[29] When the National Council, trying to centralize control and protect Creek sovereignty, made decisions about justice it encroached on the power of the clans.[30] Many Creeks who lived on the Tensaw supported the National Council, even as its decisions divided Creeks into opposing factions. The Tensaw Creeks' refusal of reciprocity, accommodation to white travelers, and support of the National Council made them a clear target for Red Stick ire as resentment over economic, cultural, and political changes reached a new high in 1813.

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[27] Stiggins Narrative, in Nunez, ed., (Part II), 145.
[28] Stiggins Narrative, in Nunez, ed., (Part II), 145.
[29] Stiggins Narrative, in Nunez, ed., (Part II), 133–35; 145-6.
[30] Kathryn E. Holland Braund, "Reflections on 'Shee Coocys' and the Motherless Child: Creek Women in a Time of War," *The Alabama Review* 64, no. 4 (October 2011): 263–64.

As factions formed and violence began to spread across the Creek Nation, Red Sticks attacked towns and "wantonly killed cattle in [the] nation," focusing their initial attacks on accommodating Creeks, especially those with connections to the Tensaw.[31] When Red Sticks travelled to Pensacola to acquire supplies, they targeted the house and station of James Cornells, who had built a stand like Moniac's near the Tensaw community. Red Sticks allegedly "charged on the house of James Cornels and he not being at home they took Mrs. Cornels and a man called Marler and carried them on to Pensacola with them, and sold them there as prisoners of war."[32] In a deposition taken on August 1, James Cornells claimed that these Creeks "are distroying [*sic*] their own stock and provisions and property promiscuously with those of the friends of the United States," furthermore, he said the Red Sticks "declared their determination to cut of [*sic*] all Americans and their friends and to burn and distroy [*sic*] as they go."[33] A day later, on August 2, Sam Moniac provided his own testimony about his property's destruction. He claimed that Red Sticks "destroyed a large quantity of my cattle & burnt my house & and my river plantation as well as those of James Cornells & Leonard McGee." He feared violence on the federal road and, therefore, left his stand to return to his plantation. His plantation was not safe, however, because while he took cattle to the market in Pensacola his "Sister & Brother who have joined the war party came and got off a number of my horses and other stock and thirty six of my Negroes." About a month later, Moniac returned to his stand on the Federal Road and found Red Sticks camped near it, including a man called High Head Jim. When asked what side he would choose, Moniac replied

[31] Stiggins Narrative, in Nunez, ed., (Part II), 155.
[32] Stiggins Narrative in Nunez, ed., (Part II) 155.
[33] J. F. H. Claiborne, *Claiborne Collection, 1807-1881* ([Jackson, Miss: Mississippi Dept. of Archives and History, 19).

that he would "sell [his] property and buy ammunition & join them." High Head Jim allegedly told Moniac that they planned to go to Pensacola with ammunition in order to "make a general attack on the American Settlements" and that "the war was to be against the whites & not between the Indians themselves, that all they wanted was to kill those who had taken the talk of the whites."[34] Ultimately, Moniac's statement was contradictory as High Head Jim both threatened Americans and "those who had taken the talk of the whites," but claimed it would not be between the "Indians themselves." Perhaps High Head Jim lumped accommodating Creeks with Americans, but more likely he did not make an official threat against the Americans. The United States used both of these depositions to confirm a preconceived notion that Red Sticks planned to attack American settlers to justify its involvement in this civil war; during the deposition they could have asked whether Moniac believed the Red Sticks would attack American settlements and used that information in his deposition.

One common, and important, thread between the two depositions was the complete destruction of their property and the threat of continued violence. These depositions were given to white American officials, Cornells to A.L. Osborn of the Mississippi militia and Moniac to Judge Harry Toulmin of the Mississippi Territory, and both took place within a week of the Battle of Burnt Corn Creek, where American militias and Tensaw Creeks attacked a group of Red Stick warriors. These two men might have been pressured to provide evidence of the fact that American intervention into this Creek conflict was necessary, thereby officially justifying the militia's attack on Red Sticks at Burnt Corn Creek. Anxiety was at an all-time high as the United States battled

[34] Samuel Manac, "Samuel Manac Deposition, 1813," SPR26, ADAH, 1-4.

against Great Britain in the War of 1812, its apprehension spiked over fear of an Anglo-Creek alliance. Still, the Americans required proof of a conspiracy between England, Spain, and the Red Sticks to justify an attack on Creek warriors, proof which these depositions provided.[35] Or perhaps, as historian Robert Collins postulates, these men both wanted revenge for the destruction of their property by pitting the Americans against those who were responsible. This desire for vengeance could have led Moniac and Cornells to exaggerate, or in some instances fabricate, their stories. Yet, even if Moniac told the truth and repeated High Head Jim's words verbatim, perhaps the words themselves were meant to deceive and scare Red Stick enemies.[36]

Indeed, Red Stick warriors devastated the Tensaw region as they killed livestock, destroyed fields, and burnt homes. In this region, Red Sticks damaged property that belonged to both white and Creek families that valued a total of $127, 905.[37] Prominent Tensaw Creek families provided claims for their lost property, which illustrated the extent of the damage during the war. In total, the Bailey family lost 300 head of cattle, 110 head of hogs, horses, furniture, kitchenware, two acres of corn, and three slaves. They valued their lost property at $5,443. George Stiggins, a prominent Creek planter on

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[35] There has been a wealth of research on the connection between the Creek War of 1813-14 and the War of 1812. For more information see: Kathryn E. Holland Braund, ed., *Tohopeka: Rethinking the Creek War & the War of 1812* (Tuscaloosa: University of Alabama Press, 2012); Frank Lawrence Owsley, *Struggle for the Gulf Borderlands: The Creek War and the Battle of New Orleans, 1812-1815* (Gainesville: University Presses of Florida, 1981); Tom Kanon, *Tennesseans at War, 1812-1815: Andrew Jackson, the Creek War, and the Battle of New Orleans* (Andrew Jackson, the Creek War, and the Battle of New Orleans: The University of Alabama Press, 2014). For an in-depth examination of the conspiracy of British and Spanish involvement in the conflict, see Robert Collins, "'A Packet from Canada': Telling Conspiracy Stories on the 1813 Creek Frontier," in *Tohopeka: Rethinking the Creek War and the War of 1812*, edited by Kathryn E. Holland Braund (Tuscaloosa: University of Alabama Press, 2012): 53-83.
[36] Collins, "'A Packet from Canada'", in Braund, ed., *Tohopeka*, 75.
[37] Richard S. Lackey, ed., *Frontier Claims in the Lower South: Records of Claims Filed by Citizens of the Alabama and Tombigbee River Settlements for Depredentation by Creek Indians during the War of 1812* (New Orleans: Polyanthos, 1977), 29.

the Tensaw, lost all of his livestock and four houses on his property with a total of $1,670 in damages. Lachlin Durant, the maternal nephew of Alexander McGillivray, claimed 40 hogs, 4 horses, 60 bushels of corn, and household furniture, which came to a total of $420.[38] In the war, almost all of their property was targeted, but historians have focused on livestock in particular as evidence of the religious and cultural revitalization of the movement. Claudio Saunt argues that livestock, more than any other possession, divided those who joined the Red Stick movement and those who did not. Livestock became a target for Red Stick warriors because the animals exemplified economic disparity, assimilation into American culture, and, worst of all, disrupted traditional farming practices.[39] Yet, the earliest attacks on the Tensaw Creek's property included more than just livestock. Instead, the scale and focus of the damage might indicate that the Red Sticks' actions were a form of punishment. Historian Andrew Frank argues that earlier forms of retribution for social and political transgressions included beatings, mutilation, and the destruction of property, which explains Red Stick actions. In the larger context of Creek history, the destruction of the Tensaw properties served as punishment for the breakdown of reciprocity or accommodation to white travelers. Arguably, this was not a rejection of Euro-American culture or trade, especially since Red Sticks continued to use Euro-American goods, but a reprimand for perceived transgressions.[40]

The breakdown of reciprocity occurred on a large scale, as the battle at Bailey's ferry indicated, but they also occurred on a more intimate level within families. Moniac's

[38] Lackey, *Frontier Claims*, 50–53.
[39] Saunt, "Taking Account of Property," 754.
[40] Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier*, 36; Toner, "The Story of Holy Ground: Archaeologists Are Investigating a Legendary Battle Site That Went Missing for Two Centuries."

sister and brother not only joined the Red Stick movement, but facilitated the removal of the horses, livestock, and enslaved peoples from his plantation.[41] Moniac continually claimed this property as an individual, but, in Creek terms, the property belonged to his lineage, which included his brother and sister. Moniac's assertion that they took the property *from* him indicated that he no longer considered this to be the property of his lineage or that he had not given permission for them to remove the property. If Moniac understood the property to be his own, as an individual, then his siblings' actions were a punishment for his selfishness and, ultimately, an affirmation of their right to this property.

If, however, he still understood it to belong to them as a lineage, why would his siblings take the property away? They took "a number of" his horses, livestock, and slaves, but not all. Perhaps his siblings, because they chose to join the Red Sticks, simply took their portion of the property with them. Conversely, Moniac's sister allegedly claimed that the Red Sticks had encouraged the women "to join to save their property" and many of them "were very desirous to leave them but could not," for fear that the Red Sticks would hurt their property and family.[42] In this scenario, the siblings took the property as their own to protect it from Red Stick destruction.

Yet, this scenario did not fit with High Head Jim's insistence that Moniac should sell his property in order to join the Red Sticks. Why would Moniac have to sell his property if his siblings joined to protect it? Did his siblings sell the property they took to help the Red Stick cause? In this assertion, Moniac's deposition obscures more than it

[41] "Samuel Manac Deposition, 1813.," ADAH, 2; for discussions of this type of punishment see Braund, "Reflections on 'Shee-Coocys," 265-6.
[42] "Samuel Manac Deposition, 1813," ADAH, 3–4.

reveals. Moniac very well could have fabricated or exaggerated his sister's inability to leave the Red Sticks to protect her reputation. His siblings joined the Red Stick movement because they believed in it and they took this property to help their cause and punish their brother for his transgressions. Moniac's attempt to rehabilitate them in his deposition acted as a safety for him and his family—to hide their motives for joining the cause and protect the family reputation. Even in this moment, when he stood on the opposite side of the conflict from his siblings, Moniac tried to protect his siblings' reputation. His motivation might have been selfish, as a way to distance himself from fanaticism, or it could have been an attempt to provide a ready excuse for his family, so they could easily rejoin him if the Red Stick faction failed.

Even as Tensaw Creek families fought on opposite sides of the war, they continued to protect one another and guard their matrilineage's property. One of the most famous Red Stick warriors, William Weatherford, was a member of the Sehoy lineage. His mother, Sehoy Weatherford, was a maternal sister to Alexander McGillivray and his maternal brother, David Tate, became the *de facto* leader of the Tensaw community after McGillivray's death. Though Weatherford grew up in the interior, he often stayed with Tate before the war began and, on occasion, travelled with Sam Moniac, his brother-in-law, to the Pensacola market to sell cattle and obtain "necessaries for his family consumption." This demonstrates that he performed many of the same economic practices as Tensaw Creek residents before he became a Red Stick.[43] Despite his kinship

[43] Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians*, 83–84; Driesbach Letter, Series V, "Lyman Draper Manuscript Collection" n.d., State Historical Society of Wisconsin. Quote from Stiggins Narrative in Nunez, ed., "Creek Nativism and the Creek War of 1813-1814," 159; Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 93.

connection to key Tensaw residents, Weatherford lived most of his life closer to the interior towns of Coosada, Taskigi, and Hickory Ground than to the Tensaw.[44] Weatherford's close proximity to the Creek interior during his formative years undoubtedly affected his mindset when it came to the war. Weatherford may have experienced reluctance to fight with the Red Sticks, especially since so many of his close family chose not to, but he equally felt an obligation to the townspeople he had grown up with. Perhaps he even understood the Creek interior's anger and resentment and believed that his kin on the Tensaw had failed to help the people of Coosada, Hickory Ground, and Taskigi in their time of need. While he had a close relationship to his Tensaw kin, his ties to the interior would have created conflicting obligations for this Creek warrior.

Weatherford soon became a leading warrior for the Red Sticks, and was present at some of the most important battles, including the attack on Fort Mims. His decision to join the Red Sticks did not negate his obligation to his lineage, as he demonstrated at Fort Mims. Weatherford willingly contributed to the destruction and deaths of the attack, yet several accounts claim that immediately after the fight, he left Fort Mims and went to his brother's plantation. Allegedly, Weatherford gathered all Tate's enslaved laborers and hid them in the canebrake to prevent them from being taken or killed, and that he prevented Red Sticks from destroying the plantation.[45] The fact that, as a Red Stick leader, he did not confiscate the property or destroy it seemed odd. The fact that he actively protected it from destruction does not fit into the behaviors of other Red Sticks. If these accounts are correct, then Weatherford's actions demonstrated a greater obligation to his lineage than

[44] Waselkov, *A Conquering Spirit*, 77–79.
[45] Woodward, *Woodward's Reminiscences*, 86; Stiggins Narrative in Nunez, ed.,"Creek Nativism and the Creek War of 1813-1814," 167; Driesbach Letter, "Lyman Draper Manuscript Collection," Series V.

his faction. Even at the height of this conflict, he protected his matrilineage's property rather than have it plundered or sold for the Red Stick cause. The fact that David Tate made no official claims for compensation after the war corroborated the story that Weatherford forbade the destruction of this plantation. His actions ensured that the Sehoy lineage's plantation remained intact and whole during the war. After the war, there were rumors that Tate and Weatherford had "an understanding" during the war, that "one was to remain with the whites, and the other with the Indians," to increase the family's chance of success with either outcome. Woodward claimed that these accusations were "false" as both were "honest" men and that this insinuation was a "great injustice" to them both.[46] The extent, or even existence, of any communication between Weatherford and Tate during the war cannot be entirely proven or disproven, but more likely it was Weatherford's feeling of duty towards his lineage that motivated him to protect the property rather than some nefarious plan between these brothers.

After the attack on Fort Mims, the Red Sticks moved on to a second fort, Fort Sinquefield, which they failed to enter, but they continued to steal horses, burn plantations, demolish saw mills, and destroy material possessions of the Tensaw residents.[47] The attack on Fort Mims justified the official interference of U.S. militias into the Creek civil war. Over the next six months, Red Sticks fought a coalition of state militias, National Creeks, and their Cherokee and Choctaw allies in a series of battles around interior Creek towns. The war reached a climactic end at the Battle of Horseshoe Bend.[48] Though he did not fight in it, Weatherford surrendered to General Andrew

[46] Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians*, 86–87.
[47] Stiggins Narrative, in Nunez, ed., (Part II), 169.
[48] For more in-depth overviews of battles during the First Creek War, see Tom Kanon, "Before Horseshoe: Andrew Jackson's Campaigns in the Creek War prior to Horseshoe Bend," in Braund,

Jackson after the Red Stick loss at the Battle of Horseshoe Bend in March 1814. The battle was an immense victory for Jackson as he lost only 49 soldiers while the Red Stick casualties equaled 557.[49] Many accounts of Weatherford's surrender, written after the event, romanticized Weatherford's speech and intentions as he purportedly sacrificed himself in return for the safety of the remaining men, women, and children in Red Stick camps. Jackson, supposedly overcome by the courage and stoicism of this Red Stick warrior, pardoned Weatherford.[50] The truth of this particular interaction remains unknown, but undoubtedly the reason Weatherford was allowed to live and later regain his property was his connection to the Sehoy lineage, Alexander McGillivray's family. In return for his pardon, Weatherford helped Jackson's men track down and convince other Red Sticks to surrender, bringing them back to Fort Jackson to receive rations and assistance.[51] While Weatherford secured his own fate, his brother, David Tate, and extended family rehabilitated his image and ensured that he would be able to return to the Tensaw.

After the war, Weatherford's family and friends rehabilitated his image through memoirs, letters, and articles. One aspect of his service they attempted to profusely explain, and excuse, were Weatherford's reasons for joining the Red Sticks. After convincing other Red Sticks to surrender, Weatherford disappeared from the public stage

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ed., *Tohopeka: Rethinking the Creek War & the War of 1812*, 105–21; Kanon, *Tennesseans at War, 1812-1815*; Waselkov, *A Conquering Spirit*, 159–76; Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians*, 249–72.

[49] Ove Jensen, "Horseshoe Bend: A Living Memorial," in *Tohopeka*, 153.

[50] John D. Driesback, "Weatherford—'The Red Eagle,'" Alabama Historical Society, ed., *Alabama Historical Reporter* Vol 2 March 1884, (Tuscaloosa, Ala: The Society, 1879).

[51] Greg Waselkov, "Fort Jackson and the Aftermath," in *Tohopeka: Rethinking the Creek War & the War of 1812*, edited by Kathryn E. Holland Braund (Tuscaloosa: University of Alabama Press, 2012), 160–62.

for a brief moment and married Marry Stiggins, the sister of a prominent Tensaw Creek resident, George Stiggins. In his memoir, Stiggins explained his brother-in-law's decision to join the Red Sticks. Stiggins claimed that while Weatherford was doing business in Pensacola "his wifes [*sic*] kinsmen removed her… and all his movable property to the hostile camps." In the war, Weatherford was married to Supalamay Moniac, a cousin of Sam Moniac; supposedly when Weatherford discovered that his family and property were gone "it put his mind in [a] dilemma he knew not what to do, to leave his family and property at their mercy and go down the river to his relatives seemed like parting soul and body." Stiggins further explained that Weatherford planned to join the Red Sticks until he could "fit an opportunity to run off with his family and property," but that the opportunity to extricate himself and his family never came.[52]

Similarly, James Driesbach, Weatherford's nephew-in-law, later described a scene in which the Red Sticks captured Weatherford's "wife & children and threatened to put them to death if he did not join them."[53] In these defenses of Weatherford's actions, Stiggins and Driesback focused on the fact that Weatherford was forced by circumstances into this position. By framing it as life or death for Weatherford's family, they made readers sympathetic to his decision. Their desire to rehabilitate his image after the war makes their accounts unreliable. If this was really the only reason Weatherford joined the Red Sticks he would not have been chosen to lead them into battle and he could have easily surrendered early in the war instead of remaining a Red Stick until after the Battle of Horseshoe Bend.

[52] Stiggins Narrative, in Nunez, ed., "Creek Nativism and the Creek War of 1813-1814," 159–60.
[53] Driesbach Letter, "Lyman Draper Manuscript Collection," Series V.

General Thomas Woodward, a friend of Weatherford's after the war, described a far more realistic motivation for Weatherford. He wrote that Weatherford was as "opposed to that war as any one living: but when it became necessary to take sides, he went with his countrymen" and, in a paternalistic way, Woodward argued that Weatherford joined to "prevent his misguided countrymen from committing many depredations."[54] Woodward went on to claim that, while Weatherford did not agree with the Red Stick cause, he willingly chose to join them because "they were his people—he was raised with them, and he would share their fate."[55] In this account, Weatherford was not coerced into joining, but rather resigned to a lost cause. Woodward's description proves problematic because of its paternalistic undertones and the idea that Weatherford chose the Red Stick cause as a last resort, but even with these problems he provided a clue to Weatherford's true motive. As Woodward said, "they were his people;" Weatherford freely chose to join the cause because he felt a kin connection to them. These assertions, like Moniac's defense of his sister in his deposition, illustrate the ways in which these families attempted to protect their kin in the midst of war and after. In the war, the Tensaw community was torn apart. With property destroyed, family killed, and kin divided over factional choices, the war divided the community at its very core. Yet, this family, the Sehoy lineage, demonstrated that even as they were split, their lineal identity remained an important motivation for their decisions and, when the war ended, the family reunited. `

[54] Woodward, *Woodward's Reminiscences*, 34.
[55] Woodward, *Woodward's Reminiscences*, 84.

Chapter 4
Federal Claims and Rebuilding the Tensaw Community

In the Treaty of Fort Jackson, which officially ended the war, the United States demanded numerous concessions from the Creek Nation, including a land cession of over 22 million acres to the United States. In the first article, the treaty outlined the land to be ceded, but it stipulated that Creek chiefs and warriors,

> who shall have been friendly to the United States during the war, and taken an active part therein, shall be within the territory ceded by these articles to the United States, every such person shall be entitled to a reservation of land within the said territory, of one mile square, to include his improvements, as near the centre [sic] thereof as may be, which shall inure to the said chief, or warrior, and his decendants [sic], so long as he, or they, shall continue to occupy the same; who shall be protected by, and subject to, the laws of the United States.[1]

In the years following the Creek War, 1813-14, National Creeks, who had allied with the United States during the war, submitted written and deposed claims to the General Land Office. In essence, if an individual Creek person's land fell within the cession they could apply for a reservation and become subject to the laws of the United States. If the patentee or his or her descendants no longer occupied the reservation, however, the United States government regained rights to the land and had the authority to sell it.

Most of the treaty revolved around establishing peace and settling relations between the Creek Nation and the United States as well as determining new boundaries

[1] *American State Papers: Indian Affairs*, Vol 1, Document 139: The Creeks, Wyandots, and Others, communicated to the Senate November 18, 1814, Vol 1, 13th Congress, 3rd Session, 827.

of Creek territory. The fifth article demanded that Red Stick warriors return stolen property, including enslaved laborers, livestock, or material possessions, to U.S. citizens or National Creeks.[2] The treaty itself did not provide a way for National Creeks to receive compensation for destroyed property, which hurt Tensaw Creek residents whose property was largely destroyed or stolen. Later, Congress allowed for individual property claims to be submitted. The applications primarily came from Creek men, who had to establish their Creek identity, prove that they actively fought with the United States, and provide credible witnesses to the "improvements" they had made on the land that would prove their legitimate claim to the United States. Therefore, while the federal government provided an avenue for compensation, it was incredibly difficult and time-consuming for individual Creeks to prove their position and many were unsuccessful.

This treaty fits into a larger context of US-Indian relations, as it enforced the role of the federal government in controlling the transfer of Indian land. Since 1790, the United States defined Indian tribes as foreign nations that could only be negotiated with through treaties with the federal government. Furthermore, the federal government used the process of pre-emption, which recognized the Indians' right to the lands they possessed and the United States' right to purchase the land when Indian nations chose to sell it or, as in this case, lost it in war. Additionally, historian Wilcomb Washburn argues that when the United States offered Native Americans the chance to claim land they often also offered for them to become citizens as "a form of bribery to win support from influential individuals for the cessions and to hasten the breakdown of tribal unity."[3] Yet,

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[2] *ASPIA:* Document 139: The Creeks, Wyandots, and Others, communicated to the Senate November 18, 1814, 13th Congress, 3rd Session, 826-7.
[3] Wilcomb E. Washburn, *Red Man's Land/White Man's Law: A Study of the Past and Present Status of the American Indian* (New York: Charles Scribner's Sons, 1971), 63.

Washburn insists that the offer of citizenship was not secure as many of those who accepted were still pressured to leave ceded territory, especially during the removal era.[4] This chapter examines the land and moveable property claims of the Tensaw's Creek families and the direct aftermath of the First Creek War on the their community, including the changing relations to the federal government, the Creek Nation, and their neighboring white settlers. As the Tensaw residents attempted to rebuild their lives, they became isolated from the Creek Nation and more dependent on the protection of the federal government. While their Creek identity allowed them to make the claims, it also separated them from the white settlers who moved into the territory and pressured them to leave. By remaining in the Tensaw region, these Creek families became outcasts in both the white and Creek society and were forced to redefine their place in both.

Claudio Saunt argues that these claims are the fulfillment of the problems that began the war—the growing inequalities among Creeks and disparity in wealth between regions. Saunt uses the claims to quantify the economic divisions between Creeks, most especially the Tensaw region to the Creek interior. He proves that the Tensaw submitted 4 percent of the total claims, but that their claims amounted to 21 percent of the wealth; he further explains that 20 percent of Creeks controlled between 60 to 80 percent of the wealth. Saunt's primary focus on the claims is to map the disparity of wealth among the Creeks and the potential corruption of Creek leaders, both in the interior and on the Tensaw. Asserting that Creek leaders put their own individual claims above the good of the entire Creek population, Saunt effectively proves the disparity in wealth,

[4] Washburn, 55–63.

individualism in claims, and the particular separation of the Tensaw.[5] However, Saunt does not take into consideration the fact that former Red Sticks could not submit claims, which skewed the numbers in the interior. Furthermore, while his conclusion that Tensaw residents had amassed a large percentage of the wealth holds merit, he does not examine why they made the choice to stay on the Tensaw and the full repercussions of this decision.

Other historians examined portions of the Tensaw claims as part of a larger analysis. Andrew Frank argues that the question of legal reimbursement forced the issue of identity and made bicultural Creeks and their Euro-American family members choose either Creek or American loyalties. He insists that the United States used land claims to decide if Indian countrymen, or Euro-American men who married Creek women and lived as Creeks, could claim land as a Creek warrior. Frank writes that often the government denied these Indian countrymen plots of land and, therefore, denied their connection to the Creek world. Frank further posits that with the era of removal, the separation of Creek and American identities became fixed and bicultural people had to choose one side or the other.[6] Archaeologist Greg Waselkov provides an explanation as to why Tensaw Creeks returned to the Tensaw instead of the Creek Nation, by arguing that after months of misery and destruction they wanted to return to home and normalcy. That normalcy was no longer in the talwa system, but on their plantations with their

[5] Claudio Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999), 271–72; Claudio Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century.," *The William and Mary Quarterly* 57, no. 4 (October 2000).
[6] Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005), 114–17.

lineages.[7] Conversely, Karl Davis argues that they chose to align with the United States in the war and after because they opposed their enemies who killed their family and destroyed their property. Davis further explains that McGillivray's maternal nephews remembered the power of the federal government as they utilized their connection to him to help further their cause.[8] This chapter expands on these arguments by examining the changing relationship between the Tensaw Creeks and the federal government, their separation from interior Creeks and white settlers, and the full repercussions of their decision to stay in the Tensaw region.

By 1815, Tensaw Creek residents began to apply for land reservations along the Alabama River and, for some, there was no question of them remaining on the Tensaw Delta rather than returning to the talwa system. On January 19, 1816, Creek Superintendent Benjamin Hawkins wrote to William H. Crawford, the Secretary of War, that "the situation of the half breeds [which] have been peculiarly embarrassing." He contended that they had "embraced civilization first and their conduct merited the attention of the Agent for Indian Affairs," but that their choices separated them from their relatives and towns in the interior. Since "their mode of living or pursuits" did not coincide with the talwa system they applied for and obtained permission "to settle down on Alabama near the white settlements on Indian lands" long before the war began. When the First Creek War broke out, Hawkins claimed that the Tensaw Creeks "promptly and willingly" joined their white neighbors in fighting the Red Sticks and, therefore, lost all of their property and even the lives of family members. Finally, Hawkins shared his

[7] Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006).
[8] Karl Davis, "'Much of the Indian Appears': Adaptation and Persistence in a Creek Community, 1783-1854" (University of North Carolina, 2003), 162–67.

opinion that "these people will never be suffered by their Chiefs to return again into the nation, unless they will in all things conform to the Indian habits," which he deemed "impossible" since the Tensaw Creeks had already embraced the tenets of civilization. Hawkins's observation was overly dramatic, as some of those described did eventually return to their Creek towns or removed with Creeks to Indian Territory later in the nineteenth century and brought with them these new lifestyles; their decision to live outside of the Creek Nation did not negate their Creek identity. His comment reveals that white Americans did not want to help these families because they were Creek, and Hawkins felt the need to request their help. Tensaw Creeks are not necessarily exceptional, as other Creek individuals and families made claims outside of the Tensaw, but they are outliers in the fact that they remained a cohesive community during this process. Hawkins wanted the federal government to help them remain on the Tensaw because he believed, in his own way, that it was the only way for them to hold on to their "progress."[9]

In a later petition of their own, a number of Tensaw Creeks wrote of their experience before and during the war. They claimed that before the war had begun, they enjoyed "a high degree of prosperity" and they desired "nothing more ardently than a continuance of the friendly relations which had subsisted between their own people and the United States." Next, these Creeks insisted that they resisted any attempt to ruin this relationship to the United States or revert back to a more traditional way of life, but their choices came with grave consequences. They wrote "that there was scarcely an enormity committed in the course of that disastrous war, whether of sanguinary or predatory

[9] Benjamin Hawkins, *Letters, Journals, and Writings of Benjamin Hawkins*, ed. Charles L. Grant (Savannah, Ga: Beehive Press, 1980), 768–69.

character" that did not affect "either your petitioners or those who stood connected with them by the most endearing ties." These Creeks further declared that their "persons and property" seemed to be "the choice and selected objects of vengeance" making the Tensaw Creeks "pennyless [sic] outcasts, condemned to want, degradation, and misery."[10] Tensaw residents that signed this petition included Lachlin Durant, David Moniac, John Weatherford, George Stiggins, Lynn Magee, and Semoice.

Only Creeks whose land was a part of the newly ceded territory could apply for a reservation, but they would now live outside of the Creek Nation. Hawkins's observations and the Tensaw Creeks petition both provide justifications for this choice. First, both the letter and the petition mention that the Tensaw Creeks had become somewhat outsiders in the Creek Nation. They still had familial connections to the Creek interior, but their choice to work outside the talwa system led to a separation, both economically and spatially, between the Tensaw Creeks and the Creek interior. Once separated, they felt as if they could not permanently return for fear that they would lose their sense of "civilization" and "prosperity" that they had gained on the Tensaw delta. In both documents, the federal government becomes responsible for preventing these Creeks from reverting back to "Indian habits," which was an excellent argument since they wanted land, compensation, and protection from the government.[11] Whether this was a genuine fear or an attempt to manipulate the federal government, they argued that they no longer fit into the socio-economic system of the Creek Nation. Second, in the Tensaw Creek petition they mentioned their loss of life and property at the hands of Red Sticks,

[10] US Congress, S. Document 65: "Memorial of the Legislature of Alabama, On Behalf of Sundry Individuals belonging to the Creek Indians, Praying for assistance from the Government, February 15, 1832," 22nd Congress, 1st Session, Serial Set 213.
[11]Benjamin Hawkins to William H. Crawford, January 19, 1816, in Grant, 769.

continuing to distance themselves from the image of a "savage killer." Their language denoted a feeling of anger and betrayal as the Red Sticks killed their family and destroyed their homes, leaving them as miserable and property-less "outcasts," glossing over the fact that many of their own family members had been Red Sticks.[12] This resentment, coupled with their desire to hold on to their Euro-American economic practices, undoubtedly made the Tensaw Creeks feel unwelcome in parts of the Creek Nation. Certainly, they remained tied to kinship networks in the interior, and called on them if necessary, but to fully rebuild the lives they had before the war, they now had to live outside of Creek territory.

Yet, at the heart of these petitions was the insistence of their Creek identity. Despite their economic or political choices, they first identified as Creek Indians. As Creeks, existence on the Tensaw became difficult because the white settlers who flooded into the newly acquired territory saw them as outsiders and the enemy. In 1815, Lachlin Durant, the nephew of Alexander McGillivray, wrote to President Madison on behalf of the "relations of Alexander McGillivray" to complain that citizens of the Mississippi Territory "have taken forcible possession of [their] fields and houses and ordered [them] off at the risk of [their] lives." Durant reiterated the cost of the late war on all of their lives—their property was destroyed and their "lives threatened with indiscriminate carnage," most especially at Fort Mims where they all lost at least one family member in the massacre. He reminded the President of their willingness to fight with the United States, which made the actions of these white settlers even more disturbing to him. These Americans also insulted and reproached the Tensaw Creeks for their origins with "the

[12] US Congress, S. Doc 65, 22nd Congress, 1st Session, Serial Set 213.

most abusive language" and even "committed private injury on [their] stocks and property." Logically, the Tensaw Creeks turned to local authorities to help protect their property, but both the civil and the military authorities argued they did not have the jurisdiction to help the Creeks, leaving them with no alternative but to plead with the President. The letter was signed by several matrilineal descendants of Alexander McGillivray and other Tensaw Creeks, who wanted to remain on the Tensaw where many of them "were born and raised," but they began to recognize the difficulties of being a Creek in the Mississippi Territory.[13]

This plea to the President of the United States demonstrated the tremendous pressure that Tensaw Creek residents faced from white encroachment. In order to claim the land, these families had to assert their Creek identity, which gave them a certain advantage, but alienated them from Euro-Americans who held racial prejudices against the Creeks from the war. Despite their loyalties and actions in the Creek War, their Creek identity placed them in contention with American settlers who wanted their land and believed that all Creeks were to blame for the atrocities at Fort Mims. Durant wrote that the negotiations with Andrew Jackson promised they would be able to reacquire up to 640 acres of land from the federal government, and if they stayed on their farms they

[13] Lachlin Durant to President James Madison, 29 May 1815, *Letters Received by the Office of the Secretary of War Relating to Indians Affairs, 1800-1823*, National Archives Microfilm Publications, microcopy no. 271 (Washington, D.C: The National Archives, National Archives and Records Service, General Services Administration, 1959), reel 1, Ralph Brown Draughon Library.

would be able to keep it, but that it was getting harder to do as they were being intimidated and forced off land. The Tensaw Creeks were in a precarious position—they did not officially have a US deed to the land and no direct recourse for protecting their holdings. By 1815, the Creek Nation no longer had official control of the area, and the United States had not officially assigned jurisdiction to the Mississippi Territory. Consequently, they had no legal way to easily protect their property against individual infringement or destruction. Moreover, if the Tensaw Creeks directly retaliated it would negate their actions in the war—attacking a citizen of the Mississippi Territory meant they were no longer a "friend" of the United States. This letter demonstrated the only course for the Tensaw Creeks—to directly apply to the federal government for aid.

This negotiated relationship with the federal government was not new as it built on a long tradition of diplomacy in the United States. Durant chose to pen it as a letter from the "relations of Alexander McGillivray," both because many of them were the matrilineal descendants of Alexander McGillivray and because he hoped to use the memory of McGillivray's reputation and relationship to the federal government to help their cause. Traditionally, Creek leaders used negotiations with the federal government, and other foreign governments, to support Creek interests against individual settlers or states.[14] The main difference in the post-war period was that if the Tensaw Creeks chose to remain in the Mississippi Territory they had to forego any Creek assistance, as limited as it would have been after their defeat, and depend more on the willingness of the federal government to help. Additionally, the Tensaw Creeks had to apply for assistance

[14] Davis, "Much of the Indian Appears," 170; Melissa A. Stock, "Sovereign or Suzerain: Alexander McGillivray's Argument for Creek Independence after the Treaty of Paris of 1783," *Georgia Historical Quarterly* 92, no. 2 (Summer 2008): 149–76; see Hahn, *The Invention of the Creek Nation, 1670-1763*, 3–4, chapter 4.

as individuals and not a community, though they continued to witness for each other and assist one another as they rebuilt their homes. One huge shift for the Tensaw community was that land they had "possessed" before was now going to be individually granted and owned, which would necessitate a shift in the way they bequeathed property.[15]

D.B. Mitchell, a United States' Indian agent after the war, collected around thirty land claims in the years following the First Creek War. Most claims processed relatively easily as the General Land Office gathered evidence of Creek identity, claim, and participation in the war. A few well-connected Tensaw residents, including David Tate and George Stiggins, faced few problems as they were well known in the area and to government officials. On December 9, 1818, David Tate submitted his claim to Mitchell and several Tensaw residents, including John Weatherford, George Stiggins, Arthur Sizemore, and Josiah Fletcher, actively supported him. They acted as witnesses for his occupation and cultivation of the land and active service during the war. By March of 1819, when evidence began to be officially submitted to the federal government, Mitchell emphasized Tate's familial connection to Alexander McGillivray and insisted that "of his right to a section of land there is no doubt." Similarly, George Stiggins presented a claim on December 8, 1818 that outlined his land, continued occupation of said land, and participation in the war effort. Stiggins was the maternal nephew of chief of the Natchez tribe, a native group that joined the Creeks in the mid-seventeenth century; this meant that he was a well-connected and powerful man. He had two witnesses, Arthur Sizemore and John Adcock, who supported his claim. In 1819, Mitchell wrote that "the justice of this main's claim is admitted by all descriptions of people in the Territory to whom he is

[15] This will be discussed in depth in chapter 5.

known" and Mitchell described Stiggins as a "half-blooded man of excellent character, and good English education." Tate and Stiggins both received official deeds to their property on April 12, 1820 from the General Land Office.[16] These Creek men faced few to no obstacles in regaining their land because they had established relationships with governmental officials and elevated reputations because of their education and familial connections.

These two cases illustrate the general procedure that Creeks had to follow for making these claims. All applicants had to prove they were Creek, verify their participation in the war, and summarize their claims. Tensaw residents used witnesses from the Tensaw community to support their claims, showing how the community united and helped one another to rebuild their homes and regain their land. Residents established themselves as Creeks primarily by declaring it and linking themselves to their Creek family, often having prominent, well-connected Creeks testify on their behalf. For example, David Tate immediately connected himself to his uncle, Alexander McGillivray, to legitimize his Creek identity and establish a strong reputation in the region. Tate's kinship connections made him an influential man, and his son-in-law wrote that David Tate "exerted a greater influence over the Indians than any other man in this country after McGillivray died," and further recorded that Tate was "respected by the [United States'] Government" because of his actions. Moreover, his son-in-law insisted

[16] David Tate to D.B. Mitchell, December 8, 1819 RG 49, Box 3, NARA-DC; George Stiggins to D.B. Mitchell, December 8, 1819, RG 49, Box 3, NARA-DC; Bureau of Land Management, "David Tate, 1820" *General Land Office Records,* (Baldwin County, Alabama), State Volume Patent, AL5210_.001; BLM, "George Stiggins, 1820" *General Land Office Records,* (Baldwin County, Alabama), State Volume Patent, AL5210_.003; for a biographical sketch of George Stiggins see William Wyman, "Wyman's Introduction," in *Creek Indian History: A Historical Narrative of the Genealogy, Traditions and Downfall of the Ispocoga or Creek Indian Tribe of Indians* edited by Virginia Pounds Brown (Tuscaloosa: University of Alabama Press, 1989).

that Tate "did more for the early settlers of this part of Alabama" than anyone and was "held in high estimation" for that.[17] Tate ensured his family's success by insinuating himself with his neighbors, both white and Creek. He helped many of his Creek friends by testifying on their behalf, presumably knowing that his name held weight with government officials. Creek and Indian Countrymen, or Euro-Americans who lived as Creeks, emphasized their mother's or wife's identity, legitimate residency in the Creek nation, "friendly" status with the United States, and connections to men, such as David Tate, to enforce their claims.

Mitchell was unsure of how to proceed with the claims of Indian countrymen, as he questioned whether the claims of a white man, who had a Creek family and lived under Creek law, should be recognized as equal to that of other Creek warriors under this treaty.[18] Thirteen of these thirty claims came from Indian countrymen or their families, and of those thirteen only two were rejected outright in 1820. William Tuley's claim was rejected because he never attempted to reoccupy his land after the war, and instead boarded with another Indian countryman, Zachariah McGirth. The second, Josiah Brinton, did not receive his claim because there was no definitive proof that he lived on the land prior to the war. Instead, Mitchell believed that Brinton had only owned a few heads of livestock before the First Creek War and, therefore, had no claim to land. A third, the claim of Jack Ward's heirs, was suspended because they could not provide a detailed description of the land. These claims were rejected not because the claimants

[17] J.D. Driesback to Lyman Draper, July 1874, Lyman Draper Manuscript Collection, Series V.
[18] "List of Claims entered in pursuance of an act of Congress passed March 3, 1817," submitted March 26, 1824, RG 49, Box 3, NARA-DC.

were white, however, but because they could not provide sufficient information to back them.

In another instance, Sam and David Hale, who would not necessarily be considered Creek because their mother was a white woman from Georgia, used their father's Creek identity to secure their claim. In Creek terms, having a Creek father did not equate to a Creek identity. Their mother, Hannah Hale, however, was a prisoner of war, who was adopted by the Creeks. Her adoption gave them a Creek identity, but in the claims to the United States the Hales emphasized that their father was Creek because the United States used racial, not cultural, terms to define what it meant to be Creek.[19] These cases demonstrate the limitations of biculturalism in this process, but also the ways in which they could operate within the system. They used their connections to Creek wives or, in the Hale's case, fathers, to prove their Creek identity in Euro-American terms. Indeed, seven claims made by white men were accepted by 1820 and three claims made by Creek widows on behalf of their deceased white husbands also passed.

On March 29, 1815, the same day that Lachlin Durant sent his letter to President Madison, his sister, Sophia Durant Linder McComb, sent a letter to Andrew Jackson. McComb apparently met with Jackson on his way down to New Orleans, and she hoped to use this connection, and perhaps appeal to Jackson's masculine morality, to help her and the Tensaw community's fate. McComb wrote that "several families have moved over form the Territory have taken forcible possession of my fields… taken my cabbins [sic] by force… [committed] private acts of injury on my stock and property." She explicitly detailed the Euro-American atrocities, saying that they had "threatened my life

[19] "List of Claims entered in pursuance of an act of Congress passed March 3, 1817," submitted March 26, 1824, RG 49, NARA-DC.

if I do not go off [my property], beaten my little daughter, reproached me with my origin, and insulted me with the most abusive language." With her husband absent from the property, McComb lived "in perpetual dread" as her life was "a continual scene of sorrow and fear." She applied for help from the civil and military authorities, but both claimed they could not help her. Her appeal to Jackson was an attempt to save her immediate family and protect the community of Creeks who also feared for their lives. Yet, this was not the only reason for her letter as McComb also asked Jackson "whither females will be intitled [sic] to any land or not."[20] Among McComb's worries, was specifically that Creek wives of white men would not receive the same privileges as those of Creek men. Furthermore, she feared the possibility that Creek women would lose their right to their land plots because claimants had to prove their military service. Indeed, most women's claims were processed by their husbands, brothers, or sons, but some women did successfully submit claims independently, but to do so they had to be unmarried or widowed. Nevertheless, this illustrates the continued ability of Creek women to maintain control over their property.

Eight claims came from Creek widows and children of both white and Creek men who died during the war. These women used their husbands' status as soldiers in order to claim land that belonged to them. In one case, Elizabeth McGillivray, the biological daughter of Alexander McGillivray, claimed land on behalf of her Creek husband Stimauligee, or Talesse Haujo. In the description of the land claim, Mitchell wrote that it was near the home of Sam Moniac, who was Elizabeth's maternal uncle. Since Creeks lived matrilocally, meaning that they lived near their matrilineal relatives, the couple

[20] Sophia McComb to Andrew Jackson, May 29, 1815, Andrew Jackson Papers, Series 1, General Correspondence and Related Items, MS27532, NARA-DC.

lived there because of Elizabeth's familial connection to Moniac, and the land in question would have fallen under the control of her *huti.* While she used her husband's name to justify her claim, Elizabeth's right to the land came from her own connections and identity. In some cases, widows and their children submitted separate claims for land under the deceased soldier's name. These cases involved adult children who were ready to live on their own, and these claims always included contiguous land sections. The children received a separate claim that set them up for the future, and they continued to live near their mother. Simultaneously, these women used this system to reclaim more land than was technically allowed. Congress allowed Creeks to apply for up to 640 acres of land, but in at least one case, a Creek woman was able to apply for more by splitting her claim from her children's. Margaret Rushen applied for and received 360 acres and her children received 460 acres, giving them a total of 820 contiguous acres along the Alabama River. Only one claim, again the claim of Jack Ward's heirs, was suspended in 1820 because Mitchell needed more information, but the claim was later confirmed and processed in 1829. These Creek widows used the system in place and their Creek identity to claim land in the Alabama territory.[21]

The remuneration of Creek warriors with land reservations was a relatively easy process, but receiving compensation for destroyed property, including homes, farming equipment, livestock, and enslaved peoples, was a longer process and incredibly important for the Creeks to rebuild their lives on the Tensaw. The promise of compensation first came in a letter from Major General Thomas Pinckney to Indian agent Benjamin Hawkins in April 1814. When Andrew Jackson negotiated the terms of the

[21] "List of Claims entered in pursuance of an act of Congress passed March 3, 1817," submitted March 26, 1824, RG 49, Box 3, NARA-DC.

treaty, however, he only included the portion about land reservations, not compensation for destroyed or damaged property.[22] Benjamin Hawkins noted that Creek leaders, both from the interior and the Tensaw, repeatedly urged Jackson to include their claims in the treaty. They pointed to "the justness of their claims to losses, as promised in the terms of peace offered," but Jackson insisted that he did not have the power to support those claims. Hawkins, unsure of the total amount of losses, estimated around $60,000 to compensate the Creeks, and reminded the Secretary of War that many of these Creeks "were the most faithful, and the greatest sufferers," as they lost all property to the Red Sticks. He encouraged the government to "liquidate the claims of individuals" in order to keep the Creeks satisfied with the United States and willing to fight with them.[23] The Secretary of War responded that Hawkins should "assure the Indians that every attention will be paid to their wishes and wants, so long as they conduct themselves peaceably and in good faith."[24] Once again, the federal government used the promise of compensation as a way to encourage the behavior and allegiance of the Creeks.

Of those that could submit claims, the Tensaw Creeks received a large portion of the overall compensation, illustrating the increased economic disparity between the Tensaw community and most of the interior Creeks. [25] Undoubtedly, this sum was a result of the economic choices the Tensaw Creeks made prior to the war as well as the fact that Red Sticks, who predominantly returned to the interior could not make claims under the

[22] Saunt, "Taking Account of Property," 738–39.
[23] Hawkins to George Graham, August 1, 1815, in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins,* 743-6.
[24] George Graham to Benjamin Hawkins, August 29, 1815, in United States Congress House, *House Documents, Otherwise Publ. as Executive Documents: 13th Congress, 2d Session-49th Congress, 1st Session*, n.d., 12.
[25] Saunt, "Taking Account of Property," 735.

Treaty. Tensaw claims included an immense number of enslaved people, livestock, farming utensils, household furniture, and destroyed crops. For example, James Earles submitted a claim for $1860 that mostly included horses, hogs, and one enslaved man.[26] Peter Randon also submitted a claim, for $5418.33, that included 15 horses, 300 cattle, 50 hogs, one enslaved woman, 2,000 bushels of corn, furniture, and 10,000 pounds of cotton.[27] These claims illustrated the wealth of the Tensaw, and also the shift in the community from communal to individual property as these were individual, not lineal, claims. This could indicate a shift in practice, but it was also a product of how the United States processed these claims. The government sent money to Tensaw individuals; for those still in the Creek nation they sent the money to Creek leaders for distribution. For the "miscellaneous" claims that lay outside of Creek territory, the payments went "to the claimants personally." This enforced the idea that the Tensaw Creeks would now be dealt with as individuals, not a community.[28]

Despite the nature of the claims, there were examples of matrilineal inheritance and female control of property in these petitions. Margaret Bailey submitted a claim for her own property, valued at $215, which included two horses, a featherbed, mattress, cotton cards, spinning wheel, kitchenware, pots, and two acres of corn.[29] Even though this was a relatively modest claim, it indicated the types of property a woman claimed as her own. She owned livestock in the form of a few horses that she used to travel, but not hogs or cattle, which suggests that large-scale ranching was a masculine pursuit. Her

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[26] Richard S. Lackey, ed., *Frontier Claims in the Lower South: Records of Claims Filed by Citizens of the Alabama and Tombigbee River Settlements for Depredation by Creek Indians during the War of 1812* (New Orleans: Polyanthos, 1977), 47–48.
[27] Lackey, ed., *Frontier Claims in the Lower South*, 47–48.
[28] US Serial Set 173, *House Document 200,* 20th Congress, 1st Session, 16.
[29] Lackey, ed., *Frontier Claims in the Lower South*, 47–48.

claim included various implements of weaving, which had been an important goal of the civilization program. The United States had particularly focused on women as weavers and Bailey's claim demonstrated that she accepted this new role, but the inclusion of corn illustrated a continuance of certain agricultural pursuits. In two separate claims, her brothers Dixon and James Bailey's estates were claimed by Arthur Sizemore, their brother-in-law and husband to Mary Bailey Sizemore. Combined, the Bailey brothers' estates were valued at $5,238 and included 300 head of cattle, 110 hogs, 5 horses, three slaves, over 12,000 pounds of cotton, and various furniture. Both Bailey brothers died at Fort Mims and the courts assigned Sizemore as their Administrator and, as the husband of their sister, Sizemore acquired the property to keep it under the control of the matrilineage. [30] These three Bailey claims illustrate the differences in male and female economic practices on the Tensaw. The two brothers held a lot of livestock and grew cotton, but their claims did not include a weaving instrument. If considered together, however, these three claims demonstrate that as a whole the matrilineage may have had linked economies. The brothers ranched and planted cotton, while the sisters and wives wove cloth and produced corn.

A number of Tensaw residents received relatively modest payments, and many did not receive the amount they requested. Lachlin Durant received $582, and there is not a specific list of his claims, which means that he submitted a claim for a smaller farm, or he did not receive the full extent of his claims.[31] David Tate and John Weatherford, Durant's maternal cousins, remained wealthy men after the war and much of their property remained intact. Rumors spread that William Weatherford, Tate's brother,

[30] Lackey, ed., *Frontier Claims in the Lower South*, 47–48.
[31] US Serial Set 173, *House Document 200,* 20th Congress, 1st Session, 17.

protected his slaves and property from Red Stick destruction after Fort Mims, but regardless of *how* it happened, much of Tate's property survived the war. By the 1820 census, Tate held eighty enslaved persons, but he only received a $1600 indemnity from the government in 1817. Most likely, he already had those enslaved people and other resources immediately after the war. This allowed him to quickly put his plantation back into production and help his relatives by providing them with necessary supplies.[32] For those without close familial connections on the Tensaw, they had few alternatives if they did not receive full compensation. For example, Zachariah McGirth only received $1,600 of his $4,000 claim. Years later, he later attempted to receive $5, 300 more as "a white man, who had resided many years among Indians," but his second claim was found insufficient and invalid as he had already received indemnification as a Creek warrior.[33] In a second petition, filed in the 1830s, McGirth noted that he had amassed a considerable personal debt that "brought him to the brink of ruin" when he raised a company to assist the United States in the Seminole war, which erupted after the end of the First Creek War. In order to help offset his losses, he first rented his land and moved back into the Creek nation with his family "to save his personal property," presumably his slaves and livestock.[34] If a Tensaw Creek failed to obtain the necessary compensation to remain in the region, they had familial connections in the Creek interior that they could

[32] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 206; Thomas Simpson Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama* (Mobile, Ala: Southern Univ. Press, 1965), 86–87; US Serial Set 173, *House Document 200*, 29; Secretary of State, State census of 1820, SG028236, Reel 11, ADAH.
[33] US Serial Set 173, *House Document 200*, 29; Walter Lowrie and Walter S. Franklin, eds., "Losses Sustained by the War with the Creek Indians, February 9, 1818 [doc. no. 386], *American State Papers, Claims*, 550.
[34] US Serial Set 263, "Zachariah McGirth and Samuel Bradford, June 24, 1834," H. Rpt. 540, 23rd Congress, 1 session.

still utilize, but they usually only did so when they failed economically outside of the nation.

One of the largest petitions came from Sam Moniac, who successfully received $12, 597.25. On February 21, 1816, Moniac filed his petition and claimed, "by his industry and care, [he] amassed a considerable property," which had been destroyed by the Red Sticks. Moniac described himself as "industrious," mirroring the language of Hawkins which connected Moniac to the civilization policy and aligning himself with the United States.[35] Moniac wrote that because of his friendliness to the United States "his plantations have been laid waste, his houses and mills destroyed, his slaves murdered, his cattle killed or driven away, and other property burnt or stolen." Furthermore, Moniac reminded the federal government that he did not have a direct representative in Congress to whom he could appeal to nor did he live in the Creek Nation where the "paternal care of the Agency extends," leaving him vulnerable. He placed the responsibility in Congress to decide whether or not he was worthy, but insinuated that not to help him would be a gross betrayal of their reciprocal relationship.[36]

Moniac's claim was extensive. His property included 50 head of horses, 700 head of cattle, 200 head of hogs, 48 goats and sheep, 2000 pounds of coffee, 32 gallons of whiskey, farming utensils, cotton gin, spinning wheels, eight slaves, and various crops. His crops included cotton, corn, wool, and beeswax. Since he owned an inn and trading house, the expanse of goods he claimed is unsurprising. He not only produced goods, but he traded materials from around the region. His claim demonstrated the amount of wealth

[35] Saunt, "Taking Account of Property," 747.
[36] Anonymous, "An Act for the Relief of Samuel Manac, also of an Act for the Relief of Certain Creek Indians", 20th Congress, 1st Session, House Document No. 200 (20-1), Serial Set 173 (Washington, DC: Gales & Seaton, 1828).

amassed before the war, and it also showed the types of property highly valued in these claims.[37] Very few small possessions, like décor, appear on the claim. This indicated that Moniac either lived a simple lifestyle or he did not put all of his material possessions on the list. He could only claim items that had a determined value in the market, so any items of only sentimental value, without an easily definable monetary worth, were excluded from the list.[38] This also explains the lack of Creek manufactures on his list. Archaeological excavations on the site of his house found traces of Creek pottery. Archaeologists identified the sherds of a Creek-made cooking vessel that was commonly used to make sofki, a fermented corn soup consumed by Creeks, but he did not include these in his claim.[39] When he received his compensation, he was able to rebuild his inn and restart his business; though Moniac did not live on the Tensaw, his claim was the most explicitly detailed list of possessions and illustrated the kind of possessions Tensaw Creek residents, many of whom Moniac was related to through marriage and blood, also possessed.

Overall, the bicultural Creeks and Indian countryman easily reclaimed their property from the United States, but in a few key instances Tensaw Creek residents faced complications in their applications. One of these Creeks was Lachlin Durant, the maternal nephew of Alexander McGillivray. Durant, like Tate, should have been able to prove easily his legitimate right to the land and use his connection to McGillivray to gain influence, yet he did not receive his land for over a decade. His story illustrates the growing complexity of intercultural and interracial interactions in the Tensaw. Durant

[37] Anonymous, "An Act for the Relief of Samuel Manac"
[38] Saunt, "Taking Account of Property," 754.
[39] Christopher and Waselkov. *Archaeological Survey of the Old Federal Road in Alabama,* 186.

connected himself to McGillivray, demonstrated his claim to the land, and received numerous prominent witnesses, including David Tate, John Weatherford, and George Stiggins; but ultimately his claim was suspended because it conflicted with the claim of a white settler.[40] Durant faced a direct obstacle from an individual white settler as government officials decided whose evidence to believe. Ultimately, the relationship between the federal government and Tensaw Creeks was challenged when the Creeks came into direct conflict with white settlers, and the government had to carefully balance its obligation to citizens and promises to protect "friendly" Creek's land rights. Hesitant to take land away from a white settler and give it to a Creek, Durant's case was drawn out in an attempt to discover the truth of the claim. Eventually, the government decided in Durant's favor, but only after he had impeached the veracity of his American opponent, Thomas Boyles, and proved that he could not be trusted.

On December 19, 1818, Lachlin Durant spoke in front of D.B. Mitchell, the U.S. Creek Agent in charge of collecting claims, about the land he wished to reacquire after the war. His land sat east of the Alabama River and above the mouth of the Little River where he insisted that "his father and mother with their family resided for many years," which established a precedence for his claim. Durant asserted they first vacated the land after the start of the war because of the increased violence in the area. He and his family returned to the land after the war only to be "forcibly dispossessed" by new settlers, namely Thomas Boyles. Durant removed to the Escambia river "on account of his family's health," an ambiguous statement that could reference his fear that his family would be physically harmed if they stayed on the Alabama River. In the last section of

[40] "List of Claims entered in pursuance of an act of Congress passed March 3, 1817," submitted March 26, 1824, RG 49, Box 3, NARA.

his claim, Durant explained his participation in the war, stating that he served three months under Colonel Nixon at Fort Claiborne and performed "a variety of other expeditions" under General Claiborne west of the Alabama river.[41]

Durant strengthened his claim to the land by declaring that the land in question rightfully belonged to his mother, Sophia McGillivray Durant, who received the land as a gift from two Creek headmen, Mad Dog and Lieutenant of the White Ground. In an attached affidavit, the two headmen gave "their well beloved cousin and countrywoman" the tract of land to hold in perpetuity, as it would pass from her to her heirs and so forth. This document was dated January 19, 1802; it not only corroborated that the Tensaw Creeks first moved to the area with the approval of Creek headmen, it also established Durant's entitlement in Creek terms.[42] Certainly, the notion of "holding" land and an "individual" plot is not based in Creek traditions, but providing an affidavit that claimed the land came to his mother through the authority of Creek headmen provided a legitimacy in American courts. What Durant meant by the affidavit was that his mother lived on the land long before it became a part of the Mississippi Territory and, therefore, rightfully belonged to him now. Durant seemingly fulfilled the requirements to receive the land and his matrilineal connection to Alexander McGillivray reinforced his reputation with government officials. He even provided a witness, Nancy Fisher, who vouched for his testimony. Durant insisted that the only obstacle to his rightful possession had been his forcible removal by Thomas Boyles.

[41] Lachlin Durant to D.B. Mitchell, December 18, 1818, RG 49, Box 3, NARA-DC.
[42] Mad Dog and Lieutenant of the White Ground to Sophia McGillivray Durant, RG 49, Box 3, NARA-DC; Benjamin Hawkins to William H. Crawford, January 19, 1816, in Grant, ed., 769.

In 1817, two years after his letter pleading with President Madison to help the Tensaw Creeks, Lachlin Durant received help from General Edmund Gaines. General Gaines issued an order that Durant be allowed to return to land that he was "forcibly driven from… [which] was secured to him by the treaty of Fort Jackson." Gaines authorized Durant's return until a surveyor could mark the lands according to law, and threatened that if "any ignorant or ill disposed person oppose or interrupt him in the peaceable possession of his said reservation… [he] shall be dealt with according to Law."[43] According to Thomas Boyles, and his associates, General Gaines's military order was the moment a rightful owner was dispossessed of his land. Boyles provided witnesses who claimed that he and his family occupied a cabin on Durant's property during the war, and around 1815, when Durant left of his own accord, Boyles "took quiet possession" of the land. He and his family continued to live on the land, and, in 1816, Congress passed a law in his favor that provided land as compensation for his work during the war. One witness, Gilbert Russell, stated that Boyles's quiet possession of the land and the law "is the force to which Durant must allude because none there was used." Russell further insisted that it was Boyles who was "dispossessed by military force" that allowed Durant to "take possess of the Cabbins [sic] and fields" that Boyles had built.[44]

Boyles's challenge to Durant's claim to the land forced the federal government to decide which man had the better claim. Ultimately, Durant's claim as a "Creek warrior" under the Treaty of Fort Jackson was considered "older and of higher authority of the law," which prevented Boyles from entering the sections officially in the Land Office.

[43] Edmund P. Gaines, April 1, 2017, RG 49, Box 3, NARA-DC.
[44] Gilbert Russell to William Crawford, February 11, 1825, RG 49, Box 3, NARA-DC.

Still, Boyles's challenge was enough to prevent Durant from receiving the land in 1820.[45] Boyles died in 1821, but his heirs continued to push for his claim and the decision boiled down to one of honor. Both sides attempted to defraud the other's character through a series of witnesses that delegitimized one another's claims. Historians have understood honor to be dependent on a set of ethical rules that societies agreed upon. A person's integrity, family connections, and communal trustworthiness made their legal standing either legitimate or fraudulent. The two sides attacked each other's witnesses, personal integrity, and trustworthiness to tear apart their respective claims.[46]

Boyles and his heirs attempted to demean Durant's claim by insisting that he did not fulfill the requirements for a land claim under the Treaty of Fort Jackson. They swore that Durant was not in possession of the land before the war, that he did not return to it after, and that he did not take an active part in the war effort. Without these "three indispensable requisites" he was not entitled to the land. Gilbert Russell claimed that Durant was drafted or substituted in the war and only willingly helped the United States after the war had ended. This testimony portrayed Durant as lacking in honor, as he lied about his participation, and unworthy as he did not fight in the war until it was too late. Russell mocked Durant's claim saying that "it is strange I never saw him" during the war, and even "more strange that he did not get somebody disinterested to swear for him."[47]

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[45] George Fisher, "Facts submitted to Secretary of the Treasury," undated, RG 49, Box 3, NARA-DC.

[46] Two works on honor are Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (Oxford: Oxford University Press, 1982) and Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*, 1 edition (Chapel Hill: The University of North Carolina Press, 2009). In particular, Brown focuses on the importance of honor in everyday life, while Edwards focuses on honor in the legal culture of the South.

[47] Darrington to Secretary of the Treasury, November 22, 1820, RG 49; Gilbert Russell to William Crawford, February 11, 1825, RG 49, Box 3, NARA-DC.

Boyles's witnesses questioned the motives of Nancy Fisher, Durant's main witness in 1818. Fisher merely swore that Durant "was then in the occupancy of the above described land and that he was actively friendly during the said war," and that she had been at his house since the war. Boyles and his allies attempted to destroy her reputation by calling Nancy Fisher a "half-breed strumpit [sic]" who "may have been at Durant's while he was sustained in his possession by Military force," insinuating that she was immoral and living in sin with Durant. Their accusations questioned her honor and reliability as a witness as she would have ulterior motives. Moreover, Boyles wanted to sully Durant's claim and honor by this relationship.[48] Furthermore, Boyles questioned why Durant's powerful family, including David Tate, did not say anything in his favor. They concluded that his family did not support him because his claim was unfounded.[49]

In response to Boyles's claim, numerous witnesses, including influential white men, came forth in order to defame his character. In some cases, these witnesses supported Durant's challenging claim and in others the witnesses merely wanted to prevent Boyles from obtaining any land. For example, in 1818 William Wyatt Bibb, the governor of the Alabama Territory, wrote to Josiah Meigs, the Commissioner of the Land Office, about Boyles' claim and said that "perhaps a case has never before occurred in which the bounty of Congress was extended to a more unworthy man." Bibb stated that Boyles did not perform any extraordinary services in the war and, to his knowledge,

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[48] Testimony of Nancy Fisher on behalf of Lachlin Durant, RG 49, Box 3, NARA-DC; Affidavit in favor of Boyles by unknown witness (paper damaged and torn), RG 49, Box 3, NARA-DC; Laura Edwards argued that individuals received credit in legal systems when they fulfilled their proscribed roles, but when they did not (for example, when a woman was deemed "promiscuous" or "lacking in honor") they lost their ability to work in the legal system. See Edwards, *The People and Their Peace*, (Chapel Hill: The University of North Carolina Press, 2009).
[49] Affidavit in favor of Boyles by unknown witness (paper damaged and torn), RG 49, Box 3, NARA-DC.

Boyles lived in a hut in the woods and was now trying to secure a better, more valuable tract of land on the Alabama River. The governor concluded the letter by saying he only wanted to prevent "an unworthy individual from plundering the property of the country."[50]

Thomas Freeman, a surveyor for the Public Lands Office, wrote to Josiah Meigs to tell him that Boyles had lived in a cabin near Fort Montgomery, not on the land near the Alabama River. Next, Freeman stated that Boyles left his cabin to go to Pensacola in Spanish territory, where he became a spy for the British during the War of 1812 and only officially joined the United States when General Andrew Jackson came to Pensacola. Supposedly when Boyles returned to his cabin after the war another person occupied it, and, in a disturbing twist, Boyles killed the other occupant. Freeman used the testimony of a respected Tensaw military leader, Samuel Dale, who argued that Boyles was a known thief, his word could not be depended on, and "as for honor, he never had any."[51] These two influential men helped denigrate Boyles's character and claim, but neither directly mentioned Durant or his competing claim. It demonstrated that Boyles's poor reputation was well-known in the region and that the desire to populate this new territory did not necessarily extend to dishonorable white men.

A few Tensaw Creeks supported Durant directly by becoming witnesses to his claim. On July 4, 1825, George Stiggins declared that "he personally saw Lachlin Durant in peaceable possession" of the land and he even called it "Durant's Mount." He complicated the story by explaining that in 1816 Durant had a corn crop, but he could not attend to the field, so he hired Boyles to help care for the crop. According to Stiggins, this

[50] Governor William Wyatt Bibb to Josiah Meigs, February 28, 1818, RG 49, Box 3, NARA-DC.
[51] Thomas Freeman to Josiah Meigs, February 27, 1818, RG 49, Box 3, NARA-DC.

was the only ground for Boyles's claim. Arthur Sizemore supported Durant's claim by stating that he saw Durant in possession of the land before and after the war. Sizemore also swore that Durant served in the army of the United States.[52] The influx of witnesses for Durant and against Boyles, resulted in the land officially going to Lachlin Durant, who received a patent to the land on October 5, 1826.[53]

Durant's problem was not an isolated one, as many Creeks faced problems with squatters. His brother, John Weatherford, faced a similar problem. In Weatherford's claim, he said he settled on the Alabama River in 1810 or 1811, where he cultivated the land until he "was driven off by the hostile Indians in 1813, who burned down my new dwelling house & part of my other buildings." In November of 1813, U.S. troops came to the area and occupied his place, erecting Fort Claiborne, and staying there until 1814. After the troops left, squatters began cultivating Weatherford's fields and Weatherford's friend, Colonel Milton, "coerced [the man] & his son in law to agree to pay me the annual rent which they have never done." Weatherford protested their actions, especially that they constructed fences and buildings, and reminded them that the Treaty of Fort Jackson had secured his right to the land. He claimed that "the intruders" ignored him because they "were all desirious to have cleared land to cultivate… regardless of our rights… [they] became expanders of the law & construe it to suit their own interest to the extinction of ours." Gilbert Russell, a respected colonel in the late war, defended Weatherford's reputation and active participation in the war. Additionally, Mitchell, the Indian agent, questioned whether or not the land should rightfully belong to Weatherford

[52] George Stiggins to David English, July 4, 1825, RG 49; Arthur Sizemore to David English, July 4, 1825, RG 49, Box 3, NARA-DC.
[53] BLM, Durant, October 5, 1826.

because a portion of his claim conflicted with the new town of Claiborne, which had replaced the old fort. This made the case of Weatherford a singularly difficult one to fix; yet, after several negotiations between the Secretary of the Treasury and Mitchell, Weatherford was willing and able to accept an exchange. He relinquished his claim to the sections that conflicted with Claiborne and, instead, received a patent for land just east of the town.[54] While it took him ten years to receive this patent, the overall process in gaining the land went smoother than his brothers.

Other Tensaw Creeks had a harder time regaining their land from white squatters. In December of 1823, Semoice and Lynn McGhee submitted claims for land on the Alabama river. Lynn McGhee explained that his active participation in the war resulted in an injured shoulder, rendering him "unable immediately to return to [his] place." Instead, his brother Semoice managed the property "until [he was] driven off by white people and the said land has since been sold by the United States." [55] William Hollinger, John Weatherford, James Earles, and David Tate swore as witnesses for McGhee, supporting his claim to the land, his position in the war, and that he was "kept out of possession by the white people before and since the sale of the land by the United States."[56] Two days after McGhee's deposition, his brother, Semoice, made a similar declaration. Semoice claimed land located near his brother that he was driven from by white settlers. Like his

[54] John Weatherford Deposition, December 15, 1818, "Special Act Files," RG 49, Box 3, NARA-D.C.; "A Report of the Evidence taken in the cases of claims to location of Land in the Alabama Territory by the friendly Chiefs and Warriors of the Creek Nation, under provisions of the Act of Congress of the 3rd March 1817," "Special Act Files," RG 49, Box 3, NARA-D.C.; Gilbert Russell letter, January 12 [undated], "Special Act Files," RG 49, Box 3, NARA-D.C.
[55] Lynn Magee Deposition, December 24, 1823, "Special Acts Files," RG49, Box 3, NARA-D.C.
[56] David Tate, William Hollinger, James Earles, John Weatherford, sworn on December 26, 1823, "Special Acts Files," RG49, Box 3, NARA- D.C.

brother's property, Semoice's land was later sold by the United States.[57] Once again, Hollinger, Weatherford, Earles, and Tate offered witness for Semoice's claim and added that he left the field because he had suffered repeated harassment from the white settlers, including the destruction of his crops and the intrusion of their livestock on his property.[58]

Similar to Durant's case, the McGhee brothers insisted that the white settlers took their land forcibly through intimidation and harassment. Unlike Boyles, however, the Gayle family that took over the property was a respected one within white society and included the future governor of Alabama, John Gayle.[59] As their depositions stated, the land in question was already sold by the United States and the government would not take that land back from a white settler, but they understood their obligation to Semoice and Lynn McGhee, especially since so many influential Creeks and even officials, including D.B. Mitchell, had come forward to witness for them. These two men received land in the mid 1830s that sat east of their previous settlements and would remain in the care of their heirs and become important plots for the Creeks who remained in Alabama.[60] These cases demonstrated the complicated relationships between white settlers and Tensaw Creeks, but, once settled, many Tensaw Creeks attempted to live harmoniously with their new white neighbors, while never fully discarding their Creek identity.

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[57] Semoye, alias Semoice, December 26, 1823, "Special Acts Files," RG49, Box 3, NARA-DC.
[58] David Tate, William Hollinger, James Earles, John Weatherford, sworn on December 26, 1823, "Special Acts Files," RG49, Box 3, NARA-DC.
[59] Davis, "Much of the Indian Appears," 173–74.
[60] The land of Lynn McGhee particularly remained important as the land itself remained in the care of his descendants and became the central plot of land for the Poarch Band of Creek Indians. Poarch Band Bureau of Indian Affairs petition, p. 18-20.

William Weatherford's tenuous situation in Alabama society offers an insight into the difficult relationship the Tensaw Creeks had with their American neighbors. Weatherford's family was undoubtedly responsible for his perceived transformation from Red Stick leader, the man responsible for the Fort Mims massacre, to respectable southern gentleman. For example, his brother-in-law, George Stiggins, wrote an apologetic narrative for Weatherford's actions in the war. Stiggins claimed that Weatherford only joined the Red Sticks because they had taken his wife and family. Furthermore, he wrote that Weatherford hoped to influence the Red Sticks and prevent them from committing atrocities. When Fort Mims occurred, Weatherford was "all at once filled with sorrowing reflections for some he knew to be there, who was once his dearest friends but now separated by unprecedented destiny."[61] Later, J.D. Driesback, a man connected to Weatherford's family through marriage, stated that Weatherford had two reasons to join the Red Sticks. First to "mitigate the horrors of Indian warfare by protecting the weak and defenseless women and children" who fell into the hands of the Red Sticks and, second, to avoid being charged as a coward for siding with the Americans. Driesback charged the reader that they should take these as truths because they came from Weatherford and "in his heart there was no guile." [62] These narratives, along with many others, attempted to reconstruct the memory of Weatherford during the war. By claiming that he was somehow forced to join the Red Sticks or that he had an altruistic purpose in choosing the Red Sticks, they attempted to mitigate the horrific memories of people in the region.

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[61] Stiggins Narrative, edited by Theron A. Nunez, "Creek Nativism and the Creek War of 1813-1814, Part II" *Ethnohistory* 5, no. 2 (Spring 1958): 160–67. Quote on 167.
[62] Driesback, J.D. "William Weatherford—Red Eagle," *Alabama Historical Reporter,* 2.4 (March 1884), 1.

After the war, Weatherford became a citizen of Monroe County and began to blend into white society. Before he remarried, he may have lived with his brother, David Tate, and he certainly spent much time with his brother-in-law, Sam Moniac.[63] After his marriage, he and his wife lived on a "fine estate," with "a large number of slaves," allowing him to seamlessly fit into the Alabama society and economy. [64] One white neighbor, Colonel Robert James, described Weatherford as "a good citizen" who was "much respected by his neighbors in South Alabama." Weatherford "dressed like a white man," and attended social functions, but he "kept in the outskirts of crowds and never was known to be in the midst." Weatherford was present, but not active in social circumstances. This might have been his personality, or it could have been his hesitation with white society. James mentioned that Weatherford did not like to discuss Fort Mims, insinuating that many wanted to ask him about it. There was one occasion when Weatherford became very involved. According to James, at one event a young white man, in a fit of rage, smashed a bottle over the head of an elderly man, killing him. Everyone else stood silent and afraid to move, but Weatherford "exasperated at the audacity of the murder and the timidity of the bystanders" rose up "in a majestic manner" and said, "I suppose [these] are white man's laws— you stand by and see a man killed and won't avenge his blood—if that murdered man laying there had but one drop of indian blood I would instantly kill his murderer even at the risk of my life." Weatherford and another Creek, William Sizemore, did not kill the murderer, but captured him and took him to jail.[65] This occurrence illustrates the reality of Tensaw Creek residents'

[63] Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians*, 82.
[64] Driesback, J.D. "William Weatherford—Red Eagle," 1.
[65] Interview with Col. Robert James, "Albert J. Pickett Papers, 1779-1904," LPR185, Box 2, Folder 12, ADAH, 4–6.

identity; though they commingled with white Alabamians, they felt as if they were outsiders. Here, Weatherford chastised white bystanders as he upheld his own moral code of honor, which illustrated his feeling of being an outsider. Yet, ultimately, by turning over the murderer to Alabama officials, Weatherford was obeying Alabama law, demonstrating the new reality of his life.

In 1832 a group of Tensaw Creek men, including Lachlin Durant, David Moniac, John Weatherford, George Stiggins, Lynn McGhee, Arthur Sizemore, and nine others, petitioned the United States for further compensation. In the petition, these men wrote that despite becoming "incorporated with the white people" and submitting "to their laws and usages," the Tensaw Creek's pleas were still treated as "the idle wailings of a son of the forest."[66] In the Second Creek and Seminole Wars of 1836, many Tensaw men volunteered as soldiers, including West Point graduate David Moniac. Moniac later encountered an old army friend, Jacob Motte, who commented in his journal that he had not known of Moniac's Creek heritage at school, which meant that Moniac had not been candid with that information. Moniac had resigned his position in the army to help his family, but Motte wrote that "a visit to his family… revived in his breast all its former force the roving disposition of his people."[67] Once Motte discovered Moniac's Creek roots, his opinion of him changed, demonstrating that no matter what the Tensaw Creeks accomplished in the state of Alabama, their neighbors would always see them as somehow different, or insufficient.

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[66] US Congress, Senate Document 65, "Memorial of the Legislature of Alabama, On behalf of sundry individuals belonging to the Creek Indians, praying for assistance from the Government, February 15, 1832," 22nd Congress, 1st Session, Serial Set 213, 3.
[67] Jacob Rhett Motte, *Journey into Wilderness: An Army Surgeon's Account of Life in Camp and Field during the Creek and Seminole Wars, 1836-1838 by Jacob Rhett Motte*, (Gainesville: University of Florida Press, 1963), 22.

Perhaps it was because of these attitudes that David Tate interacted "but little with the world after the country fell into the hands of whites, and he never was well known by but few after that." While Tate was still a much-respected man in the region, known for firmness and generosity, he was "very reserved with most people," most likely due to the pervasive disdain new settlers had for Creeks.[68] This disdain for the continued Creek identity of the Tensaw residents separated them from the new white settlers, and the Tensaw Creeks were spatially separated from the Creek interior. Nevertheless, they continued to maintain a strong relationship to the interior towns. They returned to their tribal towns for the annual Green Corn ceremony and continued other socio-cultural practices, including bear hunting, after the Red Stick War.[69] More importantly, when the Tensaw Creeks faced overwhelming hardships in Alabama, they could always return to the Creek Nation and find familial support.

After receiving his compensation, Sam Moniac rebuilt his inn on the road and his plantation on the Alabama River, but only a few years later he lost his property once again. In 1822, Moniac's brother-in-law, David Tate, wrote to Moniac's son, David, that his father "kept continually drunk, & made bad trades & every advantage was taken" to the extent that he had "little or no property & [had] been compelled to move into the nation to save what little has." Tate assured his nephew that his mother still held on to her property, and that Tate was taking care of his niece, David Moniac's sister, reinforcing the matrilineal relationships of uncle and nephew.[70] Sam Moniac, who received one of

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[68] Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians*, 78, 86-7.
[69] Adam Hodgson, *Letters from North America / Written during a Tour in the United States and Canada by Adam Hodgson.* (London: Printed for Hurst, Robinson, & Co., and A. Constable, Edinburgh, 1824), 132; Interview with James, "Pickett Papers, 1779-1904," Box 2, Folder 12, ADAH, 6.
[70] David Tate to David Moniac, April 23, 1822, SPR 357, ADAH.

the largest indemnifications after the war, lost all of his property within six years. Moniac had made excellent economic decisions before the war, which had resulted in his vast accumulation of wealth, and the sudden onslaught of these bad trades begs explanation. Of course, Moniac's apparent alcoholism attributed to his poor business decisions, but he most likely he fell to pressures from rising anti-Indian sentiment from American settlers, who issued death threats to Creeks living in the new territory. Conflicts between white settlers and Creeks continued as they vied for resources, fought over land, and generally harassed one another.[71] These white settlers probably intimidated Moniac or manipulated him while he was intoxicated. When Moniac lost his property, he moved back to Taskigi to live with relatives in the Creek Nation. He remained here until 1836, when he joined the forced removal of Creeks from their homeland. Moniac died a year later in a deportation camp in Mississippi.[72] In the final moments of his life, Moniac no longer lived a bicultural life; he left his homeland and died solely as a Creek.

Many Tensaw Creeks successfully secured land and compensation following the First Creek War, but as the era of removal loomed over the state of Alabama, some Tensaw residents faced pressures from white settlers and chose to leave the Tensaw. Peter Randon moved to New Orleans, where he became a cotton farmer; his brother, David Randon, moved to Texas where he died soon after the Civil War.[73] Zachariah McGirth, like Sam Moniac, had returned to the Creek nation because of financial

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[71] Gregory Waselkov and Raven Christopher, "Archaeological Survey of the Old Federal Road in Alabama," *Center for Archaeological Studies, University of South Alabama*, 43; John T. Ellisor, "'Wild People in the Woods': General Jackson, Savannah Jack, and the First Seminole War in the Alabama Territory," *Alabama Review,* Vol. 70, Issue 3 (July 2017), 199–206.
[72] Waselkov, *Conquering Spirit,* 207-8; Woodward, *Reminiscences,* 82.
[73] Marion Tarvin, "The Muscogees or Creek Indians from 1519 to 1893; Also an Account of the McGillivray Family and Others in Alabama" (1893), 14, Creek File, Folder 40, Gilcrease Museum Collection.

problems and, like Moniac, McGirth and his family were a part of the forcible removal of Creek Indians in 1836.[74] Some Tensaw residents, including a descendant of John Weatherford, removed to Indian territory later in 1867. Still, a portion of the community remained in Alabama; for example, Lachlin Durant remained in Alabama after removal and died there.[75] Arthur Sizemore attempted to sell his property under the guise of removal, but evidence suggests that he also never left Alabama.[76] For the portion of the Tensaw Creek community that remained, they now had to accommodate their lifestyle to the American socio-legal system. While they adopted American legal customs and terms, they carefully adapted it to their Creek perceptions.

[74] Waselkov, *A Conquering Spirit*, 210.
[75] Tarvin, "The Muscogees or Creek Indians from 1519 to 1893," 15.
[76] US Congress, Senate Document 73, "The Committee on Private Claims, to whom was referred the memorial of William Waller, praying to be confirmed in his title to an Indian reservation," 27th Congress, 2nd Session, Serial Set 396.

Chapter 5
What is Rightfully Ours: Matrilineal Inheritance in Alabama Law

On February 17, 1793, Alexander McGillivray, a prominent Creek diplomat and leader, died outside the Creek Nation in Spanish West Florida at the home of his long-time friend and British business associate, William Panton. In a letter written a year later, Panton expressed remorse at the loss of his friend, and conveyed frustration and anxiety over the fact that McGillivray left no written will for his extensive property on the Tensaw. At the time of his death, McGillivray controlled a wide range of property, including around sixty enslaved men and women, three hundred head of cattle, and a large stock of horses.[1] As a bicultural man, McGillivray understood the importance of wills for inheritance under the European legal system. His father, Lachlan McGillivray, had written a will in 1767 that divided his property among various family members, including Alexander.[2] McGillivray's failure to leave a written will stemmed from his biculturalism; McGillivray adopted Euro-American practices to further his economic and political goals, but he adapted them to fit his Creek identity. McGillivray first and foremost viewed himself as Creek, which made a will unnecessary.

In Creek society, written wills were unnecessary because most property belonged to a lineage, not an individual. Certain private property, including clothing, jewelry, and weapons, were destroyed with the deceased, but communal property continued to belong

[1] William Panton to Lachlan McGillivray, 10 April 1794, in John Walton Caughey, *McGillivray of the Creeks* (Norman: University of Oklahoma Press, 1938), 363.
[2] Edward J. Cashin, *Lachlan McGillivray, Indian Trader: The Shaping of the Southern Colonial Frontier* (Athens: University of Georgia Press, 1992), 257.

to the lineage. This meant that, according to Creek custom, the property in question belonged to McGillivray's matrilineage, the Sehoy lineage, and after his death it remained in the control of his sisters and maternal nieces and nephews, and not passed to his children. Indeed, after McGillivray died his sisters and their sons "took possession of the greatest part of the property," including enslaved peoples, cattle, and horses.[3] McGillivray's sisters took possession of the property under his control at his death and apparently "destroyed the stock of horses and cattle" and passed the enslaved laborers on to David Tate, McGillivray's nephew.[4] According to Creek customs, this was the natural order of inheritance and ownership and required neither a will nor probate court. Moreover, so long as the Tensaw Creeks lived within the boundaries of the Creek Nation, matrilineal inheritance remained the *de facto* legal practice, but when they found themselves living in the Mississippi Territory in 1814 and the state of Alabama in 1819, they had to adapt to a new legal system. This chapter examines the Tensaw Creeks' transition to an American legal system and how they first used the Alabama probate courts to uphold Creek matrilineal inheritance patterns, and then, over time, their participation in this system challenged and changed their understandings of cultural identity, inheritance, and family.

In his life, McGillivray worked both in and outside of this legal system, but his associate, William Panton, interpreted McGillivray's plan of inheritance by Euro-American standards because of his own preconceived notions of patrilineal inheritance.

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[3] Benjamin Hawkins to William Eustis, August 27, 1809, *Letters, Journals, and Writings of Benjamin Hawkins*, ed. Charles L. Grant (Savannah, Ga: Beehive Press, 1980), 556.
[4] Panton to Lachlan McGillivray, April 10, 1794, in Caughey, ed., *McGillivray of the Creeks*, 363; quote from Hawkins to William Eustis, August 27, 1890 in Grant, ed., *Letters, Journals, and Writings of Benjamin Hawkins*, 556.

While McGillivray was on his deathbed, Panton questioned him about the future of his property. Panton wrote that as McGillivray lay dying, he "made no other will than declaring before Governor O Neill that his Estate must go to his children & that Mr. John Forbes of Mobile and myself should act as his Executors & Guardians for his children."[5] The deposition was taken a day before McGillivray died. Governor Arturo O'Neill of Spanish Florida wrote that McGillivray responded to questions as "one with full understanding," that he did name William Panton and John Forbes as executors of his estate, and asked that his property be divided among his children in "equal parts, without any preference of one to the other."[6] They never specified what property they were referring to, but most likely their definition of his property included livestock, slaves, stock in the company, and perhaps even land.[7] Since McGillivray was a Creek, the claims in this deposition were peculiar because they illustrated a desire for patrilineal inheritance, a practice antithetical to traditional Creek inheritance patterns. McGillivray, however, resisted even these concessions. In a letter that Governor O'Neill wrote to Baron de Carondelet, he relayed that McGillivray refused to make a will because "he was Indian and thus did not wish to do so," and only relented when "Panton demanded to whom he was leaving his goods."[8] Claudio Saunt and Greg Waselkov have cited this

[5] Panton to Carondelet, 20 February 1793, in Caughey, *McGillivray of the Creeks*, 354.
[6] Deposition on 17 May 1793, John C. Pace Library and Panton, Leslie & Company, eds., *The Papers of Panton, Leslie and Co. [materials Collected by the Papers of Panton, Leslie and Co. Project, John C. Pace Library, University of West Florida]* (Woodbridge, Conn: Research Publications, 1986), reel 8, Ralph Brown Draughon Library.
[7] In a letter to Lachlan McGillivray, Panton listed McGillivray's "possessions," including "sixty negroes, three hundred head of cattle, with a large stock of horses." He also mentioned Alexander's help in establishing the trading house and a cow pen that he owned. This indicates that these would have been the properties and business that Panton wanted to protect in a will. He does not mention a specific acreage of land besides the cow pen, but logically he believed the cow pen and land it was on belonged to McGillivray. Nor does he distinguish what property belonged to McGillivray's wife, who died soon after. See Panton to Lachlan McGillivray, April 10, 1794 in Caughey, *McGillivray of the Creeks*, 363.
[8] Quoted in Claudio Saunt, *A New Order of Things: Property, Power and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999), 89.

deposition as an example of McGillivray's rejection of Creek cultural customs, particularly matrilineal inheritance, and a declaration of a more Euro-American identity.[9]

One major problem with these assertions is that the circumstances of the deposition were incredibly vague. For example, rather than provide a transcript of the conversation, the deposition offered an overview of events after the fact. It presented no context for why McGillivray said to leave his property to his children, what specific property McGillivray was referring to, or how Panton framed the question of inheritance. Later in the deposition Panton appeared to ask leading questions—including whether McGillivray specifically wanted to include Governor O'Neill and British trader Daniel McGillivray as executors of his estate.[10] His initial hesitation revealed he resisted even these concessions, and that he may have been pressured to participate in the deposition. When McGillivray utilized Euro-American economic and legal institutions, such as treaties, he continually sought to benefit himself and his lineage. For example, when he negotiated the 1790 deal for Creek children to be given an American education, he chose his maternal nephew David Tate to be educated in Philadelphia. McGillivray presumably wished to prepare Tate for leading the family once he had passed. Since he consistently thought of how he could better his lineage during his life, he would certainly remain loyal to them in death. Similarly, since he did not specify what property he alluded to, perhaps McGillivray meant that his personal property should go to his children, or he was protecting his wife's property and ensuring that it would go to his children.

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[9] In *A New Order of Things*, Claudio Saunt claims that McGillivray's initial resistance demonstrated an assertion of an Indian identity, but the final decision demonstrated that the "Scots Indian embraced the European side of his ancestry," 89. See also, Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006), 27.

[10] Deposition on 17 May 1793, *The Papers of Panton, Leslie and Co*, reel 8. Note: Daniel McGillivray was not related to Alexander McGillivray.

Panton's own cultural bias favored patrilineal inheritance, and he wanted to set up McGillivray's son as the heir apparent. Panton wanted McGillivray's son to inherit not only his property, but eventually his position in Creek society as a means of preserving his trading network. McGillivray died at a time when the Spanish-Creek alliance was beginning to weaken, and this placed Panton's trading business in a precarious position. Kathleen DuVal argues that Europeans and Indians both attempted to define their relationships and interactions in their own terms to advance particular economic or political interests. When dealing with a powerful Indian nation like the Creeks, however, European definitions had to comply with and adapt to native definitions to succeed.[11] Panton believed McGillivray's son, Aleck, should inherit the estate and position of his father, but this did not coincide with the Creek custom of matrilineal inheritance and, therefore, would not be permitted on the Tensaw at this time.[12] Arguably, McGillivray felt pressured by his friends and associates to answer these questions of inheritance on his deathbed and perhaps he even felt compelled to answer them in a particular way.[13]

While the conditions of the deposition remain unclear, the succession of property was ultimately determined by Creek custom. From 1783 until his death in 1793, McGillivray continually fought for Creek sovereignty and the primacy of Creek law within the boundaries of the Creek Nation, and the property in question lay within the

[11] Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (University of Pennsylvania Press, 2007), 4.
[12] Panton to Carondelet, February 20, 1793 in Caughey, ed., *McGillivray of the Creeks*, 354.
[13] I am not implying that Panton or O'Neill forged these documents, but merely that the context of the documents is questionable. Therefore, the deposition and claims made by Panton and O'Neill cannot be taken at face value because they were created by people who were not Creek and could potentially benefit from McGillivray's son inheriting the estate.

boundaries of Creek territory.[14] No matter what the deposition said or what McGillivray may have wanted, he understood that a will created under Spanish law would hold no credence on the Tensaw plantation where Creek customs would take precedence. His sisters did not need written consent to take possession of the estate because they understood it belonged to them. Custom would remain the *de facto* legal avenue so long as the estate remained in the boundaries of the Creek Nation. For example, In Creek society, after a mother's death her lineage, especially her brothers, took custody of the children. When Elise Moniac, one of Alexander McGillivray's wives, died in 1794, her two daughters became orphans.[15] Benjamin Hawkins, the American Superintendent of Indian Affairs, wanted to raise the two girls himself "to fit them for acts of usefulness" so that they would "be instrumental in civilizing their brethren," but their family "did not accord with the idea and the custom of the nation forced it otherwise."[16] Instead, the two girls lived with their maternal uncle, Sam Moniac, who raised them as Creek custom dictated. Since they lived in Creek territory, neither Hawkins nor Panton could have forced any concessions unless the family allowed it.[17] Panton's insistence for patrilineal inheritance, however, showed that they faced challenges to their customs even as they lived in the Creek Nation. This pressure only increased when their property transitioned from Creek custom to the American legal system after the Creek War of 1813-1814.

As a Creek community that was both spatially and legally separated from the Creek Nation, the Tensaw Creeks had to modify their relationship to the Euro-American

[14] For a detailed discussion on McGillivray's argument for Creek sovereignty see Melissa Stock, "Sovereign or Suzerain: Alexander McGillivray's Argument for Creek Independence after the Treaty of Paris of 1783," *Georgia Historical Quarterly* 92, no. 2 (Summer 2008): 149–76.
[15] Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 37.
[16] Hawkins to William Eustis, August 27, 1809, *Letters, Journals, and Writings of Benjamin Hawkins*, edited by Grant, 556.
[17] Hawkins, 556.

legal system. Creek law and custom were no longer the default tools used to determine inheritance, and the Tensaw Creeks had to utilize the American system to ensure their traditions would continue. In 1819, the Tensaw came under the legal jurisdiction of Alabama, and throughout the 1820s the Alabama legislature gradually established civil and criminal jurisdiction over all Indian territory within the boundaries of the state.[18] By 1832, all people, including those of American Indian ancestry, living within the boundaries of Alabama would "be governed by the same laws now in force for the government of the whites," but it also ensured that "All Indians, or persons of mixed blood descended of Indians, within the limits of the state of Alabama… [would have] all the privileges of perpetuating testimony, recording wills, and bills of sale and conveyance." [19] The legislature further deconstructed indigenous autonomy by claiming, "all laws, usages, and customs, now used, enjoyed, or practiced, by the Creek and Cherokee nations of Indians, within the limits of this state, contrary to the constitution and laws of this state, are hereby abolished."[20] In practice, Alabama officials considered native customary practices in disputes, such as native marriage and divorce customs, but if there was a conflict between Creek and American practices, American law reigned supreme. In order to exert control over their property and future, the Tensaw Creeks had to work within the Alabama legal system.[21]

The guardianship case of Louisa, Elizabeth, and Teresa Tate offers a closer glimpse at how Tensaw Creeks used the legal system to uphold Creek traditions. In 1815,

[18] For more information on the transition from Creek territory to the Mississippi Territory see Chapter Four.
[19] Alabama, *A Digest of the Laws of the State of Alabama; Containing All the Statutes of a Public and General Nature in Force at the Close of the Session of the General Assembly in January 1833*, n.d., 224.
[20] Alabama, 225.
[21] J. Anthony Paredes and Judith Knight, *Red Eagle's Children: Weatherford vs. Weatherford et Al.* (Tuscaloosa: University of Alabama Press, 2012), 50.

Peter Randon, their maternal uncle, applied to the Baldwin County Orphans Court for the guardianship of his nieces. His sister, Mary Randon Tate, died at Fort Mims in 1813. Randon won guardianship of his nieces even though their biological father, David Tate, was still alive. [22] This arrangement mirrors what happened after Alexander McGillivray and his wife, Elise Moniac, died in the 1790s: her brother, Sam Moniac, became guardian to her children. It was the responsibility of the maternal family to care for the children—McGillivray's sisters did not take them in, nor did Moniac allow Benjamin Hawkins to take the girls. Randon's application for guardianship illustrated that the obligation of these matrilineal relationships remained important into the nineteenth century, but he had to work within the legal system to ensure he would be able to care for his nieces.

Negotiating a place within this legal system forced the Tensaw Creeks to specifically define customs that had previously been transmitted orally within their kinship-based network. Processes that Creek families and communities understood now had to be specifically defined and adapted to the American legal system, in itself a huge shift in practice. In traditional Creek society, the elders of a lineage settled familial disputes, distributed land and property, and made marriage alliances, while clans dealt with larger disputes, such as murder or adultery. Kinship networks provided legal security by defending individual and familial rights.[23] Clan law allowed Creek families to protect their interests and ensure Creek customs continued.

The transition from this flexible, intimate system to a rigid, formal court system placed tremendous pressure on the Tensaw Creeks to conform to an American legal

[22] Peter Randon to Joseph Carson, 1815, Mississippi Territory, Baldwin County Orphans Court, BCP00506, Box 1, Folder 3, Baldwin County Archives.
[23] Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 223-34.

system with divergent concepts of inheritance, kinship, and property.[24] These challenges to Creek cultural and legal concepts changed certain practices of the Tensaw. For example, in 1861, Elizabeth Steadham, a Tensaw Creek woman, died and her husband, William Sizemore, fought for and won custody of their children. Earlier in the nineteenth century, one of her three brothers would have fought for custody of her children, as did Peter Randon in 1815. Her brothers might have been too young to take custody of the children, since two of them were minors and under the care of her third brother, Marion. Conversely, this case could indicate that her family's participation in the legal and cultural customs of Alabama altered its own cultural identity, and that Sizemore had more control over his biological children than Creek fathers previously held.[25] The probate cases of the Tensaw Creeks illustrate both a continuity in customs and a subtle shift in cultural identity that defined their lives into the nineteenth century after the Creek War.

In November 1829, David Tate died, but, unlike his uncle Alexander McGillivray, he left behind a will that divided property among his wife and other relatives, with a large portion coming under the control of his nephew. Some of his directives were confusing due to the disjointed and vague nature of the will's wording. Tate bequeathed property to his wife, Margaret Powell Tate, and their daughter, Josephine, including land, slaves, livestock, and a horse. On the surface, this seems like a prime example of patrilineal inheritance.[26] Yet, earlier in the will Tate demanded that "the provision made yesterday

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[24] Eric L. Goldstein, *The Price of Whiteness: Jews, Race, and American Identity* (Princeton: Princeton University Press, 2006); Ann Marie Plane, "Customary Laws of Marriage: Legal Pluralism, Colonialism, and Narragansett Indian Identity in Eighteenth-Century Rhode Island," in *The Many Legalities of Early America*, ed. Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: University of North Carolina Press, 2001), 181–213; Paredes and Knight *Red Eagle's Children: Weatherford vs. Weatherford et Al.*

[25] Baldwin County, Alabama, Probate Files, Elizabeth V. Steadham, 1862, Baldwin County Probate Records, Bay Minette, Alabama.

[26] Historian Karl Davis interpreted the will in this way, "'Much of the Indian Appears': Adaptation and Persistence in a Creek Community, 1783-1854" (University of North Carolina, 2003), 190–91.

for my wife and younger daughter remain so and the property brought to me by my wife to be given to her own children wherein I do think proper."[27] This line insinuated that his wife had brought property into the marriage with her and indicated that the property he left her was not an example of patrilineal inheritance, but a defense of matrilineal inheritance. Margaret Tate was a Creek woman who brought property with her into the marriage, and Creek custom dictated that it belonged to her daughter and not Tate's matrilineage.[28]

After affirming his wife's right to her own property, Tate ensured that the bulk of the estate would remain under his matrilineage's control. Tate wrote that his executors "know how I wish my property arranged" and indicated that the land should be "disposed of to the best advantage" to his family.[29] Tate remained purposely vague, conceivably because what he intended for the land would not easily follow the patrilineal customs of the United States, but the will allowed him to leave people he trusted in charge. Indeed, Tate named his maternal nephew, David Moniac, as one executor of his will, leaving him movable property, including livestock and slaves, and charging him to be "mighty cautious" when dealing with trade and debt.[30] These cautions do not seem out of character: an acquaintance described Tate as "very reserved with most people" since "many have done him great injustice."[31] Undoubtedly, Tate believed that some of his

[27] "David Tate, Case 381, Baldwin County Estate Files," n.d., LGM 208 R18, Alabama Department of Archives and History.
[28] Margaret Dyer Tate and her sister, Elizabeth Dyer Weatherford (married to John Weatherford), submitted claims to the federal government on December 24, 1823 on behalf of their deceased parents. Affidavits signed by John Weatherford and George Stiggins, affirmed that their mother, Mary Dyer, was a Creek woman, making these two women Creek. See "List of Claims entered in pursuance of an act of Congress passed March 3, 1817," submitted March 26, 1824, RG 49, Box 3, NARA-DC.
[29] "David Tate, Case 381, Baldwin County Estate Files."
[30] "David Tate, Case 381, Baldwin County Estate Files."
[31] Thomas Simpson Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama* (Mobile, Ala: Southern Univ. Press, 1965), 87.

American neighbors would try to take advantage of his nephew and use his debt to take the land.[32] In the will, Tate also urged his nephew to "always be with his aunt" as "she will give him something again."[33] Once again, Tate's unclear language obscured his intention. Which aunt was he referring to? What would she give Moniac? What is evident was that traditional kinship networks remained an important part of how this family organized and prioritized their lives.

While Tate left behind a written will, his intentions were still somewhat ambiguous. In some instances, he bequeathed property to the husbands of his daughters, which does not coincide neatly with Creek ideals of matrilineal inheritance. Yet, in these cases he directed that they could "retain" property "now in [their] possession" rather than awarding the property outright. The property in these circumstances could have belonged to his daughters' mother and already been distributed to them after her death. This meant that the will was just a legal confirmation of their rightful possessions under matrilineal inheritance. In other cases, his inclusion of his sons-in-law might demonstrate how new Euro-American economic practices became collectively owned and run by extended family members. For example, Tate left a mill to his wife, Mary Powell Tate, and his son-in-law, Elisha Tarvin, who owned and ran the mill together, solidifying their economic relationship.[34] His intentions behind these bequests were vague, but still indicate matrilineal practices and collective, if extended, familial control of property. Regardless, he wrote a will because the property was now within the boundaries of Alabama, making it necessary to designate how he wanted to organize the property. Even while in the

[32] David Moniac's own father lost most of his land due to bad deals and debt. See "David Tate to David Moniac, 1822.," ADAH.
[33] "David Tate, Case 381, Baldwin County Estate Files." ADAH.
[34] "David Tate, Case 381, Baldwin County Estate Files." ADAH.

bounds of American law, Creek cultural norms, including matrilineal inheritance and the importance of matrilineal relations, appeared to remain strong.

Another example of a continuance of matrilineal tradition within the new legal system was the probate proceeding of Theresa Tarvin. When Theresa Tate Tarvin, the biological daughter of David Tate, died in 1848, her husband, Elijah Tarvin, continued to live on and cultivate her property. In 1859, their eldest son, Marion, applied to the Baldwin County Probate Court for control of the land. He wrote that at his mother's death he and his siblings "became entitled each to an equal share in the plantation situated on the east side of the Alabama river… being the plantation lately occupied and cultivated by Elisha Tarvin."[35] In the children's appeal they continually referred to the property as the "lands belonging to the Estate of Theresa Tarvin," which included around 640 acres, as well as claiming rights to the "personal property of Theresa Tarvin," which included fifty-one enslaved peoples valued at $31,150.[36] This proceeding demonstrated the incredible wealth of the estate and the children's persistence in practicing matrilineal inheritance. They insisted the property belonged to their mother and, therefore, to them and that their father was merely occupying their mother's land.

The statements by the Tarvin heirs suggest that their mother held the property separate from their father, a concept that coincides with Creek understandings of ownership and marriage. As mentioned earlier, Sehoy III and Sophia, Alexander McGillivray's sisters, maintained control of their property and "the command of absolute of every thing from their husbands."[37] Similarly, Elizabeth Moniac, McGillivray's niece,

[35] Baldwin County, Alabama, Probate Files, the Estate of Theresa Tarvin, 1850s, Baldwin County Probate Office, Bay Minette, Alabama.
[36] Tarvin Estate, Baldwin County Probate Office.
[37] Journal December 20, 1796, *Letters, Journals, and Writings of Benjamin Hawkins*, 23.

held property apart from her husband. When her husband lost his property to a series of bad economic decisions, Elizabeth "still [held on to] her property," including land and slaves.[38] So the claims of Theresa's children fitted within the legal and cultural parameters of Creek society, but they used the Alabama probate system to enforce them.

Marion's claim for his mother's land coincided with a shift in Alabama law that provided protection for married women's property. In the early nineteenth century, Alabama property law revolved around the concept of coverture, in which "the very being or legal existence of the woman is suspended during the marriage, or at least it is incorporated and consolidated into that of the husband." [39] This means that a *feme covert,* or covered woman, had no legal rights to property separate from her husband. In 1848, however, the Alabama Senate and House of Representatives passed a married woman's act, which protected the property that a woman brought into her marriage. This property was considered the "separate estate of such woman… for her sole and separate use." The act further stated that no husband could "acquire a right to the property which his wife had upon his marriage."[40] On the surface, Marion Tarvin's application appeared to derive its authority from this law. His mother died right before the law was passed, and his petition came almost a decade later. There was one problem with this assumption: Theresa Tarvin died intestate. The law had one caveat: if the married woman died intestate, or without a will, then half of her personal and half of her real property would automatically go to her husband. [41] Since Elijah Tarvin continued to live on her property,

[38] "David Tate to David Moniac," 1822, SPR357, Alabama Department of Archives and History.
[39] Claudia Zaher, "When a Woman's Marital Status Determined Her Legal Status: A Research Guide on the Common Law Doctrine of Coverture," *Law Library Journal* 94.3 (Summer 2002), 460.
[40] Alabama Legislature, An Act Securing to married women their separate estates and for other purposes, March 1, 1848, Digest of AL law, 79.
[41] Alabama Legislature, An Act Securing to married women their separate estates and for other purposes, March 1, 1848, Digest of AL law, 79.

he possibly planned to give the property to his new wife when he died. The children intervened, even though their claim did not coincide with Alabama law, because they were Creek and wanted the land to stay with their mother's children. While many non-Creek children would have felt the same way, this example illustrates how the Tensaw Creeks could use the existing legal system to uphold their traditions.

In many instances, the probate cases of the Tensaw Creeks appeared to conform to Alabama socio-legal norms but understanding how their terms followed Creek patterns illustrated the ways in which they used Alabama law to promote their traditions. For example, at first glance William Sizemore's last will and testament, executed in 1853, seemed to promote patrilineal inheritance, but, knowing how Creeks ordered personal and communal property, altered one's understanding of his intent. In his will, he bequeathed nothing to his sisters, brothers, nieces, or nephews, but he did leave three slaves to his daughter Rosannah and a slave to his son David.[42] Enslaved people were personal property. Thus, they belonged to him as an individual and not collectively to his lineage. In Creek society, personal property, such as clothing, weapons, and slaves belonged to an individual, while real property, such as land, was communally held. Usually, when individuals died their personal property was interred with them or given to family members. Tensaw Creeks, influenced by their biculturalism, began to leave some personal property, like slaves and livestock, to their spouses and biological children.[43] Therefore, because Sizemore understood these enslaved people to be his personal property, he could leave them to his children without betraying Creek matrilineal

[42] William Sizemore, "Sizemore, William. Will," 1853, BCP00606, Baldwin County Archives.
[43] Hudson, *The Southeastern Indians*, 312;Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2005), 70–71.

customs. Even with this consideration, Sizemore never mentioned his matrilineage in his will. Instead, he left most of his "real and personal estate," including land, houses, twenty-three slaves, cattle, sheep, hogs, horses, mules, furniture, and wagons to his wife, Levitia Sizemore to "be held by her to her sole and separate use for and during the term of her natural life," and after her death, be "equally divided between all my children."[44]

If the land in question belonged to Sizemore's lineage, this went against cultural traditions, but if he lived on his wife's property, as was custom in Creek society, then his will ensured that Levitia would receive her property in its entirety. In the will, Sizemore wrote that he willed this property to Levitia "in lieu of her dower at common law."[45] According to Alabama law, if Sizemore did not mention his wife in a will, then she would rightfully receive only one-fifth of the estate. By outlining his intent for her to receive the entire estate, Sizemore guaranteed her sole control over the land, livestock, and slaves.[46] Indeed, when Levitia died in 1858, her children petitioned the court to divide her estate which she "acquired in her own right" equally between them.[47] Their wording in this petition demonstrated that they believed this property naturally and rightfully belonged to Levitia, indicating that her husband's will was a legal safeguard for her to control her property after his death, which provided one more example of the defense of matrilineal inheritance.

These probate cases demonstrated a defense of traditional matrilineal inheritance, and illustrated a shift in familial and communal identity for the Tensaw Creeks as they

[44] Sizemore, "Sizemore, William. Will."
[45] Sizemore.
[46] Alabama, *A Digest of the Laws of the State of Alabama,* 133. The law states that if a man does not mention his wife in his last will and testament and they have more than four children, she will be entitled to one-fifth of the estate. Levitia and William Sizemore had eleven children.
[47] Levitia Sizemore, "Sizemore, Levitia. Probate." 60 1857, page 4, LGM 208 R24, Alabama Department of Archives and History.

became absorbed into Alabama society after removal. The probate proceedings of David Moniac, the maternal nephew of David Tate, provided an example at how the lines between traditional Creek kinship networks and the larger Tensaw community began to blur. Moniac had been the executor of his uncle's estate in 1829, which gave him influence within his family. Moniac graduated from West Point in 1822 and joined the United States' forces during the Second Seminole War, where he died in combat in 1836.[48] According to the probate records for his estate, Moniac appeared to die without a will, which, according to Alabama law, meant his real and personal property would be divided among his children and wife. Since he died intestate, there was no legal guarantee for his lineage's holdings and the available records revolve around his widow and two children.[49] The probate of David Moniac's estate lasted almost two decades and provides an interesting view into the interconnected relationships among the Tensaw Creeks. While Moniac's widow, Mary Starke, and his two children, David Alexander and Margaret, received slaves, clothing, livestock, and money from the estate, they did not gain land directly from Moniac. Indeed, there is evidence in the proceedings that Mary Starke bought a plantation along the Alabama River, which would be unnecessary if she and her children received land from her deceased husband.[50]

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[48] Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier*, 65; Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14*, 207; "Recommendations and Summary of Evidence for Proposed Finding for Federal Acknowledgment of the Poarch Band of Creeks of Alabama pursuant to 25 CFR 83." December 29, 1983, 3, 18, US Department of the Interior Indian Affairs, http://www.bia.gov/cs/groups/xofa/documents/text/idc-001321.pdf.

[49] The statement that David Moniac died without a will is supported by the fact that there were "administrators" of his estate versus "executors." Executors are people outlined in a will that execute the will of the deceased, whereas administrators are court-appointed to administer the probate of an estate where the deceased did not leave a will or the executor cannot fulfill his or her duties. There is no mention of a will in the probate proceedings and his estate has a series of "administrators" instead of executors.

[50] David Moniac, "Moniac, David. Probate." (1854 1831), 10, LGM 208 R18, Alabama Department of Archives and History.

One of the more pressing revelations in Moniac's probate records was how his maternal family (including those related by blood and marriage) were guardians of his children at some point ,and the involvement of people related by marriage in the division of his estate. Moniac's sister, Levitia, and her husband, William Sizemore, became the guardians of the two children until 1850. In the records are several receipts for the tuition, clothing, board, and other purchases made for the children by William Sizemore. There is also a receipt dated October 8, 1848 from Sizemore to Rosannah Shomo, Moniac's maternal aunt, who boarded his daughter Margaret for five and a half months and made Margaret two dresses.[51] In traditional Creek culture, there would be no clan or lineage connection, and therefore obligation, between Moniac's sister or aunt and his biological children. It would be considered the responsibility of his wife and her family to care for the children. Indeed, in 1850 Mary Starke did take full guardianship of her children and provided them with the land that she purchased, but the Moniac family's guardianship of the children until that moment deviated from Creek custom. In addition to this change, Moniac's probate records demonstrated a continued relationship between his extended (but not maternal) family and his estate. Elijah Tarvin continued to rent land from Moniac into the 1840s and purchased materials from and for Moniac's estate. Tarvin was married to David Tate's daughter, who was biologically Moniac's cousin, but not considered family by Creek custom. Furthermore, Moniac's probate records demonstrated that he maintained contact with David Tate's late wife, Margaret Tate, as she had many notes to pay off to the estate.[52] The inclusion of these people who do not fit

[51] Moniac, "Moniac, David. Probate," 1831-1854, ADAH.
[52] Moniac, "Moniac, David. Probate," 1831-1854, ADAH.

into Moniac's matrilineal family illustrated a larger shift in communal identity occurring at the time—one that emphasized any kinship link, no matter how extended, as important.

Anthropologist Anthony Paredes argues that kinship and descent became integral parts of the Poarch Creek ethnic identity in the mid-twentieth century, but these kinship networks encompassed more than just immediate family members. Paredes insists that the kinship links between families that defined the community's boundaries and differentiated them from their white neighbors.[53] As the precursor to the Poarch Creek community, the Tensaw Creeks' inclusion of extended family demonstrated that this shifting definition of kinship into one of a larger, more encompassing network began in the mid-nineteenth century. As an isolated Creek community, their understanding of familial relationships and obligations loosened in order to protect their property from encroachment. David Moniac's children were two generations removed from the Creek War and any memory of living in the Creek Nation; to protect their community's interest they had to expand their understanding of kinship to safeguard their property and help support one another in this new legal world. Following the Creek War, Tensaw Creeks acted as witnesses in depositions for land claims, appraised one another's estates, and entered into probate bonds, which legally bound them to the administrator or executor of an estate and held them monetarily liable if something should go awry in the settlement.[54] These actions demonstrated the creation of a more cohesive communal identity as the Tensaw Creeks protected one another within the American legal system.

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[53] J. Anthony Paredes, "Kinship and Descent in the Ethnic Reassertion of the Eastern Creek Indians," in *The Versatility of Kinship*, ed. Linda Cordell and Stephen Beckerman (New York: Academic Press, 1980), 189–90.

[54] Memorandum to Assistant Secretary of Indian Affairs, "Recommendation and summary of evidence for the proposed finding for Federal acknowledgement of the Poarch Band of Creeks of Alabama pursuant to 25 CFR 83," December 29, 1983, United States Department of the Interior, Office of Federal Acknowledgement, Bureau of Indian Affairs, 13.

As Tensaw Creeks became a more cohesive community, they also sought for greater citizenship rights within the state of Alabama. On January 30, 1852, David Tate's daughters, Elouisa, Elizabeth, and Theresa, and his sister, Elizabeth Weatherford, along with their children and extended family (including William Sizemore and John D. Weatherford) officially became citizens of Alabama, "capable of exercising all the rights, immunities, and privileges of the State of Alabama as fully as they would if they were not of Indian descent."[55] On the surface, this application for citizenship seemed to demonstrate that the Tensaw Creeks officially resigned their Creek identity to instead embrace an American one. Indeed, historian Andrew Frank argues that the ability to move between the Creek and Anglo-American worlds became non-existent after removal increased the geographical distance between the Creek Nation and the United States. He posits that bicultural people, who had lived most of their lives in between these worlds, were now forced to solidly choose one or the other.[56] Certainly, the pressures to conform to European cultural norms, including dress, language, education, and legal practices, stemmed from the fact that their cultural choices became limited after removal. Their application for citizenship could indicate that they had now chosen one cultural identity. Yet, beneath the veneer of assimilation, many held fast to traditional notions of kinship and inheritance. The records become harder to distinguish when individuals attempted to manipulate the system for their own benefit, forcing families to use Euro-American definitions of birth, inheritance, and family to protect their matrilineal rights.

The 1850 Alabama Supreme Court Case No 1299: *Weatherford vs. Weatherford, Howell, et al.* demonstrated the conflict that occurred between individuals in this new

[55] Alabama, *Acts of the General Assembly of the State of Alabama* (J. Boardman, 1852), 498–99.
[56] Frank, *Creeks and Southerners*, 119–20.

legal setting as the various children of William Weatherford fought over a plantation on the Alabama River. This contentious case between Weatherford's children provides a glimpse into the complex amalgamation of Creek and American concepts of property, family, and legitimacy in Alabama. The case began in a Mobile chancery court in 1836 when William Weatherford, Jr., the son of William Weatherford and Supalamay Moniac, sued his biological half-siblings, Charles Weatherford, Alexander Weatherford, and Levitia Weatherford Howell. These three were the children of William Weatherford and two other women. William Weatherford, Sr. first married Polly Moniac, a Creek woman, in 1801. That marriage produced Charles Weatherford. After Polly's death in 1804, he later married her cousin, Supalamay Moniac, in 1813 during the First Creek War of 1813-14. Reportedly, they divorced according to Creek law in 1816 before the birth of their son, William Weatherford, Jr. Immediately following the war and this divorce, Weatherford Sr. married Mary Stiggins, a wealthy, well-connected Creek woman, with whom he had four children. The only two to survive to adulthood were Alexander Weatherford and Levitia Weatherford Howell.[57]

William Weatherford, Jr. claimed that he was the sole inheritor of his father's estate, calling not just for patrilineal inheritance, but also for the disinheritance of his half-siblings. Weatherford, Jr. claimed that his father died intestate in 1823, "leaving a large estate consisting of lands situated in Baldwin County and of slaves, horses, mules, cattle, and farming utensils," and that after his father's death, "Mary Stiggins kept the estate of the said William Weatherford, deceased, and managed and controlled the said

[57] Paredes and Knight, *Red Eagle's Children: Weatherford vs. Weatherford et Al.*, 8, 69-70, 73-4.

estate as hereinbefore set forth up to said time of her death."[58] Weatherford, Jr. further asserted that Mary Stiggins brought him to live with her after his father's death because it had been his father, Weatherford Sr.'s, dying request. After Mary Stiggins' death in 1833, however, Weatherford, Jr. believed he was given too little of "his father's estate" when he received only a "few cattle." Instead he noted that Mary's children, whom he referred to as Alexander and Levitia Stiggins (not Weatherford), and Charles Weatherford, "kept all the land, slaves, horses, mules, farming utensils" as well as "all the proceeds of the crops and for the hire of the slaves and the benefit derived from the mules, horses, and farming utensils" from the estate.[59] Weatherford, Jr. claimed that his father and Mary Stiggins lived in "a state of concubinage," and he believed his parents' marriage was still legally intact at the time of Mary and William's wedding, making him the only legal heir to his father's estate.[60]

Alexander and Levitia responded to these claims by defending their parent's marriage and attacking the legitimacy of William Weatherford, Jr.'s birth. Alexander denied that Suplamay and Weatherford, Sr. had ever married and claimed that Weatherford, Jr. was "the bastard child of a half breed woman" and that "it was not known who was [Weatherford, Jr.'s] father," but he stoutly denied that Weatherford, Sr. ever "recognized" him as a legitimate son.[61] Both Alexander and William, Jr., used language to shame and de-legitimize each other's mother; by using such derogatory terms they portrayed an immorality to these women that was meant to gain favor for their cause

[58] "Case No 1299: Weatherford vs Weatherford, Howell et Al" n.d., 2, SC00164, Alabama Department of Archives and History.
[59] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 3.
[60] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 1.
[61] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 10.

in the court. In many ways, by using this language they took on the gendered ideas of the colonizer and sought to demean the honor of the women in the eyes of the court.[62] Alexander further defended his mother, Mary Stiggins, in her possession of the property. He agreed that Weatherford, Sr. died intestate, but said that the estate belonged to Mary Stiggins lawfully and for nine years "remained in her quiet, peaceful, and undisturbed possession for herself and her children."[63] He further insisted that Charles Weatherford's participation in the administration of the estate was "nominal," that he exercised little control over the administration, and furthermore that the estate portion he received was small and considered normal for his position.[64] Instead, the estate was largely divided between Alexander and Levitia. In her defense, Levitia wrote that Weatherford Sr. and Mary Stiggins were lawfully married according to Alabama law in June 1816, making Alexander and Levitia the only legitimate heirs to William Weatherford, Sr. She admitted her father had a relationship with Supalamay, but questioned whether Weatherford, Sr. was the biological father to Weatherford, Jr.[65] Charles Weatherford, however, never responded to his many summons to testify, perhaps because he wanted to stay out of this contentious dispute.

In an attempt to clarify these conflicting claims, the Alabama Supreme Court sought testimonies from various members of the Tensaw Creek community, including Lachlin Durant, Elizabeth Weatherford Moniac, Levitia Sizemore, William A. Sizemore, Elizabeth Stiggins, Mary Bailey Sizemore, and Joseph Shomo, as well as a number of

[62] Bernie D. Jones, *Fathers of Conscience: Mixed-Race Inheritance in the Antebellum South* (Athens: University of Georgia Press, 2009), 7.
[63] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 11.
[64] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 11–12.
[65] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 17.

white neighbors to comment on the status of the marriages between William Weatherford, Sr. and his alleged wives. In these depositions, the lawyers asked questions about Creek marriage, divorce, and inheritance patterns, which seemingly extended a legitimacy to Creek judicial practices and honored tribal practices as they attempted to figure out if Supalamay and Weatherford Sr.'s marriage and divorce would be considered legitimate under Creek law.[66]

Anthropologists and historians understand Creek divorce as a decision of mutual consent; the husband moved out of his wife's house and following the Green Corn ceremony, or busk, in July they were officially considered divorced. Some postulate that immediately after the husband moved out, he was free to remarry, while the wife had to wait until the end of the Green Corn ceremonial week. Others claim that both had to wait until the ceremony completed before they could remarry.[67] The Alabama court asked the witnesses how they understood Creek divorce, and to recreate a timeline that would determine if Weatherford, Sr. remarried before or after the end of the Green Corn ceremony. Few admitted that they remembered or understood the laws of the Creeks, perhaps as a way to prevent the state from identifying them as culturally Creek. Equally possible, these deponents found themselves stuck in the middle of a contentious familial court case and did not want to get involved.

Those that provided a definition were usually vague and uncommitted in their wording, perhaps because they felt pressured to answer in a particular way or because they hoped to sway the court. For example, William A. Sizemore, husband to Mary

[66] Paredes and Knight, *Red Eagle's Children: Weatherford vs. Weatherford et Al.*, 8, 66-70.
[67] Hawkins, "Sketch of the Creek Country in 1789 and 1799," in Grant, ed., *Letters, journals and Writings of Benjamin Hawkins*, 321; Cashin, *Lachlin McGillivray*, 71; Hudson, *Southeastern Indians*, 198-202.

Bailey Sizemore, answered that to divorce under Creek law was "to part or separate when they pleased," and that Supalamay "went away immediately" after they had decided to divorce, and that he thought a man could remarry immediately after divorce.[68] Susan Sizemore responded that "divorce was merely parting," but that she did not know "what effect [divorce] had upon the children."[69] Mary Bailey Sizemore offered a more expansive explanation of Creek marriage and divorce by proclaiming, "They could part when they pleased, but they must be separated for a year before it could be a divorce, or they must pass the Busk, which comes on in July."[70] This explanation would indeed support Weatherford, Jr.'s complaint that his father and mother, Supalamay, were still married according to Creek custom when he married Mary Stiggins in June of 1816 under Alabama law. Mary Bailey Sizemore, however, continued in her deposition to say that she knew "nothing about [Weatherford, Sr. and Supalamay] being married at all" and that she "never heard him say anything about his son."[71] These three witnesses were called by the complainant, William Weatherford, Jr. Their inability to agree on the laws of the Creeks, the timeline of events, or even the legitimacy of Supalamay and Weatherford, Sr.'s marriage resulted in the case being dismissed. Perhaps, even though they were called as witnesses for Weatherford, Jr., they did not want him to win the case. Or their vague and confused wording could have been a result of nerves at being asked these questions by an Alabama court in such an unceremonious case.[72]

[68] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 28–29.
[69] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 46.
[70] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 54.
[71] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 54.
[72] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 114.

Modern responses to the outcome of the case generally express frustration over the fact that the court ignored Creek divorce customs that would have proven Weatherford, Sr.'s marriage to Supalamay was not officially ended before he married Mary Stiggins.[73] Yet, the real question is: under Creek matrilineal customs, did William Weatherford, Jr. have any claim to the estate? Weatherford, Jr.'s claim to inheritance was based in a patrilineal understanding of property and heritage—one that did not match the Creek tradition or the depositions of the witnesses involved.[74] Elizabeth Weatherford Moniac, sister to Weatherford, Sr., noted that, "the child would be heir to his mother's estate according to Indian laws… The woman had her own [estate] and the man had their own. They took from the mother."[75] Lachlin Durant, the maternal cousin of Weatherford, Sr., claimed that after the marriage "the husband had nothing to do with, nor he had any control over the wife" and that when a father died "an uncle or nephew [of the father] would hold all the property of the deceased father and often give the children nothing. Brothers and sisters inherited."[76] The testimonies of both people support the idea of matrilineal inheritance and control of property by the lineage. If the estate in question "belonged" to Weatherford, Sr., it also belonged to his sisters and brothers and would naturally go to nieces and nephews and definitely not Weatherford, Jr., who was only entitled to his mother's property. Durant's testimony further argued for the active participation of uncles, nephews, and other matrilineal relations in dividing property. Indeed, David Moniac, the maternal nephew of William Weatherford, acted as an

[73] Paredes and Knight, *Red Eagle's Children: Weatherford vs. Weatherford et Al.*, 18.
[74] Also, interesting to note: even if the family followed patrilineal customs, Charles Weatherford would have been the eldest, legitimate son of William Weatherford, Sr., making him the sole heir to the estate, not William Weatherford, Jr.
[75] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 61.
[76] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 76.

administrator for the estate after Mary Stiggins died. Then, in 1844, Joseph Shomo, husband to Weatherford's sister Rosannah, helped divide the property between Alexander and Levitia.[77] These two male relations, connected by blood and marriage to the maternal family of Weatherford, Sr., served as administrators of the estate most likely to protect the interests of the Sehoy lineage in the division of the estate, ensuring that any lineal property was kept in the right hands.

Furthermore, while Weatherford, Jr.'s claim based on patrilineal inheritance was decidedly outside Creek cultural norms, this case may have actually defended matrilineal inheritance in the Alabama court system. What if the land and property in question actually belonged to Mary Stiggins Weatherford and not William Weatherford, Sr.? Levitia Weatherford Howell's testimony indicates that the land in question may have belonged to Mary Stiggins. Howell claimed in her deposition that, "the lands held by these defendants never belonged to said William Weatherford," and that Mary never claimed them as William's land and that they were, in fact, "paid for by her after his death."[78] Levitia went on to declare that some of the slaves came from William's property and others came from Mary's, demonstrating that the two spouses held property separately.[79] Perhaps, as in previous cases, Weatherford, Sr.'s lineage allowed his children to inherit some of his "personal" property, including slaves, but Levitia's statement defended the distribution of land and other property as going from mother to children. Levitia insisted that after her father's death, "Mary held said property as her own and as her said children until her death in 1833 and these defendants [Levitia and her

[77] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 6, 18.
[78] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 18.
[79] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 18.

husband] and said Alexander received the property as their own in 1842 and have held it as their own ever since."[80] Indeed, there is no legal proof that the 215-acre plot of land officially belonged to William Weatherford, Sr. After all, Weatherford, Sr. had been a Red Stick warrior, which made him ineligible to apply for a reservation under the Treaty of Fort Jackson. Instead, the 1833 land patent named Mary Weatherford as its owner, indicating that she made full payment for land along the Alabama River.[81] The patent was established seven years after Weatherford, Sr.'s death, which means his name would not have been on the patent regardless of whose property it originally was, but it provides the legal proof that Mary Weatherford was the rightful owner of the land. If that is the case then, like the other probate records, the outcome of *Weatherford vs. Weatherford, Howell, et al.* defended matrilineal inheritance in a patrilineal system.

In a personal reflection on the case, Nina Gail Thrower, a Poarch Band Creek and former tribal historical officer, said that this case "was a precedent case" for the community as a family argued over land ownership and deeds, which were a "white man thing."[82] Certainly, Weatherford, Jr.'s call for patrilineal inheritance was tied to a concept of individual over communal ownership. Weatherford, Jr. considered himself the sole heir to William Weatherford, Sr. and wanted to take possession of the estate himself. Thrower went on to say that this case demonstrated "how the Indians, even the Poarch Creek Indian, have had to learn to live in the modern society, which was traditionally foreign to us."[83] Weatherford, Jr.'s entire claim illustrated a shift in cultural identity; a

[80] "Case No 1299: Weatherford vs Weatherford, Howell et Al," 19.
[81] Bureau of Land Management, "Mary Weatherford, 1833," *General Land Office Records* (Baldwin County Alabmaa), State Volume Patent, AL0060_.428; Paredes and Knight, *Red Eagle's Children: Weatherford vs. Weatherford et Al.*, 44.
[82] Paredes and Knight, *Red Eagle's Children*, 173.
[83] Paredes and Knight, *Red Eagle's Children,* 173.

traditional Creek would not have understood property or inheritance the way that he did. The legal records do not indicate whether he truly believed he had a right to the land or if he was merely attempting to use the legal system for personal gain.

Similarly, while Alexander and Levitia's defense of their property rights coincided with traditional matrilineal inheritance, their conclusion that Weatherford, Jr. was illegitimate denied Creek identity customs. William Weatherford, Jr. was not illegitimate. He was the son of Supalamay Moniac. This fact provided him with his identity and clan membership. His relationship with his father or the marital status of his parents did not matter in Creek terms. In this court case, both parties used Euro-American definitions of legitimacy to argue for their side—because it was the legal definition readily available and accepted in court. This use of a foreign concept in a Creek family dispute demonstrates how the Tensaw Creeks, and later the Poarch Creeks, adopted Euro-American concepts into their vernacular in order to protect their traditional ideas of property and familial interests.

Even before the Creek War, the Tensaw community was aware of and involved in the legal courts of the United States. They had defended their rights to enslaved people and acted as witnesses for members of the Tensaw community; therefore, the transition to Alabama law was not as sudden and unknown for them as it was for other Creeks.[84] Their incorporation into the United States did change their relationship to the legal system, as they became separated from the protection of the Creek Nation. They adapted their actions and practices to this new system but used it to maintain their traditions. As the nineteenth century continued, however, some Tensaw residents became a more fixed part

[84] Bernie D. Jones, *Fathers of Conscience,* 5.

of the socio-legal structure of Alabama, as their children became prominent citizens, sheriffs, lawyers, and doctors in several counties in Alabama. Other descendants, including Ward Coachmen, who was the maternal nephew of Lachlin Durant, eventually migrated to the Creek Nation in Indian Territory. Finally, a smaller group of Tensaw Creeks, who lived in what is modern day Escambia County, Alabama, took the lessons of their ancestors and adapted themselves to the new American reality while still protecting their Creek identity. This community, all descendants of Tensaw Creeks, coalesced into a connected bicultural community that was distinct both from their white Alabamian neighbors and the Creek Nation in Indian Territory. This community eventually became the Poarch Band of Creek Indians, who, like their ancestors, incorporated themselves into the American socio-legal system, while protecting their Creek identity.[85]

[85] Marion Tarvin, "The Muscogees or Creek Indians from 1519 to 1893" (1893), 13–14, Creek File, Folder 40, Gilcrease Museum Collection; J. Anthony Paredes and Knight, Judith, *Red Eagle's Children: Weatherford vs. Weatherford et Al.* (Tuscaloosa: University of Alabama Press, 2012), 13–16.

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Conclusion

At the turn of the nineteenth century, the Creek Nation faced a series of increasingly complex challenges. From 1790 until 1813, the United States implemented the so-called "civilization policy," which attempted to transform Creek economic activities, gender roles, and cultural mores to fit the American norm. The Tensaw Creek community enthusiastically embraced the economic aspects of this policy, but carefully adapted them to their Creek cultural identity. By the end of the first decade of the nineteenth century, the growing disparity in wealth, disruption to Creek lifestyles, and frustration over white encroachment resulted in the First Creek War, 1813-14, a divisive and seismic civil war that altered the lives of all Creeks. Most of the Tensaw residents supported the National Council, and they were among the first to feel the effects of the Red Stick insurgency. Many of the Tensaw Creeks actively supported the National Creeks by fighting against the Red Sticks, even as they had relatives on both sides of the conflict. At war's end, the Tensaw Creeks found themselves living on ceded land—their community now in American territory. Viewed as loyal to American interests and for their support during the war, many members of the Tensaw community were able to apply for reservations in the ceded land and obtain legal title to their property under American law. For them, life after the war meant they became fully incorporated into the American economic and legal system. The community had to embrace simultaneously its native identity to receive the land and minimize its cultural differences to avoid conflict

with white neighbors. For example, individuals left wills to ensure the continuation of matrilineal inheritance while also conforming to American legal practices. As the federal policy shifted from civilization to removal, the Tensaw Creeks managed to remain in Alabama because of their economic choices and their key alliances with white neighbors.

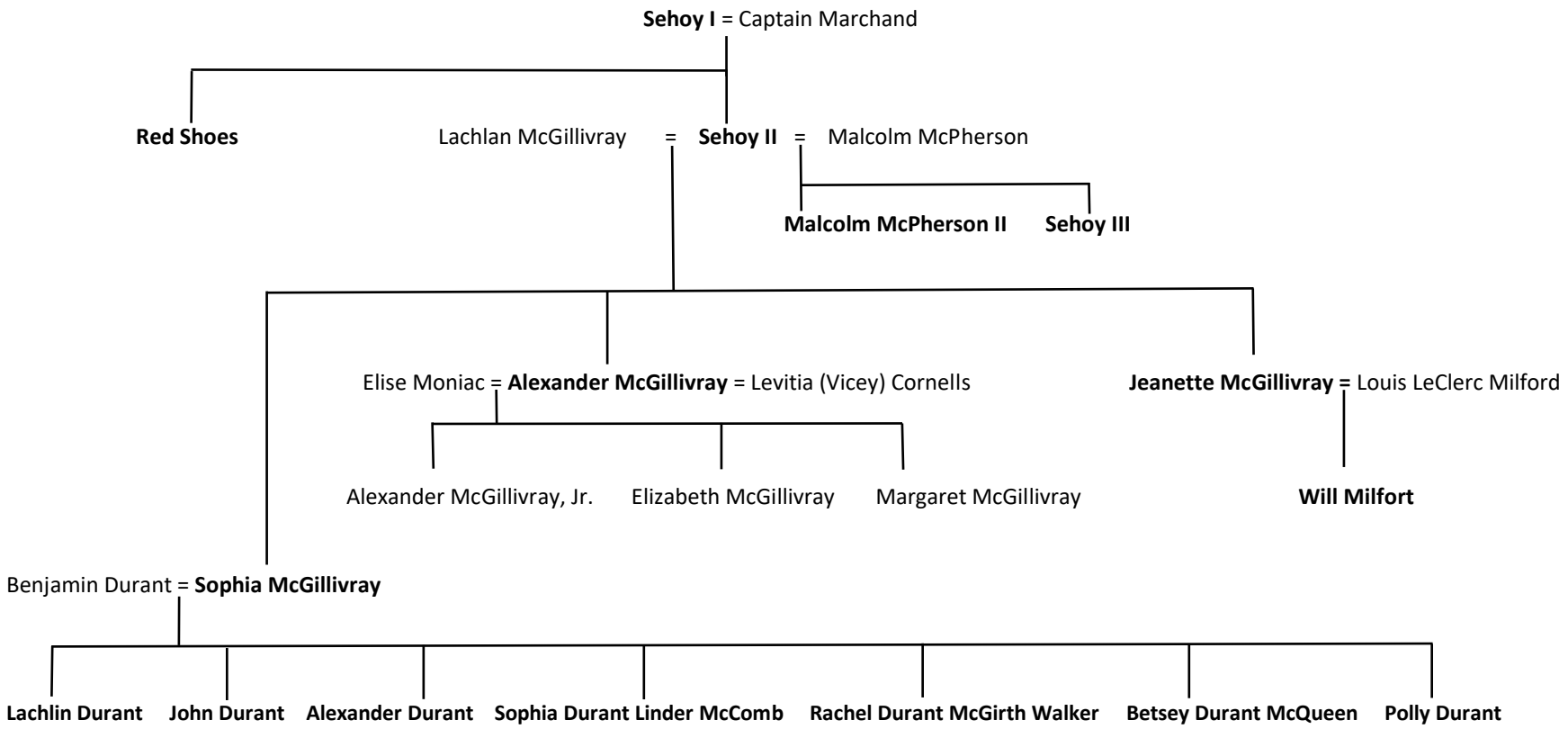
As they continued to live in Alabama in the mid-nineteenth century, they were often forced to hide their Creek identity behind a façade of accommodation. For some Tensaw Creeks, this façade became reality as they embraced a Euro-American identity. They intermarried with white Americans, gained free title for their land, and essentially assimilated into white society, becoming doctors, lawyers, and sheriffs in their community. Others, however, especially descendants of Lynn McGhee and Sam Moniac, held on to their Creek identity and moved to Lynn McGhee's reservation that lies within modern day Escambia County, Alabama. This community intermarried with one another, maintained their "Indian" identity, and became a distinct community, isolated from surrounding neighbors. The Poarch community, as they came to be known, increasingly faced discrimination throughout the nineteenth century. By the end of the twentieth century, the community applied for, and received, federal recognition and became officially known as the Poarch Band of Creek Indians, thus becoming the only federally recognized tribe in the state.[1]

When the Poarch Creeks applied for recognition, they used the land claims, probate court records, and the *Weatherford vs. Weatherford et al.* case to illustrate the

[1] J. Anthony Paredes, "Kinship and Descent in the Ethnic Reassertion of the Eastern Creek Indians," in *The Versatility of Kinship*, ed. Linda Cordell and Stephen Beckerman (New York: Academic Press, 1980), 121–22; J. Anthony Paredes, "Introduction," in *Red Eagle's Children: Weatherford vs. Weatherford et Al.* Edited by J. Anthony Paredes and Judith Knight (Tuscaloosa: University of Alabama Press, 2012), 14–16.

cohesiveness and distinctness of their community. Tensaw Creeks acted as witnesses for one another, supporting their claims to the land and protecting one another from outsiders. They sent letters to presidents as a collective unit, demonstrating that their community remained distinct and that they continued to identify as Creeks. As many of the Poarch can trace their ancestry back to David Tate, William Weatherford, Sam Moniac, Lynn McGhee, and George Stiggins, among others, the history of the Tensaw community is their personal history. While certain customs faded away because of their isolation, these people continued to identify as Creek and used their families' histories to gain federal recognition. Their ancestors' Creek identity remained visible in the subtle language of the probate records, their continued reliance on kinship networks, and the enduring practice of matrilineal inheritance.

Table 1. Sehoy Lineage (Sehoy members in Bold)[1]



[1] Information for these Kinship Diagrams based on Marion Tarvin, "The Muscogees or Creek Indians from 1519 to 1893; Also an Account of the McGillivray Family and Others in Alabama" (1893), Creek File, Folder 40, Gilcrease Museum Collection; J.D. Driesbach to Lyman Draper, July 1874 "Lyman Draper Manuscript Collection," State Historical Society of Wisconsin, Series V; Thomas Simpson Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama* (Mobile, Ala: Southern Univ. Press, 1965); "Special Acts File," Box 3, Record Group 49, National Archives and Records Administration, Washington, D.C.; Gregory Waselkov, *A Conquering Spirit: Fort Mims and the Redstick War of 1813-14* (Tuscaloosa: University of Alabama Press, 2006); J. Anthony Paredes and Knight, Judith, *Red Eagle's Children: Weatherford vs. Weatherford et Al.* (Tuscaloosa: University of Alabama Press, 2012), 66-74; Amos J. Wright, *The McGillivray and McIntosh Traders on the Old Southwest Frontier, 1716-1815* (Montgomery, Ala: New South Books, 2001).

Table 2. Sehoy Lineage (Part II: Sehoy Members in bold)

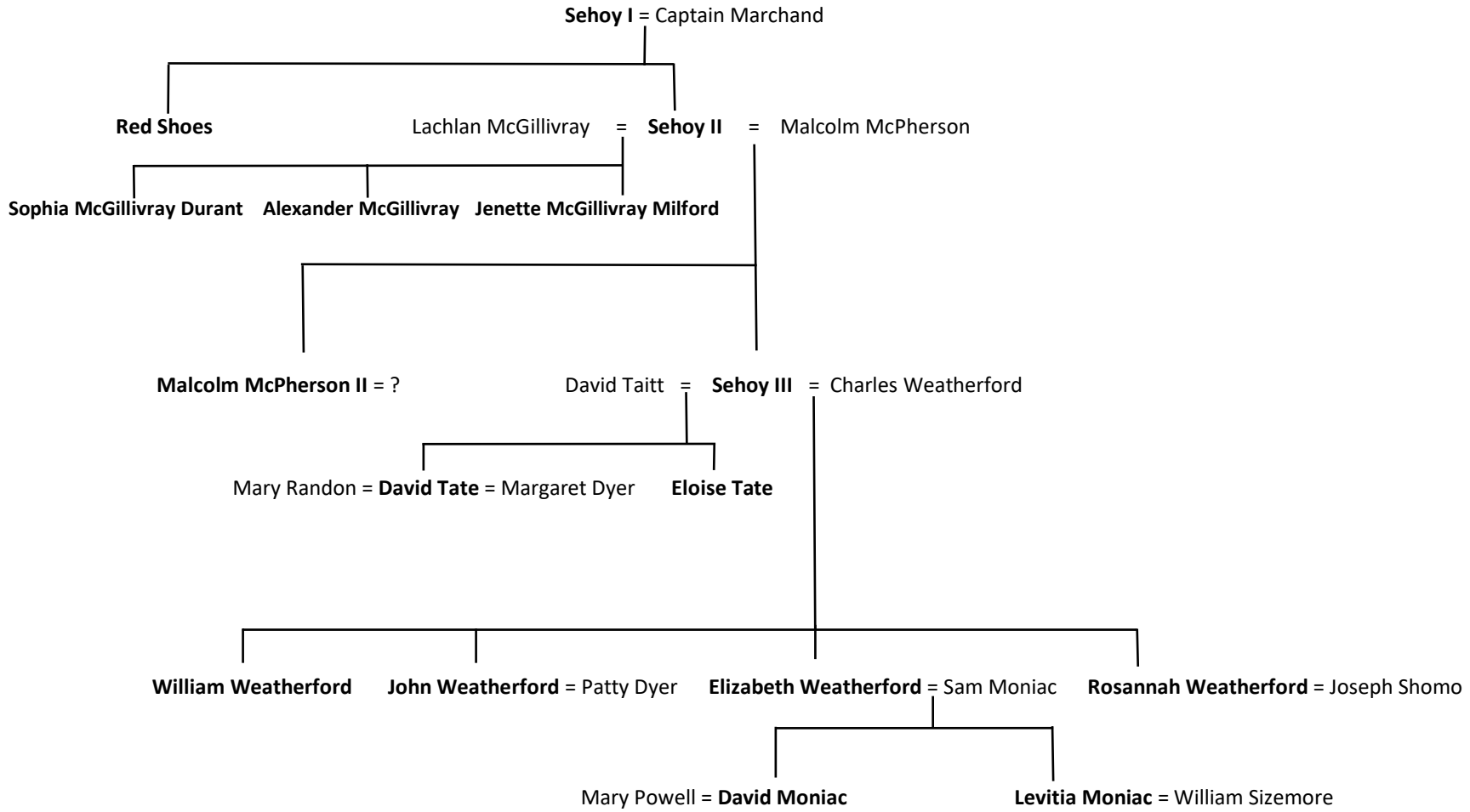


Table 3. Tate/Tarvin Kinship Chart (Sehoy members in bold; memoir writers in italics)

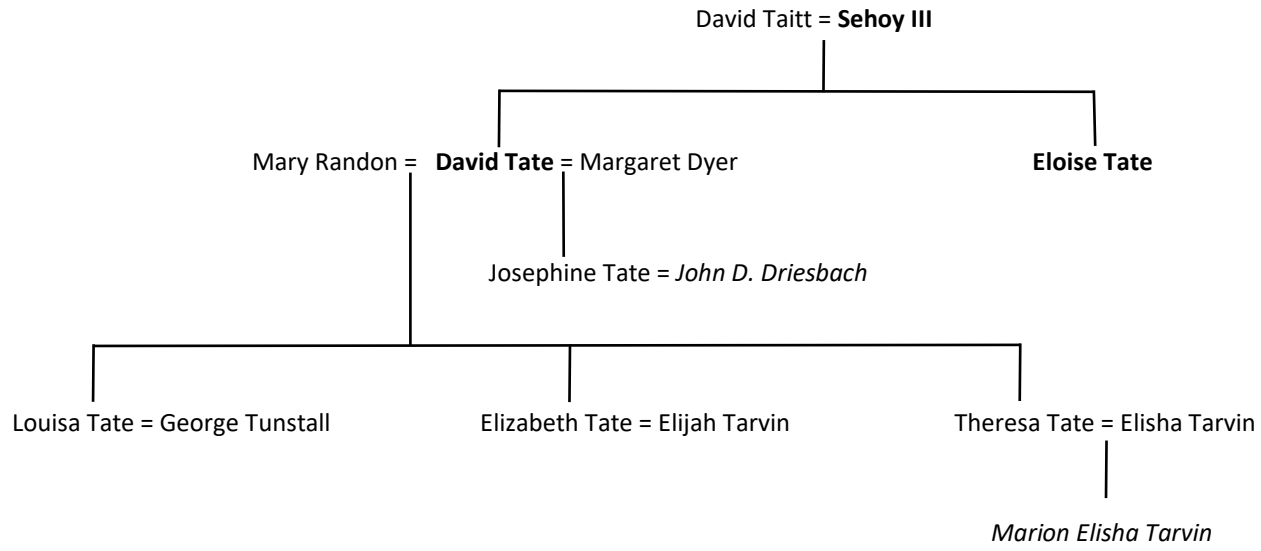


Table 4. Moniac Lineage (Sehoy members in bold)

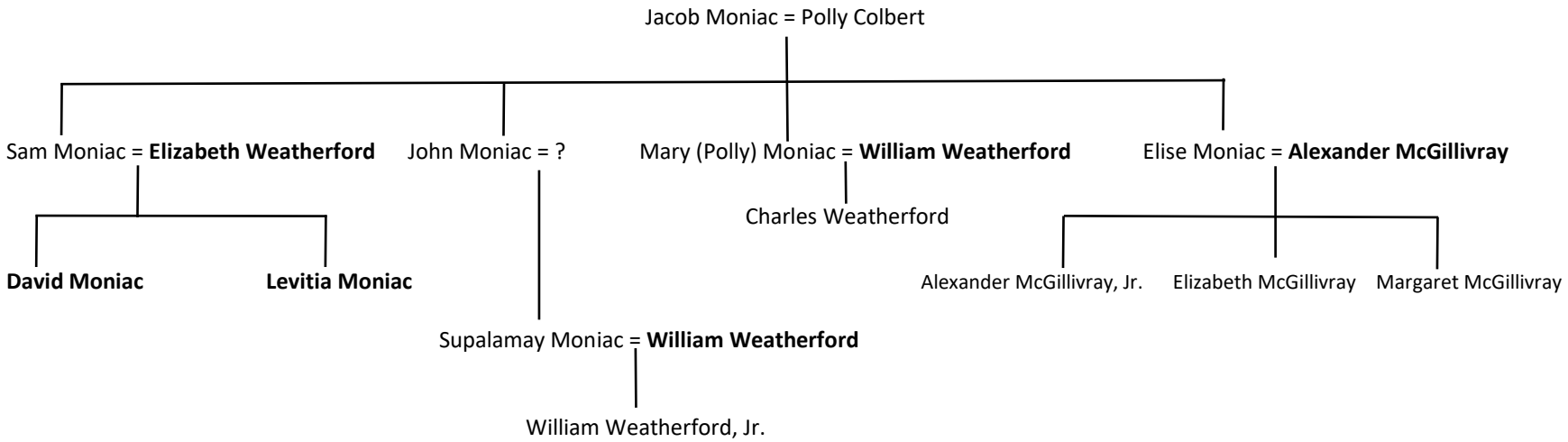
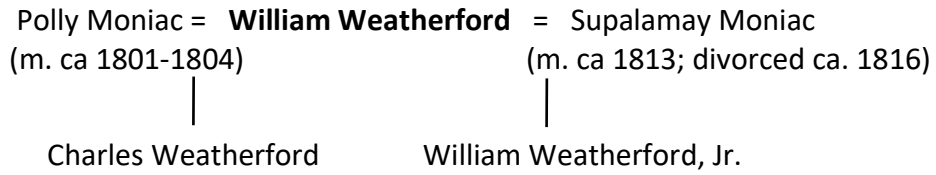
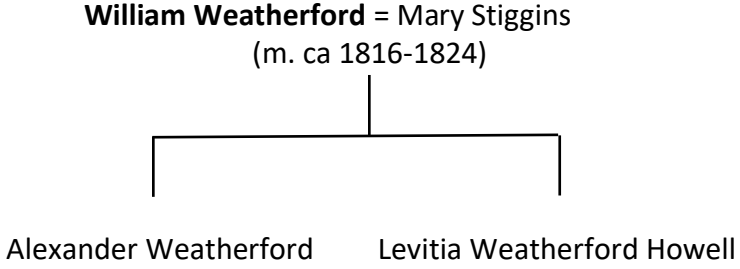


Table 5. Kinship Diagram for *Weatherford vs. Weatherford*, et al. (Sehoy Members in bold)[2]





[2] Approximate dates based on the depositions in "Case No 1299: Weatherford vs Weatherford, Howell et Al" (n.d.), SC00164, Alabama Department of Archives and History; see also Judith Knight's introductory comments to the edited transcript in Paredes and Knight, Judith, *Red Eagle's Children: Weatherford vs. Weatherford et Al,* 73-4.

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