

1953

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Recommended Citation

McAlister, Lyle N. (1953) "The Marine Forces of William Augustus Bowles and His State of Muskogee," *Florida Historical Quarterly*: Vol. 32 : No. 1 , Article 4.

Available at: <https://stars.library.ucf.edu/fhq/vol32/iss1/4>

THE MARINE FORCES OF WILLIAM AUGUSTUS BOWLES
AND HIS "STATE OF MUSKOGEE"

Illustrative documents

edited by LYLE N. MCALISTER

Among the host of adventurers, dreamers, filibusters and trouble-makers who have added drama to the pages of Florida history, William Augustus Bowles yields to none. Among his enemies, and these were in the majority, he was referred to by epithets ranging from the relatively mild "that fellow Bowles" to the more emphatic "vagabond," "desperado," "Black Guard," "Captain Liar," and "desperate vile adventurer." Among his friends and admirers he was known variously as "Beloved Warrior," "Captain," "General," and "Director General." In the pursuit of his designs Bowles dreamed great dreams, performed remarkable feats of derring-do, executed spectacular escapes, and by a combination of sheer bluff and intrigue embarrassed and at times threatened the policies of both Spain and the United States among the southern Indian nations.¹

Although Bowles's activities when viewed singly appear to have been the product of immediate expediency, an overall scrutiny reveals a central design which ties them together. That was the concept of a sovereign Indian state which was to include the Creeks and the Cherokees, and later the Chickasaw and Choctaw nations. The new state was to possess its own armed forces strong enough to defend itself against the designs of Spain and the United States, an independent foreign

1. For more detailed accounts of Bowles's career see *The Authentic Memoirs of William Augustus Bowles, Esquire, Ambassador from the United Nations of Creeks and Cherokees, to the Court of London* (London, 1791); *Public Characters, or Contemporary Biography . . .* (Baltimore, 1803), 332-359; Albert James Pickett, *History of Alabama and Incidentally of Georgia and Mississippi, from the Earliest Period* (Sheffield, Alabama, 1896), pp. 410-413, 470-471; John Walton Caughey, *McGillivray of the Creeks* (Norman, 1938), *passim*; Merritt Bloodworth Pound, *Benjamin Hawkins, Indian Agent* (Athens, 1951), *passim*; Lawrence Kinnaird, "The Significance of William Augustus Bowles's Seizure of Pantan's Apalachee Store in 1792," *Florida Historical Quarterly*, IX (July, 1930-April, 1931), pp. 156-192; Arthur Preston Whitaker, *The Mississippi Question, 1795-1803* (New York, 1934), 162-175.

policy, and would prosper through breaking the commercial monopoly of Spain and the Panton, Leslie Company and opening its Gulf Coast ports to the commerce of the world.² In retrospect the project appears chimerical. It was completely opposed to the interests of Spain and would never have been tolerated by the United States. Many, and probably a majority of the Indians were indifferent or hostile to Bowles. Perhaps Bowles, himself, realized the impracticability of his project and was merely using it as a cloak for his personal ambitions in the Floridas. Nevertheless, the concept was a constant factor in his writings, talk and actions.

Just when the design was conceived is difficult to determine. Professor Kinnaird suggests that Bowles borrowed it from Alexander McGillivray.³ In any case it was not too long after the conference between the two chiefs in June 1788, that Bowles began to take steps towards its realization. After the failure of his first invasion of Florida in 1788-1789, he realized that success could only be achieved through the support and assistance of Great Britain, which nation, he knew, was sometimes willing to fish in troubled waters. In 1790, accompanied by several Creek and Cherokee Indians, he made his way to London. There he represented himself and his companions as an official deputation from the "United Nation of Creeks and Cherokees," petitioned the British government for recognition, requested certain commercial concessions, and suggested an alliance between Great Britain and the Indian nation. If Bowles had reached England before that country had settled her differences with Spain over Nootka Sound he might have encountered an atmosphere more favorable to the achievement of his maximum objectives. Even so, he was treated cordially, possibly because the British regarded him as a potentially useful tool

2. Lawrence Kinnaird, "The Significance of William Augustus Bowles's Seizure of Panton's Apalachee Store in 1792," *loc. cit.*, pp. 164-166.

3. Lawrence Kinnaird, "International Rivalry in the Creek Country, Part I. The Ascendency of Alexander McGillivray," *Florida Historical Quarterly*, X (July, 1931-April, 1932), 73.

should Spain and England fall out again, and left the country with permission for all vessels flying the flag of the Creek and Cherokee Nation to enter the free ports of the British West Indies.⁴

Upon his return to Florida in the autumn of 1791, Bowles took additional steps to implement his scheme. He arranged for his supporters to elect him "Director of Affairs of the United Nation of the Creeks and Cherokees," and in this capacity addressed a memorial to the Spanish government offering friendship and an alliance and demanding free ports for the commerce of his people.⁵ Bowles's diplomacy, however, was no match for Spanish duplicity. In 1792, Baron de Carondelet, governor of Louisiana, invited the Director of Affairs to New Orleans ostensibly to discuss the proposals that Bowles had made. Here he was arrested and confined.

During the next five years Bowles's plans were in abeyance. As a Spanish prisoner he was shunted from New Orleans to Havana, from Havana to Madrid, and from Madrid to the Philippine Islands. Then, while being transferred back to Spain in 1799, he exhibited his recuperatory powers by escaping in the British colony of Sierra Leone. Through the good offices of the governor, Bowles was able to reach London, where again he was well received. Here he arranged for passage to the British West Indies and in the fall of 1799 he was back in Florida accompanied by a motley group of European and American adventurers.⁶

4. Frederick Jackson Turner, ed., "English Policy," *American Historical Review*, VII (October, 1901-July, 1902), 726-735, 708. It is interesting to note that Francisco de Miranda, the noted Venezuelan precursor of independence was in London when Bowles arrived, and had been seeking British aid for a project somewhat similar in nature but considerably larger in scope than that of Bowles, that is the establishment of independent nations in Spanish America. Like Bowles, he was given just enough encouragement to stimulate his hopes and keep him available should England need a pawn in the conduct of her Spanish policy (Joseph F. Thorning, *Miranda: World Citizen* [Univ. of Fla. Press, 1952], 100-102).

5. Caughey, *op. cit.*, pp. 48-49.

6. *Ibid.*, p. 50; Edward Forrester to William Panton, Appalachee, October 16, 1799, in the Cruzat Papers, Florida Historical Society Library.

Bowles lost no time in resuming his empire-building. Early in 1800 the establishment of the sovereign "State of Muskogee" was announced, and plans were laid to incorporate not only the Creeks and Cherokees but also the Chickasaw and Choctaw nations. Bowles himself assumed the title of Director General, while certain of the foreigners who had accompanied him or who later joined him were naturalized and appointed to state positions.⁷ Shortly thereafter Muskogee opened hostilities with Spain, a nation which by this time Bowles had every reason to hate and fear. In accordance with international usage, however, Bowles was careful to issue a proper proclamation of war before beginning hostilities. The proclamation is herewith reproduced not only to describe the real or fancied grievances of Bowles and the State of Muskogee but to illustrate the pretentiousness of the Director General's plans.

BOWLES'S PROCLAMATION OF WAR⁸

Estifungalga, April 5, 1800

Whereas His Catholic Majesty has for many years past entertained evil intentions against this Nation and pursued measures every way injurious and hostile against us, Wantonly violating the Rights that belong to us as a free & Independent People, Has disregarded all remonstrance made by us to obtain redress, and induce him to abandon his unfriendly intentions against us, Has treated our representative with dissimulation and falshood [*sic*], Has suffered all good faith to be violated with impunity by his Governors in our vicinity. Has formed a treaty with the United States that clearly menifest the wick-

7. "A talk from the Chiefs of the Creek Nation to His Excellency the Governor Gen^l at New Orleans," Ochaulafau, October 5, 1802, Archivo General de Indias: Papeles de Cuba, Legajo, 2355 (transcript in the J. B. Lockey Papers, P. K. Yonge Lib. of Fla. Hist.). For example one, Richard Power (sometimes spelled Powers) became "Senior Officer of Marine" of the State of Muskogee, and one, William McGirth (sometimes spelled McGirt) was appointed "Commissary of Marine" and "Judge of the Court of Admiralty."

8. AGI:PC, Leg. 2372 (transcript in the Lockey Papers).

edness of his heart; that his intentions were to usurp the sovereignty of our Country and totally to destroy our name as a People: ⁹ To this end he has by his emissaries endeavoured to disseminate discord amongst our people and by the force of bribery and corruption to make a party in order to support and effect his diabolical designs. Ultimately in the month of February 1800 did with an armed force attack our town of Achackwheethle laid our houses in ashes, made prisoners of our people, and otherwise distressed us, ¹⁰ by blocking up our Ports, thus terminating all pacific negotiation by an open attack, which reduces us to the necessity of either taking up our arms to defend our sacred Rights; our Country; our every thing that is dear to us, or tamely surrender them (and ourselves) up forever to the despotic will of his Catholic Majesty.

We being now in special council met in order to consider of the present state of our Country, do declare that we have not given his Catholic Majesty any cause whatever to commence hostilities against us; That we view with abhorrence and detestation the wicked designs of his Catholic Majesty; That we will defend our Country and our Rights while Blood remains in our veins. That we now consider all pacific remonstrance as ineffectual.

Therefore we do determine, and are determined to take such measures as may be effectually necessary to defend our Country, to defend our most sacred Rights; to defend the

9. Bowles is no doubt referring to the Treaty of San Lorenzo (1795) which, among other provisions, established the boundary between the United States and Spanish Florida. Bowles claimed that the treaty ignored the claims of the sovereign Creek nation (Pound, *op. cit.*, p. 191).

10. When Bowles returned to Florida in 1799, the schooner *Fox*, which bore him and his companions, ran aground on the eastern end of St. George's Island. The crew and complement were evacuated and a temporary camp was established on the Ocklockonee River. In February, 1800, this establishment was surprised and destroyed by a detachment of two hundred Spanish troops, and Bowles, himself, narrowly escaped capture. (Whitaker, *op. cit.*, pp. 167-168). This was undoubtedly the incident to which Bowles was referring.

Honor of this Nation, and procure reparation and satisfaction for our injured Citizens.

Therefore be known to all Men, that WE THE DIRECTOR GENERAL OF MUSKOGEE In special Council met, for the reasons afforsaid do, by virtue of our authority and High office, as in duty bound declare war against his Catholic Majesty and his subjects and order that general reprisal be made both by Land and sea of the goods ships and subjects of his Catholic Majesty.

We order that this proclamation be duly proclaimed that all our beloved people may have due notice hereof, And we pray God the great disposer of all things who knows the wickedness of our enemies who knows the justice of our Cause to favor our exertions.

Given under our hand in council
at Estifungalga this 5th day of april
1800

WM A BOWLES

GOD SAVE MUSKOGEE

The following document gives some indication of the scope of Bowles's operations against the Spanish, of the affairs of the State of Muskogee, and of the grandiose nature of Bowles's schemes.

*Article on conditions in the "State of Muskogee" presented for publication in the Nassau Gazette*¹¹

Arrived from the State of Muskogee the State Schooner Mackisuky commanded by Richard Powers Esqr Senr Captn in the Marine of that State with Dispatches from his Excellency the Director general of that State for his Honor the governour & Dispatches also to be forwarded from hence for his Majesty's Ministers.

By this arrival we have received the following authentick

11. Cruzat Papers.

intelligence from that State which we hasten to offer to the Publick as we know that it may be relied upon & must be interesting.

That Genl Bowles the Director Genl of that State had succeeded in uniting all the Indians as one & extirpating entirely the parties formed by the Interest, Intrigues & influence of the Spanish Government aided by the American Agent Hawkins, whom for his Intrigues, & attempts to speculate on the poor Indians by seizing & appropriating to his own use, under colour of the Authority of the U.S. a very fine Shad & Mullet fishery & other attempts of a like nature the Indians have compelled to quit their Country.¹²

That through the good policy & conduct of the Director General, the utmost harmony has been established between the Americans & Indians insomuch that the most friendly intercourse now exists between them & bids fair for a continuance for ages. All jealousies & misunderstandings being done away.¹³

That a Supply of every necessary being procured from America & more coming in every day from thence the Director General had taken the Field with a very large army of Indians against the Spaniards, that very promising & fine young men from America were joining him in great numbers daily to serve as Volunteers under him agt the Spaniards, so great is the Publick wish & desire in America for a War with Spain, & that a

12. In October, 1799, Bowles issued a proclamation, aimed particularly at Hawkins, ordering the Indians to drive from their territories all persons holding commissions from the United States, and subsequently managed to stir up among the Creeks some distrust of the American agent. Hawkins, however, was never "compelled to quit their country." During the period 1799-1803, while Bowles was engaged in his nationalist project, Hawkins was very much present in the Creek country and was occupied with negotiations directed toward settling the controversy between the Indians and the United States over land titles (Pound, *op. cit.*, pp. 191, 194, and chapter x).

13. This is certainly pure propaganda. Although Bowles may have established amicable relations with individual Americans, he was officially *persona non grata*. In June 1801, Secretary of War Dearborn wrote to Hawkins ordering the apprehension of Bowles should he ever enter the territory of the United States, while Governor Jackson of Georgia denounced him as "a common plunderer and vagabond, and a common disturber of the peace of nations, . . . (*Ibid.*, p. 193).

great number of discharged British Soldiers & Seamen, Men of War men & Privateer's men, Officers & Privates are daily flocking to his Standard in numbers, insomuch that the State of Muskogee never had so respectable a Military force in the Field, the Nation being united & unanimous for prosecuting the War; added to which the vast number of Whites that have joined them, some of them Men of distinction & first rate Talents & all conspicuously eminent as brave men & Soldiers, so that in point of Talents, Discipline & numbers the Muskogee State has never had so powerful a force in the Field which bids fair to act with impressive energy and effect. The Main Body under the Genl himself is employed in the blockade of Fort St Marks together with two Gallies which are stationed there & which being blockaded in with the Fort must fall with it, this is certainly among the very few instances we know of a Body of men attacking & beseiging a Fort well provided with Men, Cannon & Ammunition with only Rifles, & small arms, the Indians having no Cannon, & intrenching themselves around so as to inclose the beseiged completely (thus are the Muskogees now situate & by this means did they take the Fort before) & must indubitably take it now also.¹⁴ The other Division of the Muskogee Army has marched to plunder, pillage & lay waste Augustine, from whence they have already brought a number of Prime Slaves & some considerable share of very valuable property, & will entirely lay waste & ravage that Country ere they withdraw from thence nor can Spain send any Troops to act agt them unless she wishes to sacrifice them which would be the case with any Troops who would enter their Country as they must bush

14. This is probably a reference to Bowles's seizure of Pantón's Apalache Store in January, 1792. The fort was not taken although the Spanish garrison was not strong enough to recapture the store (Caughey, *op. cit.*, pp. 49-50).

fight it with them, which no Troops in the World are equal to the doing with success.¹⁵

The Director Genl has also procured a small Navy & has taken several very valuable Prizes from the Spaniards already which has raised the National Spirit & Pride a good deal; the fastest Sailers among the Prizes are all fitted out as Cruizers & well manned under the command of good & experienced seamen, & the Dull Sailers with the Cargoes &ca are sold for the benefit of the Captors & the State. The Captain & Crew drawing two thirds of all Prize Money & the State one, & where any Prize Vessel is fitted out she is first valued by disinterested persons & the Proportion of the Captors agreeable to the above Dividend is paid by the State which Rule is followed with respect to all Vessels sent to cruise under the National Flag of Muskogee, the Vessel is first valued & the Owners secured therein by the State & then the Captn & Crew draw $\frac{2}{3}$ ^{ds} & the State One of all Prize Money which affords an immense wide field for an Adventurer in that line & many advantages not to be had in the service of any other Country.

The American frontier people will now have the same means of acquiring wealth in this War that the House of Panton & Co & the other Spanish frontier people had in the Muskogee War with America, namely purchasing up the Negroes, Property & Plunder that may be taken by the Muskogees which is certainly very great.

The other three great Indian Nations the Chactaws, Chicka-

15. Bowles exaggerated considerably the military might of the State of Muskogee. His "army" probably never exceeded four hundred men of which the majority were untrained and undisciplined Indians. Hawkins stated that his effective force consisted only of some sixty men, "more attentive to frolicking than fighting" (*Ibid.*, p. 192; Whitaker, *op. cit.*, p. 172). Bowles was, however, successful in his operation against San Marcos de Apalache. The fort fell on May 19, 1800, and the forces of the State of Muskogee managed to hold it for five weeks until a Spanish relief expedition forced their withdrawal (Mark F. Boyd, "The Fortifications at San Marcos de Apalache," *Florida Historical Quarterly*, XV [July, 1936-April, 1937], 20-21).

saws & Cherokees have entered into an alliance & confederation lately with the Muskogean,¹⁶ & have engaged to join them with a large body of Men to prosecute the War in the fall, added to all which that the Indians on the West Side of the Mississippi are extremely anxious to join in the War being very much dissatisfied & are every day sending in Runners with Talks on the subject so that should America break at this moment with Spain & declare War against her which from the disposition of the Western People is expected to take place momentarily, there being a strong fortified Camp forming on the N W Bank of the Ohio within Twenty miles of it's junction with the Mississippi the boundary line between the Territories of America & the Dominions of Spain to which Camp the flower & Strength of the American Army is drawn, so that some hostile operation is hourly expected which should it take place at this moment when the Indians, that hitherto powerful Bulwark to Spain, are in Arms against her all South America must immediately fall into the hands of the U.S. which would at once make them the most powerful Empire in the world & such is the general opinion now in the U S & such also is the general wish of all Classes of people there at present.¹⁷

Since the investing of Fort St Marks a proposition has been made by the Commandant to treat for Peace which was rejected at & by the general desire of the people. Some few

16. The participation of the Chickasaws, Choctaws and Cherokees in Bowles's schemes was purely nominal if it existed at all. The Creeks, themselves, were bitterly divided in their attitude toward Bowles and his activities. Many, and possibly a majority, were either hostile or indifferent, and what support he had existed mostly among the Seminoles and Upper Creeks (Pound, *op. cit.*, p. 194; "A Talk of the Creek Nation Respecting William Augustus Bowles," Tookaubatche, November 25, 1799, *Florida Historical Quarterly*, XI [July, 1932-April, 1933], 33-36).

17. There is no doubt that there was considerable resentment in the American West against Spain arising from such issues as restrictions on Mississippi River trade and also that a strong sentiment existed in the United States for relieving Spain of some of her territory in the New World. However, the scope of American designs and the imminence of operations against the Spanish are as usual greatly exaggerated.

days before the Investure of it, two or three Indians who for some time before were among those who were opposed to the War, having joined were prevailed on by the Genl to go into the Fort & see in what situation it was which they did & after staying two or three days brought away a vast number of Presents, & a full account of the number of men & provisions therein at that time which they did with wonderful accuracy as was afterwards found by the issuing Commissary who was shortly after taken prisoner.

Their improvement in Civilization, Agriculture, Commerce and Manufactures within these three years is truly astonishing and must be pleasing to the Philanthropist & are also anxious for having schools established among them, & having a new Constitution & Frame of Government which the Genl is preparing for them & all of which will be done when the War is ended; that employing all their time & thoughts at present.

[Endorsed in Thomas Forbes's hand]: Anonymous paper sent by Bowles to Mr Eve the Editor Nassau Gazette for publication - Rec^d at Nassau 4h March 1802. Copy - Mr Eve rejects the publication as mentioned under the Nassau head in his Paper of 5h March 1802.

The reader should be cautioned not to interpret some of the statements in the foregoing document too literally since the material was clearly designed for propaganda purposes. Nevertheless, the reports of the privateering operations of the State of Muskogee are substantially correct and these operations caused the Spanish, if not serious damage, at least considerable annoyance. The following documents deal with the preparation of the "State Cutter" *Tostonoke* under the command of Captain William Power for operations against Spanish shipping.

Commission of the Cutter Tostonoke ¹⁸

Estefunalga, June 22, 1802

God save the state of Muskogee

HIS EXCELLENCY WILLIAM AUGUSTUS BOWLES

Director General of Muskogee . . & . . & . .

To all People to whome these presents shall come greeting
Whereas His Catholic Majesty has for many years past entertained evil intentions against this state and pursued measures every way injurious and hostile to us, Wantonly violating those rights that belong to us as a free and independent People has treated our representative with dissimulation and falshood, has suffered all good faith to be violated with impunity by his Governors in our vicinity and disregarding all remonstrance made by us, did in the month of February 1800 unprovoked with an armed forse attack our Country laid our town of Achackwheethla in ashes, made prisoners of our people Blocked up our Ports and otherwise distressed us, previous to any declaration of War. We therefore finding all pacific measures terminated and our Country attacked determined to adadopt such measures as were necessary to defend our sacred Rights, to defend the honor of this state and procure reparation and satisfaction for our injured citizens therefore with the advise and consent of the supreme Council of Muskogee held at Estefunalga the fifth day of April 1800 declared war against his Catholic Majesty and his subjects.

We the Director General of Muskogee pursuant to an order in Council bearing date as aforesaid, do order that General reprisal be made both by Land and sea of the goods ships and subjects of his Catholic Majesty, We therefore do hereby appoint and fully commission the Cutter named Tostonoke, having on board one

18. AGI:PC, Leg. 2372 (transcript in the Lockey Papers).

Commander two Lieutenants and thirty men to procede and cruize on the high seas in a warlike manner and there by forse of arms to apprehend sieze and take the ships, goods and subjects of spain and bring the same to such of our Ports as may be most convenient in order that they may be legally adjudged and condemned in our Court of Admiralty according to the Laws. And we pray and desire all Kings; Princes; Potentates states and republics being our friend to give such aid and assistance in their Ports as may be needed We promising to do the like when by them required
 In witness hereof we do hereunto sign our name and cause our Seal to be affixed
 at our Head Quarters Estifungalga this 22d day of June
 1802

By his Excellencys Command

WM. A. BOWLES [rubric]

*Instructions to the Commander of the State Cutter Tostonoke*¹⁹

When you get on board the Cutter Tostonoke, you will proceed along the Coast to Este hache where you will examine well the entrance, & receiving our advice you will depart, keeping near the Coast, so that you may always gain the Shore if an Enemy of Superior force should pursue you, & endeavor to defend your Cutter. You will proceed by the Cedar Keys, & if you meet with English Vessels desire them to keep a strict look out, put on board the Dispatches with which we charge you, requesting them that in case they should be in danger of being taken by the Enemy previously to destroy them.

You then will agreeable to your Commission proceed along the Coast & apprehend all Vessels of the Enemy that you may meet. You will conduct them into the Delawar River where

19. Juan Madraz vs. Richard Power, Proceedings in the Court of Vice Admiralty of the Bahama Islands, March 31, 1802-May 29, 1802, Exhibit B, in the Cruzat Papers.

you will fix your Rendez Vous. You will dispatch to me advice of such apprehension with a particular Account of the Vessels property & Prisoners you may take. You will be particularly careful of the Prisoners that they do not escape & give advice of your Place of Rendez Vous to the Enemy, as you may perhaps be attacked before we can make the necessary arrangements for your Safety & Defense. You will have all the Effects not fit for the use of this Country, put in Condition to be shipped to some foreign Port. You will be particularly careful of the red Men I send with you, that they may be led by degrees to be fond of the service. In all other respects you will be directed by your own prudence & Judgement, complying always with your obligation and duty, which I here annex. So God give you a prosperous voyage.

[Signed] WM A BOWLES

Dr Genl of Muskogee

N B You will give all friendly assistance to Vessels belonging to any Power not at war with us should they require it of you, or stand in need.

The auspicious beginning and the unhappy outcome of Captain Power's expedition are described in the following documents.²⁰

In the Court of Vice Admiralty

Bahama Islands

To His Honor Charles Mackenin Esquire Judge
Surrogate of the Court of Vice Admiralty of the
Said Islands -

The Petition of Don Juan Madraz, of the City of
Havannah, Merchant,
Humbly Sheweth,

That your Petitioners' Fishing Schooner called the
Conception while in her usual occupation under the direction

20. *Loc. cit.*, Statements of the proctors for the petitioner and libellant.

of Francisco Canto the Master thereof in the Bay of Tampa, was on the sixteenth day of Decemr last past forcibly and piratically seized & taken possession of by an armed Boat under the Command of a certain Richard Power and other English & American Subjects associated with Some Creek Indians (as appears by two certain affidavits taken before your Honor yesterday Morning) notwithstanding Peace and Amity now happily subsists between His Britannic Majesty & the Most Catholic King, whose Subject your Petitioner is.

That the said Schooner Conception was, as the Actors alledged, taken possession & made Prize of under & by Virtue of pretended authority or Commission from one William Augustus Bowles a renegade English Subject, formerly a Military Officer in the Service of Great Britain, but then & now living & associated with the said Indian Savages, for the purpose of plundering the innocent & unprotected, under the pretence of a war existing between the said Savage Tribes of Indians and the King of Spain. That the said Richard Power hath since brought the said Schooner Conception to the Port of Nassau, together with her Cargo of Fish, where she was arrested by Order of His Excellency the Governor of this Colony for arming within the same contrary to the Law of Nations, & after being dismantled of her Guns & Warlike Stores dismissed from the Custody of the Commander of His Majesty's sloop Echo, & your Petitioner agreeable to the free course of Justice left to seek the recovery of his Property in the Ordinary way agreeable to the Laws of the Land, which in this Respect appertains to your Honors Jurisdiction.

May it therefore please your Honor to issue your Warrant (returnable at such time as you may appoint) in order to detain & keep the aforesaid Schooner Conception in safe Custody to answer the Premises, or untill good & sufficient Security is given therein. And further that your Petitioner as is usual in like Cases may be permitted to exhibit his Libel and Alle-

gation & to proceed in the Premises agreeable to the Stile & usage of this Honorable Court, & as to Justice appertains -

And he will ever pray -

Haven, Proctor for Petitioner

March 31st 1802-

Be it so, & make the warrant returnable on Tues next.

C. MACKENIN.

J.S.C.V.A.-

Bahama Islands
Don Juan Madraz Owner of
the Spanish Sr Conception &
Cargo in a Cause civil and
Maritime

Against
Richard Power in Special &
all others in general possess-
ing the said Schooner & Cargo

In the Court of Vice
Admiralty.
The answer & claim of Rd
Power Master of the said
Schooner lately called La
Guadaloupe, on behalf of him-
self, the State of Muskogee &
a certain John Devereux
Delacey, her Tackle apparel
Boats furniture & Cargo to
the Libel of the said John
Madraz admitted &

filed in this Honorable Court against the said Richard Power
in Special & all others in general possessing the said Schooner
& Cargo -

The said Claimant now & at all times hereafter saving
& reserving to himself all & all manner of benefit & ad-
vantage of Exception that may be had or taken to the
many Errors, Uncertainties & manifest insufficiencies in
the said Libel contained for answer thereto, or unto so
much thereof as he is advised is material or necessary for
him to make answer unto, he doth answer & say - That
about three years ago he became a Citizen of & entered
into the Service of the State of Muskogee commonly known
by the name of the Creek Nation - That the said Nation

being at open war & hostility with the King of Spain & his Subjects, on the fifteenth day of November in the year of Our Lord one thousand eight hundred & one he received a Commission from William Augustus Bowles the Director General of the said State (who was as this Claimant verily believes appointed to the said office by the said Nation & acknowledged as their Chief,) by which he was appointed Master & Commander of the State Cutter Tostonoke fitted out by the said State for the purpose of cruizing against the Enemies thereof, which Commission is marked A, & herewith exhibited. That he did accordingly shortly after his appointment to the Command of the said Cutter proceed on a Cruize with a Crew composed chiefly of Indians belonging to the State of Muskogee, having been previously furnished with instructions from the said Director General which are marked B and herewith exhibited, & did in the course of the said Cruize capture & make Prize of six Vessels belonging to the Subjects of Spain, only three of which were detained & condemned as Prize by a Court of Admiralty constituted by the said Director General; That the Schooner arrested by a process from this Honble Court & libelled by the name of the Conception is one of the said Vessels so taken from the subjects of Spain by this Claimant, in & with the said Cutter & condemned as lawful Prize. And this Claimant further answering says that he denies that the said Schooner was called the Conception but that the Spanish Name of the said Schooner at the time of her Capture was La Guadaloupe, and she was condemned under that name as appears by the Exhibit marked C herewith filed, to which he craves leave to refer. That he acknowledges one of the Vessels captured was called the Conception, but when he departed from the said State, she was lying in one of the Ports thereof called Port Power, & has a figure head. And this Claimant further answering says, that on the eighteenth day of January in the year of our Lord One thousand eight hundred & two,

he received an Order from the said Director General to take the Command of & hoist his Colours on board of such Vessels as should be taken into the service of the Government of the said State by the Commissary of Marine, for the purpose of carrying Dispatches to this Island, as appears by Exhibit marked D herewith filed. That the said Commissary did accordingly take into the service of the Government the said Sr La Guadaloupe, now called the Mackesucky, as appears by a Certificate from the said Commissary marked E herewith exhibited, & to which this Claimant craves leave to refer; & this Claimant in pursuance of directions received from the said Director General did take the Command of the said Schooner & proceed on his voyage to this Island with the before mentioned Dispatches, and a quantity of Dried Fish which had also been captured from the Subjects of Spain in the before mentioned Vessels, I also condemned as Prize, which Fish this Claimant sold to the before mentioned John Devereux Delacey since his arrival in this Port, and received two notes of hand for the payment of the Purchase Money amounting to one thousand four hundred dollars, but the same not being delivered out of the said Schooner, were likewise arrested by the Order of this Honorable Court at the suit of the said Libellant. And this Claimant further says that he conceives the Creek Nation which compose all the Inhabitants of de State of Muskogee, except a few whites who have been living among them many years, and others who have lately become Citizens of the said State, are a free and Independent People, & have been so acknowledged by a solemn Treaty between them & the United States of America, & have the right of making War & Peace, & consequently to confiscate & hold & enjoy the Property of their Enemies when taken in open war, in the same manner as is done by the most civilized Nations when at war with each other.²¹ Wherefore the said Richard

21. It is not clear which treaty Power was citing. A number of agreements had been made between the Creek nation and the United States,

Power claims the said Schooner as the Property of the said State & of right to belong thereto, & the Cargo of Fish as the Property of J D Delacey, & that the said Schooner together with her Tackle apparel Boats & Furniture, & the said Cargo may be restored to him by the Decree of this Honorable Court in the same plight and Condition as when arrested by the process from this Honorable Court, & that he may be dismissed with his reasonable Damages Costs & Charges in this Behalf unjustly sustained

KERR, Proctor for Claimant

The above named Richard Power being duly sworn Saith that the Facts & Circumstances stated & set forth in the foregoing answer & Claim so far as concern as the act or Deed of this Deponent are true of his own knowledge, & that which relates to the Act or Deed of any other Person therein named, he verily & in his Conscience believes to be true.

Signed, RICH^d POWER

Sworn to before me
the 16th April 1802

(Signed) P BROWN, Regr c v A

*Condemnation of the Schooner Guadaloupe by the Court
of Admiralty of the State of Muskogee* ²²

State of Muskogee

Know all Men by these Presents that I William McGirth Judge of the Court of Admiralty of the State aforesaid, upon the application of Captain Richd Power against the Spanish Schooner La Guadaloupe, and her Cargo consisting of Salt & Fish, Prize to the States Cutter Tostonoke, whereof he is at

among which the Treaty of New York (1790), and the Treaty of Coleraine (1796) were the most important. Negotiations, however, were concerned primarily with the clearing of land titles rather than political jurisdiction, and none of the treaties recognized the claims of full sovereignty made above (Caughey, *op. cit.*, pp. 40-46, 273-276; Pound, *op. cit.*, Chaps. V, X).

22. Juan Madraz vs. Richard Power, *loc. cit.*, Exhibit C.

present Master, & upon the Testimony of Francis Hill & other Spaniards proving her to be the property of Subjects of the Crown of Spain, I do therefore adjudge & condemn her the said Schooner La Guadaloupe together with her Cargo of Fish & Salt, Sails, Rigging &ca as good prize to the States Cutter Tostonoke, Captain Richard Power

Given under my hand & Seal of Office
this 3d day of Feby 1802
Signed, WM. MCGIRTH

*Incorporation of the Schooner Mackisucky into the service
of the State of Muskogee*²³

In conformity to the superior order transmitted to me by His Excellency the Director General of Muskogee bearing date at Head Quarters the 18th instt directing that a proper Vessel be taken into the Service of the Government of the State aforesaid, for the purpose of going & carrying to Nassau in the Island of New Providence, Dispatches for the Governor of the Bahamas, from His Excellency the Director General. Therefore be it known to all men to whom these presents shall come that the Schooner Mackisucky is taken into the Service of Government agreeable to the Order aforesaid of His Excellency the Director General, & to proceed to Nassau in the Island of New Providence under the Command of Richard Power Esquire a Citizen of Muskogee, & Senior Captain Commander of marine in the Service of said State of Muskogee, & is entitled to all Honors and Distinctions that might or should be paid to a Vessel of War belonging to the aforesaid state of Muskogee, which I do hereby certify.

In witness whereof I do hereunto set my hand
and affix my Seal the 30th day of Jany AD 1802
Signed, WM MC GIRTH
Commissary of Marine for the
State of Muskogee

23. *Loc. cit.*, Exhibit E.

The decision of the court, which constitutes the last and the most important document in this series,²⁴ in effect placed the operations of the marine forces of the State of Muskogee outside the law of nations, particularly when the decision was rendered by a public official of the nation upon which Bowles had relied for support and assistance.²⁵ Moreover, the comments of the judge rather effectively deflated the pretensions of Bowles and placed his attempt to create a sovereign Indian state in its proper perspective - that is, as a daring but foredoomed filibustering enterprise.

Decision of the Court

CONCEPTION

The Party Libellant has evidently failed in his Suit, so far as his own particular Interests are concerned, in as much as it has been satisfactorily shewn that the vessel prosecuted is not the one intended by the Libel, & therefore were this the only subject for Decision, the cause would necessarily be dismissed, according to the Prayer of the Claimant. The Case however involves other considerations, & these are of an import, so likely in their consequences, to affect the relative situation of Great Britain & Spain, that it is my duty not to overlook them; but, while interposing the authority of this Court, in order that substantial Justice may be rendered to an unknown Individual, to declare what, to the best of my Judgement, I conceive to be the mutual Rights & Duties of the Two Nations on this particular point.

It seems that this Vessel, the Property of Spanish Subjects, while engaged on a fishing Voyage on the Western side of the Peninsula of Florida, was forcibly taken possession of on

24. Juan Madraz vs. Richard Power, *loc. cit.*

25. At least partially as a result of the representations of Panton, Leslie and Company, the British Government had abandoned any pretense of support for Bowles, and the various colonial governors had been instructed to refuse to give him any encouragement or assistance (John Leslie to William Panton, London, February 26, 1799, Gordon to William Panton, London, March 11, 1800 [transcripts in the Lockey Papers]).

the 16th day of December last by some white Men associated with the native Indians, & carried into one of the Numerous Ports there, that this was done by the authority of a certain William Augustus Bowles, Stiled in the Documents "Director General of the State of Muskogee," then as it is said, at war with His Catholic Majesty, who, after a Condemnation of the Vessel as Prize in a Court of Admiralty, (as it is termed) erected and constituted by himself, has commissioned her as a Vessel of War, appointed the Claimant, "William Powers Esquire Senior Officer of the Marine" (such are his Titles) to the Command of her, & dispatched her to this Port, where, being recognized, she has been duly arrested & proceeded against. Under this statement it is very natural on the first impulse to be solicitous for more detailed information than I can discover concerning this Mr Bowles, who thus, in a Stile & in forms altogether foreign from the known habits of Indian Savages, & in a language not their own claims & exercises all the Rights of Sovereignty; because it surely cannot be expected that on the mere ipse dixit of this Person, or of any other; & on the production of a few papers stiled Original Documents, I am ex gratia or as a matter of course, to recognize him as the legitimate Chief Magistrate of a State acknowledged to be one in the Great Community of Nations. But conceding to Mr Bowles the Character he has assumed, it would have been but prudent & proper to have assured himself, & me also, that the Source from which he derives, or pretends to derive, his Authority, had been acknowledged by Great Britain, as well de facto as de jure, competent to the full & complete exercise of the right here asserted; otherwise, by whatever Means he may have attained to this Elevation, it can avail him nothing in this Court. And upon this, which is a mere matter of fact, does this Case, I apprehend, wholly turn. How far in this, as well as in many other respects, the Conduct of Europeans is consistent with natural Justice, or the natural Rights of the unfortunate Aborigines of newly discovered, or

newly Colonized Countries, I will not pretend to enquire, but it has been & is a notorious feature in the policy of all European States, to treat & consider them as living under the protection, & as dependent on the Sovereign or Nation who possesses the Sea Coast. Whether any or what particular Conventions on this Point exist, my sources of information do not enable me to assert, but such has been the prevalence of this Policy, & so long as this Rule of Conduct obtained, that I fear no Contradiction when I say, that it perfectly justifies me in holding it up as having become a part of the Voluntary or rather of the Customary Law of at least European Nations - Irrelevant therefore do I take all the Arguments touching the Sovereignty of the Creek Nation, & the consequences to be deduced therefrom to be, so long as it is admitted that they inhabit Territories, of which the Shores are possessed by an European State. The Creeks or as they are termed in this Process, the Muskogees, dwell in the Interior part of the Spanish Colonies of East & West Florida, Colonies once possessed in full Sovereignty by Great Britain, & ceded & guaranteed to the former Power at the Peace of 1783, with all the Rights that she herself ever possessed, among which every British Subject knows that the sole & exclusive management & direction of these very Indians was one. Hence & from a conviction that general acquiescence & long usage have established as a general Rule, that in their respective Colonies no interference with the Native Tribes inhabiting within the acknowledged limits thereof is permitted nor any countenance or protection, direct or indirect, in their attempts to remove their subjection, can be shewn without a violation of existing amity. I cannot hesitate in applying it to this particular Case, nor, until, I am otherwise directed, can I in this Court make any legal distinction between a Spaniard and an Indian. They are equally Inhabitants of the Spanish Territory, & this Court is, in my apprehension, bound to sustain the Claim of the liege Subjects of His Catholic Majesty to their property

found within its Jurisdiction, of which they have been forcibly deprived under pretext of Hostilities carried on against their Sovereign by either One or the other - And such would have been my Decision had the parties appeared here in the pure Indian Character, or had many points been proved which certainly have not. For instance, it has not been proved that the Creek confederacy is at open War with Spain, neither has it been shewn that at this time any one Chief has been intrusted with the supreme direction of their Affairs, much less that Mr Bowles has been elected to fill that Station. It has not been shewn that Mr Bowles possesses in the Town where he resides the authority he pretends to exercise throughout the whole Confederacy: Even this Mr Powers, who has been three years, he says, a Citizen of this New Republic, only speaks to His Belief, & Mr James Devereux Delacey, the other Claimant, a Citizen too I presume, of the same State, takes effectual Care to keep all his knowledge to himself. In fact from the Circumstances detailed in the proceedings, aided by the general knowledge we possess of Indian Manners & habits, I confess I draw a very different conclusion, & it amounts to this.

[Judge Kelsall's Summary]

That a White Man the Subject of some State in Amity with Spain, has taken up his abode in the Indian Town of Missassucky or Mickasuky in Florida, that there countenanced by the Chief of that Town (the Inhabitants of which are carrying on the Common Species of Indian Warfare against the Spanish Settlers, the Motive & object of which is Plunder, & to which it is as probable or not that they have been excited by this very Individual,) he has by employing Europeans or Americans, extended this predatory System to the Capture of Spanish Property at Sea. As an Individual I may smile at the assumption of titular Dignity by this Person, at his Courts, his State Offices, his officers, & Orders, & still more at the gravity with which these & other matters were

pressed on my attention; but, as a Judge, when I see this Mockery of European Forms perverted to the worst of purposes, I feel it becoming my Station to reprobate as most preposterous this attempt to rank this Mr Bowles, & a few Needy restless or unprincipled adventurers, issuing from the Creeks & Bays of Florida to Spoil, & possibly to kill the defenceless Spaniard, as possessed of the Rights of Sovereignty, & waging public War in all its legitimate forms. As if it were not deemed sufficient to encourage the already too great propensity of these unfortunate Aborigines to fall upon the white settlers in the manner they are accustomed to, & which, by its being confined to the Frontiers is less afflicting to humanity, but that their habitations are to be rendered the asylum of every restless or bold bad man, & their Name used as a pretext for sending forth on the Great Highway of Nations, the wide & open Sea a band of European Ruffians, who, with force as the Measure of right, & their will their only law, are not likely to confine their depredations to one particular Flag. Is this a State of things to be sanctioned by a British Court of Justice, because a few Scraps of paper, called original Documents, are produced? What would it be, were this allowed, but to lay the foundation in this Western Hemisphere of Powers more to be dreaded than Algiers or Tripoli, because not coerced & restrained by the same strong Arm of Despotism? Would it be consistent, not with the common feelings of our Nature, for our fellow Creatures, nor with the strong impulse of our Moral Sense, but with the plain dictates of Ordinary policy, to view with Apathy & indifference the precedent here attempted to be made? For my part I consider myself called upon by every principle of Reason, of Justice & Policy & by positive law to reject the pretensions of this Mr Bowles and his adherents; and I dismiss the Claim accordingly with Costs. The Vessel & Cargo must be sold & the proceeds lodged in the Registry for the benefit of the unknown Owners, subject to the further Order of the Court.

Signed / JOHN KELSALL.