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STRIVINGS FOR SOVEREIGNTY:
ALEXANDER MCGILLIVRAY,
CREEK WARFARE, AND DIPLOMACY,
1783-1790

by THOMAS D. WATSON*

THE OUTCOME OF THE American Revolution left the Creek confederacy in a perilous state. Most Creeks had sided with the British and were dismayed when they learned in 1783 that Britain had bought peace largely at their expense. Alexander McGillivray, the half-breed Creek, spoke for his people when he conveyed their anger to British authorities at finding their "country betrayed . . . and divided between the Spaniards and Americans."¹

Providentially for the Creeks, however, the manner in which the British divided the Old Southwest left the Indians some chance for preserving their independence. In dealing with the United States, Britain agreed to set the boundary of West Florida between the Chattahoochee and Mississippi rivers at the thirty-first parallel. But in dealing with Spain, Britain recognized the conquest of West Florida and retroceded East Florida to Spain.²

Spain, meanwhile, had demonstrated notorious, but well-founded, concern over the menace of "restless Americans" to the security of Louisiana and West Florida. In 1782, Spanish peace-makers in Paris connived without success to frustrate American ambitions for a western boundary along the Mississippi. Having failed, the Spaniards chose to ignore the West Florida boundary provisions of the United States-British treaty of 1783, preferring to challenge American territorial claims at another time and place.³

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1. Alexander McGillivray to Thomas Brown, August 30, 1783, Colonial Office Group, Class 5, Piece 82, p. 405, Public Record Office.
2. J. Leitch Wright, Jr., *Florida in the American Revolution* (Gainesville, 1975), 122-23; James F. Doster, *Creek Indians: The Creek Indians and Their Florida Lands, 1740-1823*, 2 vols. (New York, 1974), I, 35-36.
3. Arthur Preston Whitaker, *The Spanish-American Frontier: 1783-1795. The Westward Movement and the Spanish Retreat in the Mississippi Valley* (Boston, 1927), 9-13.

The challenge came in 1784 when Madrid proclaimed a greatly expanded version of the limits of West Florida: eastward to the Flint River and northward to the Tennessee and Ohio rivers. It was more than mere coincidence that the Spanish claim encompassed the lion's share of the southern Indian tribal domains. Spain intended to extend its hegemony over the Chickasaws, Choctaws, and Creeks, the actual holders of the disputed lands. Tribal attitudes toward the rival claimants, it appeared, would decide which would prevail.⁴ International rivalry in turn abetted Alexander McGillivray's strategy for preserving Creek independence.

McGillivray's career as an Indian leader is unique. His mother was Sehoy Marchand, half-Creek, half-French, and a member of the politically entrenched Wind Clan. His father was Lachlan McGillivray, a Scottish Indian trader who eventually amassed a large estate in Georgia. The time of Alexander's birth is uncertain, and possibly 1759, the commonly accepted year, is somewhat later than the actual case.⁵ As a youth he received an excellent liberal education in Charleston. Serving an apprenticeship in two Georgia mercantile firms, he found the mundane existence of a counting room clerk held little appeal for him.⁶ By 1776 Alexander McGillivray had returned to his native Creek village, Little Tallassie, where the fortunes of war thrust him into service as a British Indian agent.⁷ Wartime experience, his educa-

4. *Ibid.*, 24-26, 69.

5. The present consensus follows John Walton Caughey's judgement in *McGillivray of the Creeks* (Norman, 1938), 13, that he was born in 1759. This revises the belief of Albert James Pickett, *History of Alabama and Incidentally of Georgia and Mississippi, from the Earliest Period* (Birmingham, 1896), 344, that Alexander was born about 1745. Whitaker, "Alexander McGillivray, 1783-1789," *North Carolina Historical Review*, V (April 1928), 181, speculates that he was born in either 1746 or 1759. An eighteenth-century account claims he was ten years old when he arrived in Charleston "about the year 1749." See "From the Charleston City Gazette of *Alexander M'Gillivray*," *American Apollo*, vol. 1, no. 4, pt. 2, 1792, 35. Doster notes a recorded statement by Lachlan McGillivray giving McGillivray's birth date as December 15, 1750 (James F. Doster to William S. Coker, September 9, 1977). Mary Ann Oglesby Neeley, "Alexander McGillivray, Diplomatic Leader of the Creeks: 1783-1795" (M.A. thesis, Auburn University, 1973), 13, sets the birth year as 1758 or 1759.

6. "Of *Alexander M'Gillivray*," 35, names George Sheed and William Henderson as two of McGillivray's mentors.

7. J. H. O'Donnell, "Alexander McGillivray: Training for Leadership, 1777-1783," *Georgia Historical Quarterly*, LXIX (June 1965), 175-82.

tion, and his maternal kinship ties with the Wind Clan prepared his rise to eminence as the acknowledged representative of the Creeks and a skilled diplomatist.⁸

Adversity and accomodation thereto initiated McGillivray's career as a leader. The Spanish capture of Pensacola in 1781 severed the most direct lines of contact between the major Creek settlements and the British. The situation worsened in 1782 when British troops evacuated Savannah and Charleston, leaving only East Florida under British control in the southern theater. Delegations from the southern tribes streamed into St. Augustine during the winter of 1782-1783 to seek assurances of continued British protection and support.⁹

Governor Patrick Tonyn and Indian Superintendent Thomas Brown reassured the Indians as best they could, urging them to keep the peace until the British regiments returned. It was then widely speculated that a British campaign against West Florida was imminent.¹⁰ The English officials also endorsed the intentions of Panton, Leslie and Company to open an Indian trading post in the environs of Apalachee Bay. The store, it was hoped, would give the trade-starved Indians better access to the British goods upon which they had become utterly dependent.¹¹

Early in the summer of 1783 McGillivray learned that Georgia intended to exact an enormous tract of hunting land as the price for forgiving Creek hostility. In response, he placed the Creeks on a wartime footing and requested British weapons for defense. Soon afterwards he learned that the British had yielded both Floridas to Spain. McGillivray indignantly insisted to Brown that the Creeks had a right to British protection inasmuch as their

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8. Michael D. Green in his unpublished manuscript, "'Alexander McGillivray," 2-3, states that the Creeks referred to McGillivray as "Itsi Atcagagi Thlucco, Great Beloved Man, a title which conveyed respect both for him and his advice." He points out that the Wind Clan was the most prestigious of all Creek clans because it "supplied a heavy proportion of the highest ranking officials in civil government," a condition that endowed McGillivray with "clan kinsmen in influential positions all over the nation." Green's mss. is forthcoming in David Edmunds (ed.), *Perspectives of American Indian Leadership*, University of Nebraska Press.
 9. Thomas D. Watson, "The Troubled Advance of Panton, Leslie and Company into Spanish West Florida," *Eighteenth Century Florida and the Revolutionary South*, ed. by Samuel Proctor (Gainesville, 1978), 68.
 10. Wright, *Florida in the American Revolution*, 120.
 11. Watson, "Troubled Advance," 69-70.

past support of the English had created their present woes. Brown suggested that McGillivray apply to the Spaniards for assistance; they also were acutely sensitive to the American threat.¹²

William Panton, a senior partner in Panton, Leslie and Company, gave McGillivray similar advice and explained that the firm was attempting to gain Spain's blessing to engross the southern Indian trade. Success depended on convincing the Spaniards that the company's services were indispensable for keeping the Indians economically, and thus politically, free from American domination. Panton valued McGillivray's endorsement highly enough to offer him a twenty per cent share of the profits.¹³

The Treaty of Augusta, concluded in November 1783 between Georgia and pro-American Creek factions, added compulsion to the advice of Brown and Panton. The treaty awarded Georgia around 1,000 square miles of Creek lands situated between the Tugaloo and Oconee rivers. McGillivray declared the treaty invalid because it had been signed under duress and then only by two disgruntled minor chiefs who lacked a mandate to speak for the entire Creek Nation.¹⁴ Tradition required "unanimous" consent for the alienation of lands belonging to the Creek confederacy.¹⁵

In January 1784 McGillivray formally solicited Spanish support. As a "free Nation," he wrote Governor Arturo O'Neill in Pensacola, the Creeks had a right to choose their own protector.¹⁶ Spain complied readily. In May, Governor Esteban Miró and Intendant Martín Navarro of Louisiana, O'Neill's superiors, negotiated with a Creek assemblage in Pensacola. The resulting treaty placed the Creeks, whom Navarro described as "the most warlike nation on this continent," under exclusive Spanish protection.¹⁷ The Creeks promised to trade only through Spanish out-

12. *Ibid.*, 73.

13. *Ibid.*; Petition of Plaintiffs, in *D. W. Johnson et al v. John Innerarity et al*, Louisiana Supreme Court, case no. 1156 (1825).

14. Randolph C. Downes, "Creek-American Relations, 1782-1790," *Georgia Historical Quarterly*, XXI (June 1937), 143-44.

15. Doster, *Creek Florida Lands*, 42.

16. McGillivray to Arturo O'Neill, January 1, 1784, cited in Caughey, *McGillivray of the Creeks*, 64.

17. Martín Navarro to José de Gálvez, July 24, 1784, Archivo General de las Indias (hereinafter cited as AGI), Papeles de Cuba (hereinafter cited as PC), legajo 633, reel 2, Elizabeth Howard West Papers, P. K. Yonge Library of Florida History, University of Florida.

lets, and Spain agreed to arrange a steady trade for the Creeks at moderate prearranged prices. Before departing, Miró, impressed with McGillivray's abilities, commissioned him as the Spanish agent to the Creeks.¹⁸

But Panton and McGillivray could obtain neither permanency for Panton, Leslie and Company nor a monopoly over the lucrative southern Indian trade. All that the company initially received was permission in 1785 to trade with the Creeks through Pensacola on an interim basis. The Spanish court intended to dispense with Panton's services as quickly as a suitable Spanish replacement could be found.¹⁹

However, this failure was not apparent at the conclusion of the Pensacola treaty congress. Accordingly, in June 1784, McGillivray informed Governor John Houstoun of Georgia that the terms of the Treaty of Augusta were unacceptable to "the spirit of a free nation" and warned that to encourage the settlement of the disputed lands was to invite warfare.²⁰ McGillivray ordered all Georgian traders to vacate Creek towns shortly thereafter.²¹

Later in the following year the United States Congress sent commissioners to treat with the southern tribes in order to counter Spanish diplomatic successes. At the last moment, however, McGillivray persuaded most Creek chiefs of high rank to boycott the meeting. The snub resulted from Georgia's announcement that state representatives also would be present at Galphinton, the designated meeting place, to initiate the marking of the boundary stipulated in the Treaty of Augusta. On November 11, 1785, the congressional commissioners, unwilling to negotiate with the small, unrepresentative group of Creeks in attendance, departed. The Georgians remained and concluded another treaty, one that not only confirmed the land cession made at Augusta, but also gained for Georgia the Creek lands lying between the Altamaha and Saint Marys rivers.²²

18. Jack D. L. Holmes, "Spanish Treaties With West Florida Indians, 1784-1802," *Florida Historical Quarterly*, XLVIII (October 1969), 140-42.

19. Watson, "Troubled Advance," 71-72, 78-82.

20. Downes, "Creek-American Relations," 148.

21. McGillivray to Charles McLatchy, October 4, 1784, East Florida Papers, Library of Congress, bundle no. 116L9, reel 44.

22. Downes, "Creek-American Relations," 150-52. Texts of the treaties referred to herein appear in Linda Grant De Pauw (ed.), Charlene Bangs Bickford and La Vonne Marlene Siegel (eds.), *Documentary History of the First Federal Congress of the United States of America, March 4,*

In the following April a Creek war council resolved to drive all encroaching Americans off Indian hunting lands. War parties moved swiftly through both Georgian and Cumberland settlements, attacking backwoodsmen, burning farmsteads, and destroying crops and livestock. McGillivray reported the raids to Governor Miró after the fact. "To prevent future evil being the general policy of all Nations," the Creek leader wrote, "it was our duty to check the Americans in time before they got too Strong for us to contest with them." He asked for a large supply of ammunition, observing that the Americans would probably misinterpret the Creek action as a "declaration of war."²³

Miró at first honored McGillivray's request for ammunition, a decision that received the approval of the Spanish court. As the hostilities intensified, however, Miró's faith in the wisdom of supporting Creek warfare diminished. If unchecked, the Creeks might goad the American states into some formidable combination capable of overwhelming the Creeks and perhaps embroiling Spain in a war. Consequently, early in 1787, Miró began slowly curtailing the arms flow and hinting to McGillivray that he should make peace.²⁴ But for the moment the Creek leader chose to ignore the Spanish governor's chidings.

At first Georgia determined to deal with Creek hostilities through all-out war; But the state's treasury was empty, and solicitations for outside assistance produced meager results. Lacking alternatives, Georgians chose to summon Creek representatives to Shoulderbone Creek and cow them into submission with a massive show of force. The same pro-American Creek factions attended the discussions conducted in the presence of a large and threatening body of state militia. The new treaty, concluded in November 1786, confirmed the land cessions made in the earlier treaties, required the Creeks to make in-kind satisfaction in expiation for the shedding of Georgian blood, and permitted the state to hold five hostages as a guarantee of compliance with its terms.²⁵ Ac-

1789-March 3, 1791, 2 vols. (Baltimore, 1972-1974), *Senate Executive Journal and Related Documents*, II, 165-83.

23. McGillivray to Esteban Miró, May 1, 1786, cited in Caughey, *McGillivray of the Creeks*, 109-10.
24. Miró to O'Neill, March 24, 1787, cited in Caughey, *McGillivray of the Creeks*, 145-46.
25. Downes, "Creek-American Relations," 154-57; De Pauw, *Senate Executive Journal*, 180-82.

ording to McGillivray, the Georgians intended that he and six of his more ardent supporters should be executed to cancel the "blood debt."²⁶ Many Georgians believed that the treaty removed the need for a costly war, but in reality the harsh dealings at Shoulderbone Creek united the Creeks and strengthened the anti-Georgian factions.²⁷

The United States Congress, attempting to interject a calming influence in Indian affairs, named Dr. James White as southern Indian superintendent. In April 1787 White met with McGillivray while attending a council of the Lower Creek towns. Although the United States representative urged reconciliation with Georgia, he found the Indians to be of a single mind: Georgia would have no peace until it relinquished its claims to Creek lands.²⁸

In private dealings with McGillivray, White discovered that the Creek representative's antipathy was concentrated mostly against Georgia. McGillivray disclosed that he considered the United States to be the "most natural" ally of the Creeks and intimated that they had turned to Spain as the only recourse for defending themselves. He proposed that if Congress should create a new state south of the Altamaha, he would become its first citizen and would also permit Georgia to keep the disputed Oconee lands. McGillivray agreed to a temporary truce while awaiting the decision of Congress on his offer.²⁹

The truce, shaky at best, expired in August. The Creeks then launched forays into the backwoods of Georgia that continued well into 1788. Despite the heavy damage and mayhem, Georgia, suffering a severe financial crisis, was unable to defend its frontier. The state appealed to Congress for assistance; Congress created another peace commission in response. McGillivray answered the peace overtures of the United States by making the restoration of the Oconee lands an "indispensable preliminary" to any discussions.³⁰ Finding this demand unacceptable, but also

26. McGillivray to Thomas Pinckney, February 26, 1789, cited in *American State Papers*, 38 vols. (Washington, D. C., 1832-61), *Indian Affairs*, Class II, 2 vols., I, 19-20. (Hereinafter cited as ASPIA.)

27. Downes, "Creek-American Relations," 157.

28. Proceedings of the meeting of the Lower Creeks, April 10, 1789 [*sic*], ASPIA, 22-23.

29. James White to Henry Knox, May 24, 1787, ASPIA, 21.

30. McGillivray to Richard Winn, Andrew Pickens, and George Mathews, August 12, 1778, ASPIA, 29.

realizing the cost of war prohibitive, the congressional representatives negotiated a series of postponements and truces, ostensibly to allow time for the federal government, recently sanctioned by the ratification of the United States Constitution, to commence operations.³¹

McGillivray privately welcomed the respite. Governor Miró had long since made it abundantly clear that fresh supplies of Spanish arms would be withheld except in the event of an American invasion. The Spaniard also had begun to insist that McGillivray make peace with his enemies while scrupulously avoiding any violation of the terms of the Treaty of Pensacola.³² Moreover, Panton, irritated with bothersome Spanish trade restrictions, and doubtful of gaining permanent status, appeared to be on the verge of leaving the Floridas.³³

Wavering Spanish support and unstable trading conditions caused McGillivray to develop great concern. It seemed only a matter of time before Georgia would discover the predicament the Creeks were in and make them pay dearly for peace.³⁴ He began to entertain notions of ceding the Oconee lands in exchange for a guaranteed corridor to the Atlantic below the Altamaha. Rumors spread from Creek sources into the Floridas and Georgia that Panton would soon leave Pensacola in order to locate on the Atlantic coast, from where he could trade with the Creeks at lower prices.³⁵

At this juncture, deliverance seemingly appeared among the Creeks in the person of William Augustus Bowles. During the Revolution Bowles had served as a junior officer in a Loyalist regiment; he also had found time for a sojourn among the Lower

31. Downes, "Creek-American Relations," 167-72.

32. Miró to O'Neill, March 24, 1787, O'Neill to Miró, May 21, 1787, Miró to McGillivray, July 3, 1788, cited in Caughey, *McGillivray of the Creeks*, 145-46, 152-53, 187-88.

33. Thomas D. Watson, "Continuity in Commerce: Development of the Panton, Leslie and Company Trade Monopoly in West Florida," *Florida Historical Quarterly*, LIV (April 1976), 558-60.

34. McGillivray to O'Neill, August 17, 1787, cited in Caughey, *McGillivray of the Creeks*, 191-93.

35. McGillivray to Panton, September 20, 1788, *Johnson v. Innerarity*; McGillivray to Panton, May 20-21, 1789, Archivo Nacional de Cuba, leg. 1, expediente 5, no. 6, Panton to McGillivray, June 7, 1789, Archivo Nacional de Cuba, leg. 1, exp. 7, box 5, West Papers; O'Neill to Miró, June 4, 1788, *ibid.*, July 28, 1788, *ibid.*, September 10, 1788, AGI, PC, leg. 1394, in Joseph Byrne Lockey Collection, P. K. Yonge Library of Florida History (cited hereinafter as Lockey Collection).

Creeks between periods of service. He eventually drifted to the Bahamas after the war. Bowles had followed the Creek-Georgian conflict with keen interest during his postwar meanderings.³⁶

Upon his arrival in West Florida among the Lower Creeks, Bowles pretended to be a British officer sent to assist them in their time of need. Actually he represented a politically entrenched Bahamian cabal interested in supplanting Panton, Leslie and Company in the West Florida Indian trade.³⁷ At first McGillivray accepted Bowles and his promises of manpower and weapons in abundance at face value. In disclosing the offer to Miró, McGillivray remarked that the governor should not interpret an acceptance of outside assistance as disloyalty to Spain. Miró should understand that the security of the Spanish provinces under his care was "deeply Involvd [sic]" in the establishment of an "Independent [Creek] Nation."³⁸ To Panton, McGillivray insisted that he had a right to accept the largesse of the "Grand Turk" or for that matter any other power at peace with Spain. "We are a free people and mean to continue so."³⁹

Various Spanish officials, Panton, and his associates communicated with McGillivray, warning him of Bowles's sinister designs against the company.⁴⁰ Miró anxiously reversed the Spanish position and promised renewed support-including arms-of Creek political objectives. These efforts, plus Bowles's inability to deliver on his promises, brought McGillivray back into the Spanish fold.⁴¹ But his trust in Spain, which was never too great, remained eroded from the Spanish "betrayal."

George Washington assumed his duties as President in April 1789. Little time lapsed before he and Secretary of War Henry Knox turned their attention to the problem of Indian discord. The President appointed new and presumedly impartial commissioners, David Humphreys, Benjamin Lincoln, and Cyrus Griffin, to deal with McGillivray and the Creeks. The appointees

36. J. Leitch Wright, Jr., *William Augustus Bowles: Director General of the Creek Nation* (Athens, 1967), 6-23.

37. *Ibid.*, 24-34.

38. McGillivray to Miró, August 12, 1788, cited in Caughey, *McGillivray of the Creeks*, 194.

39. McGillivray to Panton, September 20, 1788, *Johnson v. Innerarity*.

40. For example, Vizente Manuel de Zéspedes to McGillivray, October 8, 1788, cited in Caughey, *McGillivray of the Creeks*, 202-04.

41. Miró to McGillivray, December 13, 1788, cited in Caughey, *McGillivray of the Creeks*, 209-11.

departed in haste for the designated treaty grounds at Rock Landing.⁴²

The commissioners carried detailed instructions for conducting their mission. They were to investigate Georgia's relations with the Creeks in order to determine whether the state's treaties had been gained through force or fraud. If they discovered misconduct on the part of Georgia, the commissioners were absolved from demanding that the Creeks accept the Georgian boundary claims. However, inasmuch as the disputed lands had been settled, the commissioners should attempt to induce the Creeks to recognize the boundaries in return for a "secure port" on the Atlantic, trade rights equal to those enjoyed by United States citizens, and gifts and bribes. If necessary, solemn guarantees of the retention of all remaining Creek territory could also be made.⁴³

The trade proposals emanated from information collected by Secretary Knox on McGillivray's partnership with a British trading house which had engrossed the Creek trade. Spanish trade impediments, it was rumored, had disgusted Mr. McGillivray, thus making the proposed trade opening on the Atlantic a strong inducement for a satisfactory settlement.⁴⁴ Knox's information, however, was stale. McGillivray learned that Spain had granted all of Pantón's commercial demands on the eve of his departure for Rock Landing, and for some time Spanish arms had been flowing copiously into Creek arsenals.⁴⁵ McGillivray was in a position to bargain in strength.

McGillivray revealed a willingness to negotiate at Rock Landing. In his first informal discussions with Humphreys, the Creek leader indicated his preference for ties with the United States over alliances with Spain. But he also explained that the Creeks could not cast aside the trade and territorial guarantees that they enjoyed under the Treaty of Pensacola without gaining equivalents

42. Downes, "Creek-American Relations," 176-77.

43. Instructions to the Commissioners for Southern Indians, De Pauw, *Senate Executive Journal*, 202-06.

44. *Ibid.*, 205; Knox to George Washington, July 6, 1789, ASPIA, 15-16.

45. McGillivray to Pantón, August 12, 1789, AGI, PC, leg. 203, doc. 7, Box 3, West Papers; McGillivray to Miró, August 12, 1789, Enclosure 1 of Miró to Antonio Valdes, October 1, 1789, letter 25, Archivo Histórico Nacional de Madrid, Estado, leg. 3901, Lockey Collection.

from the United States.⁴⁶ During the proceedings at Rock Landing rumors that McGillivray planned to establish an Indian state south of the Altamaha circulated openly among the casual observers in attendance.⁴⁷

But the atmosphere surrounding the negotiations quickly soured. Georgia had convinced the United States commissioners that the state's treaties with the Creeks were valid. Accordingly, on September 24, 1789, the United States commissioners formally presented the Creek delegation with a treaty draft that confirmed the Georgia territorial claims and placed the Creeks under the exclusive protection of the United States. In exchange, the Creeks were offered a "secure port" and guaranteed possession of all their remaining lands.⁴⁸ McGillivray left abruptly the following day and declined to accept the pleas of American intermediaries for his return. He agreed, however, to uphold a truce until the United States communicated further.⁴⁹

The commissioners reported that the failure of their mission was due entirely to McGillivray's obstinacy. In support of their contention, they cited his refusal to renounce his ties with Spain "without obtaining a full equivalent." They surmised that McGillivray's "frequent intimations" on the need for a "free and exclusive port," together with his "most positive refusal" to accept United States sovereignty over the Creeks, indicated his price for boundary provisions favorable to Georgia.⁵⁰

President Washington, after weighing the evidence, decided to make one last attempt at reaching a peaceful settlement. He selected Colonel Marinus Willett, whose previous service included successful dealings with Indians, for a secret mission to lure Mc-

46. David Humphreys to Washington, September 6, 1789, cited in Frank L. Humphreys, *The Life and Times of David Humphreys*, 2 vols. (New York, 1917), II, 6.

47. McGillivray to John Leslie, October 12, 1789, cited in Caughy, *McGillivray of the Creeks*, 255.

48. Downes, "Creek-American Relations," 178. For a full text of the proposed treaty see De Pauw, *Senate Executive Journal*, 224-25.

49. Downes, "Creek-American Relations," 179.

50. De Pauw, *Senate Executive Journal*, 235. Washington apparently was prepared to offer McGillivray a free port on the Atlantic, but the Senate advised against it, probably in anticipation of popular furor against Indians "getting a free ride" while "upright citizens" were burdened with duties and imposts. At any rate, the Senate altered Washington's original message to read "secure port" instead of "free port." See journal entries for August 27, 1789, in De Pauw, *Senate Executive Journal*, 34, no. 60 and 63.

Gillivray to New York and negotiations in the seat of the federal government. Willett impressed McGillivray favorably. Speaking before separate Upper and Lower Creek assemblies, Willett assured the Indians that the United States wanted none of their land, but wished to make them an attractive trade offer. The Creek councils agreed to send a delegation to New York to meet with the President.⁵¹

On June 1, 1790, Willett, McGillivray, and around thirty other Creek representatives set out for New York on what developed into a festive three-week overland journey. The Spanish chargé d'affaires reported that the Creek visitors "were received hardly less highly than royal persons."⁵² Informal discussions began immediately, with Secretary Knox acting for the United States. The talks continued until August 7, interspersed with frequent social functions, interrupted by McGillivray's occasional illnesses, and complicated by secret Spanish and British agents.⁵³ Questions of sovereignty and trade were the most troublesome matters discussed.

According to McGillivray, the sovereignty issue consumed several days argument during which he flatly refused to accept United States sovereignty over the Creeks. To do so, he insisted, would violate Creek commitments to Spain under the Treaty of Pensacola. The impasse was broken when McGillivray consented to accept United States sovereignty over those Creek lands that actually fell within the boundaries of the United States. This arrangement, in McGillivray's view, left the final solution of the sovereignty question to Spanish diplomatic initiative.⁵⁴

Settling the trade issue proved to be even more difficult because the United States insisted on exercising exclusive control over all Creek commerce. Knox and others played heavily on universal speculation that war between Britain and Spain was imminent because of a Spanish officer's seizure of British

51. William Marinus Willet, *A Narrative of the Military Actions of Colonel Marinus Willet, etc.* (New York, 1831), 94-110.

52. *Ibid.*, 110-13; Josef Ygnacio de Viar to Juan Nepomuceno de Quesada, August 13, 1790, cited in Caughey, *McGillivray of the Creeks*, 276.

53. J. Leitch Wright, Jr., "Creek-American Treaty of 1790: Alexander McGillivray and The Diplomacy of The Old Southwest," *Georgia Historical Quarterly*, LI (December 1967), 379-80.

54. McGillivray to O'Neill, November 2, 1790, AGI, PC, leg. 203, doc. 16, Box 3, West Papers; McGillivray to Carlos Howard, August 11, 1790, cited in Caughey, *McGillivray of the Creeks*, 274.

merchantmen at Nootka Sound.⁵⁵ The war, the Americans argued, surely would severely disrupt the Creek trade through the Spanish Floridas. McGillivray responded by pointing out the importance of his interest in the Panton firm and elaborating on the advantageous monopoly and duty-free privileges it held under Spain. The trade connection, it was inferred, was one of his "principal sources of . . . power."⁵⁶

Secretary of State Thomas Jefferson offered an ingenious compromise. Since commercial provisions could legitimately be excluded from the treaty, Jefferson suggested offering McGillivray a pecuniary inducement. He should be offered a monopoly over the Creek trade sanctioned under the terms of the treaty, albeit a monopoly that replaced McGillivray's British associates with United States citizens. The federal monopoly could be granted without violating the Constitution by making it an integral part of the treaty. All that was necessary was a treaty article worded so as to allow McGillivray de facto control over licensing the Creek trade.⁵⁷

Neither the specter of war nor the proffered trade monopoly sufficed to pull McGillivray away from the Panton-Spanish trade nexus. The Americans then offered United States citizenship for McGillivray's British associates, but he doubted whether they would accept.⁵⁸ Accordingly, President Washington was compelled to approach the Senate and seek its approval of a modified and highly tentative version of the Jefferson proposal in the form of a secret trade article. He admitted that a treaty without provisions for controlling the Creek trade would make it difficult to hold the Creeks to strict observance of the other provisions. But gaining such control "would require time, as the present [trade] arrangements cannot suddenly be broken."⁵⁹

The Senate approved the proposed article stipulating that the Creeks would trade through United States channels, provided that the government made "substantial and effectual . . . arrange-

55. Wright, *William Augustus Bowles*, 40-41.

56. Jefferson's opinion on McGillivray's monopoly of commerce with Creek Indians, July 29, 1790, in Julian P. Boyd (ed.), *The Papers of Thomas Jefferson* (Princeton, 1950-), XVII, 288.

57. *Ibid.*, 288-89.

58. Howard to Quesada, September 24, 1790, cited in Caughey, *McGillivray of the Creeks*, 282-83.

59. Washington to United States Senate, August 4, 1790, De Pauw, *Senate Executive Journal*, 86.

ments . . . for that purpose" on or before August 1, 1792. Meanwhile, the Creek trade might be conducted "through its present channels, and according to its present regulations." But in the event of disruptions arising from "war or prohibitions of the Spanish government," the President of the United States would designate "persons" who would be allowed to import duty-free up to \$60,000 in merchandise annually for the Creek trade.⁶⁰ This arrangement gave McGillivray a hedge against war, Spanish caprice, and sufficient time for himself and Panton to consider a shift to the United States.⁶¹

The Treaty of New York, duly approved by the Senate, was solemnly ratified on August 13 in a ceremony conducted at Federal Hall. It awarded the by then heavily settled Oconee lands to Georgia in exchange for a \$1,500 annual payment to the Creeks. However, the Indians retained possession of the disputed lands lying between the Altamaha and Saint Marys rivers. Under the terms of a territorial guarantee the Creeks could punish Americans who unlawfully encroached on their lands as they saw fit. Secret provisions made McGillivray a United States agent to the Creeks with the rank of brigadier general at an annual salary of \$1,200. Six other chiefs received annual pensions of \$100.⁶²

President Washington predicted that the treaty was destined to bring peace and prosperity to the southern frontier. He was mistaken; its various provisions were challenged by Georgians, Spaniards, and dissenting Creeks alike. McGillivray's prestige and influence waned appreciably in the ensuing crossfire and confusion.⁶³ Yet the treaty remains as a hallmark to McGillivray's abilities. Admittedly, at New York he failed to bring to fruition

60. McGillivray's original copy of the secret articles is in *Johnson v. Innerarity*; published texts appear in De Pauw, *Senate Executive Journal*, 248-50, and Hunter Miller (ed.), *Treaties and Other International Acts of the United States of America*, 8 vols. (Washington, D.C., 1931-48), II, 344.

61. McGillivray informed Panton on what transpired in New York. The original copy of the secret articles remained in the company's files until it was submitted as evidence in *Johnson v. Innerarity*. It was during a visit to Panton in Pensacola that McGillivray first sent Miró a detailed account of what had transpired at New York; McGillivray to Miró, February 26, 1791, cited in Caughey, *McGillivray of the Creeks*, 288-91.

62. The open articles are found in De Pauw, *Senate Executive Journal*, 241-48; ASPIA, 81-82; and Charles Joseph Kappler (comp. and ed.), *Indian Affairs: Laws and Treaties*, 5 vols. (Washington, D.C., 1904-1941), II, 25-29.

63. Wright, "Creek-American Treaty," 395-97.

the ambitious proposals for Creek political and economic freedom as hinted to Dr. White in 1787, and outlined in greater detail two years later at Rock Landing. On the other hand, the terms that McGillivray secured at New York were by no means inconsistent with his earlier goals. The Creeks emerged from their first conclusive diplomatic encounter with the United States with their political and economic liberties reasonably intact. One historian has observed: "Few Indian treaties to which the United States was a party have been so favorable to the red man."⁶⁴

64. Randolph C. Downes, "Creek-American Relations, 1790-1795," *Journal of Southern History*, VIII (August 1942), 354.