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Taking the State Out: Seminoles and Creeks in Late Eighteenth- Century Florida

by Andrew K. Frank

Between 1750 and 1810, the Muskogee Indians held the upper hand in inter-colonial affairs and made Florida “Indian country.” More than two centuries after Spain had claimed the region as part of its dominion and sent soldiers and missionaries to subdue its inhabitants, the Muskogee Indians enjoyed a sustained period of autonomy that was at odds with the experiences of Indians elsewhere in the Spanish and British empires.¹ Neither

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1. This autonomy came under assault during the Patriot War (1810), the subsequent War of 1812, and the First Seminole War (1817-1818); see James G. Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish East Florida* (Gainesville, Fla., 2003); Frank L. Owsley Jr., *Struggle for the Gulf Borderlands: The Creek War and the Battle of New Orleans, 1812-1815* (Gainesville, Fla., 1981), 106-19; David Heidler and Jeanne Heidler, *Old Hickory's War: Andrew Jackson and the Quest for Empire* (Mechanicsburg, Penn., 1996). In the late eighteenth century, Europeans and Americans obtained the upper hand in intercolonial affairs across North America; see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York, 1991), 469-517; James H. Merrell, *The Indians' New World: Catawbas and their Neighbors from European Contact through the Era of Removal* (Chapel Hill, N.C., 1989), 192-225; Daniel Richter, *The Ordeal of the Longhouse: The Peoples of the Iroquois League in the Era of European Colonization* (Chapel Hill, N.C., 1992), 225-80; Daniel Usner Jr., *Indians, Settlers, and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley before 1783* (Chapel Hill, N.C., 1992), 104-44.

conquered nor subdued, Muskogee Indians still controlled Florida. Technically surrounded by European and later American powers, these Creek and Seminole Indians lived in semi-autonomous villages that routinely disregarded the interests of Spain, Great Britain, and then the United States. Natives ignored and defied European and American forms of justice, determined the terms of trading agreements with their neighbors, and dictated the nature of intermarriages with Europeans and Americans. Native villages, in this context, had few problems contending with imperial forces of power. They harbored, with surprisingly few ramifications, dozens of white fugitives from justice as well as deserting soldiers. They also continuously welcomed runaway African American slaves into their villages and onto their lands. The Muskogees occasionally found European allies and often acted with their support, but they also behaved in ways that frustrated imperial powers.

In the late nineteenth century, the Muskogee Indians slowly split into two culturally similar political entities that became known as the Creeks and Seminoles. These two entities had many cultural and political similarities, including the on-going importance of independent villages rather than centralized polities. The decentralized nature of both Creek and Seminole societies magnified Muskogee autonomy and irritated colonial officials looking to conquer and control the peninsula and its residents. As they did elsewhere in North America, Indian villages in Florida typically functioned independently, each defining the social, cultural, political, and economic lives of its residents. Local clan leaders chose whether to fight in wars or form alliances, determined who could trade in their community, participated in hunts, and otherwise controlled what happened within "Indian country." Even in diplomatic affairs, village leaders rather than representatives of national polities signed treaties and forged alliances with Spain, Great Britain, France, and the United States. Both Creeks and Seminoles increasingly became socially interconnected and politically centralized in the nineteenth century. Throughout the eighteenth century, however, various efforts to unify these nations proved unsuccessful, in part because there were no omnipresent threats to Indian society in Florida. The movement for confederation that shaped Creek society in Georgia had less of an effect on Florida Seminoles. Furthermore, linguistic, economic, and cultural differences separated Florida's

Indian villages and ensured that trans-village alliances remained “both fluid and ephemeral.”²

Changing alliances routinely occurred in northern Florida, where villages occasionally allied themselves with more homogeneous Creek villages to the north as well as with nearby Seminoles. Sometimes the separation of Seminole villages from the Creek Confederacy occurred physically, as Indians relocated their villages as well as political loyalties. At other times, separation simply meant ending social and political alliances and forging new ones, life for Muskogee Indians in Florida remained local, and power remained decentralized. As a result, the separation of Creeks and Seminoles was slow, uneven, and often incomplete.³

The lack of imperial presence in Florida—which lasted through the First Spanish period, the British period, and the Second Spanish period—has been well documented by historians. Spain, Great Britain, and the United States all relied on Indian alliances, lacked a dependable and profitable export crop, struggled to make Florida essential to their large empire, and failed to eliminate the permeability of Florida’s northern border. David Weber demonstrated that Spain’s eighteenth-century frustrations in Florida paralleled those faced across Spain’s northern frontier. “Lacking precious mineral and a large population of docile Indians to work plantations or mines,” he wrote, “the colonies from New Mexico to Florida served primarily to protect adjacent areas. . . . The northern colonies were marginal and dispensable.” Unlike its show of power elsewhere across the borderlands, Spain had little effect on the Florida territory or its peoples. When Spain left in 1763, little had changed. “La Florida,” Paul Hoffman concluded, “was little more

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2. Joshua Piker, *Okfuskee: A Creek Indian Town in Colonial America* (Cambridge, Mass., 2004), 3. Helen Hornbeck Tanner similarly concluded that the “Indians in Florida . . . possessed no political unity;” Tanner, *Zespedes in East Florida, 1784-1790* (Coral Gables, Fla., 1963), 82. For discussions of the centralization of Creek and Seminole society, see Claudio Saunt, *A New Order of Things: Power, Property, and the Transformation of the Creek Indians, 1733-1816* (New York, 1999), 97-101, 177-79; Michael D. Green, *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln, Neb., 1982), 33-36; Brent Wiseman, *Unconquered People: Florida’s Seminole and Miccosukee Indians* (Gainesville, Fla., 1999), 5-29. This localism explains much of the confusion regarding Black Seminoles and the semi-autonomous villages that they occupied; see Kevin Mulroy, *Freedom on the Border: The Seminole Maroons in Florida, the Indian Territory, Coahuila, and Texas* (Lubbock, Texas, 1993).
 3. J. Leitch Wright Jr., *Creeks and Seminoles: The Destruction and Regeneration of the Muscogule People* (Lincoln, Neb., 1986), 5-6, 220-21.

than what it had been in 1565, a garrison precariously perched on a sand spit by the Atlantic Ocean.” The British proved no more effective at shaping Florida or controlling its inhabitants. “Despite a considerable amount of well-publicized optimism about the colony’s economic prospects,” Robin F. A. Fabel explained, “its promise was unfulfilled.” Not surprisingly, the return of Spanish control in 1783 did not change matters either. The border remained permeable, a staple crop remained undiscovered, and the local government had little if any control outside of a few towns. On the eve of the Patriot War in 1811, according to Daniel Schafer, East Florida was “a promising frontier area with huge reserves of undeveloped land, but it was still dependent on black militia and Indian allies for security.” Despite this virtually stateless reality, few scholars have extended their interpretations to understand the Creek and Seminole experiences and their centrality to the region.⁴

This essay explores how Muskogees exacerbated this statelessness and insisted that they, and not their European or American neighbors, formed the core of Florida society. This experience contrasts sharply with the history of Georgia, where English and then American officials increasingly diminished the sovereignty of Indian neighbors.⁵

The frailty of Spanish authority in Florida frustrated colonial officials in the winter of 1783. That February, they attempted to

4. David J. Weber, *The Spanish Frontier in North America* (New Haven, Conn., 1992), 176; Paul E. Hoffman, *Florida Frontiers* (Bloomington, Ind., 2002), 206; Robin F.A. Fabel, *The Economy of British West Florida, 1763-1783* (Tuscaloosa, Ala., 1988), 198; Daniel L. Schafer, “Zaphaniah Kingsley’s Laurel Grove Plantation, 1803-1813,” in *Colonial Plantations and Economy in Florida*, ed. Jane G. Landers (Gainesville, Fla., 2000), 100. Many historians have pointed to the play-off system whereby Indian nations played the European nations against one another. Few scholars, though, acknowledge that these negotiations took place without the existence of a centralized Indian nation; see, for example, James O’Donnell, *Southern Indians in the American Revolution* (Knoxville, Tenn., 1973), 135; Green, *Politics of Indian Removal*, 33-36.
5. For discussion of decreasing autonomy of Indians in Georgia, see Piker, *Okfuskee*, 196-204; Saunt, *A New Order of Things*, 67-110; Robbie Etheridge, *Creek Country: The Creek Indians and their World* (Chapel Hill, N.C., 2003), 175-241. For discussion of the Spanish and British states, see Kenneth J. Andrien, *Andean Worlds: Indigenous History, Culture, and Consciousness under Spanish Rule, 1532-1825* (Albuquerque, N.M., 2001); Jack P. Greene, “Transatlantic Colonization and the Redefinition of Empire in the Early Modern Era,” in *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, ed. Christine Daniels and Michael V. Kennedy (New York, 2002), 267-82. For different experiences on the margins of the Spanish empire, see Gary Clayton Anderson, *The Indian Southwest, 1580-1830: Ethnogenesis and Reinvention* (Norman, Okla., 1999).

arrest Ambrose Brissert, an English-born man who had entered Pensacola “dressed and painted as an Indian.” The issue of jurisdiction was obvious to the Spanish officials who had recently reclaimed Pensacola and the rest of East and West Florida from Great Britain. The Spaniards were also convinced that a crime had been committed. Brissert, whose identity as an Indian trader was well known, seemed to be wearing “a costume.” His Indian appearance—fostered by facial paints, Indian-style clothing, and jewelry—broke an ordinance that banned men from donning disguises in the town. Consequently, he was arrested on “Suspicion of . . . being a Spy.” Brissert’s Creek wife and her Indian family, all members of the powerful wind clan, similarly rejected the verdict that Brissert was wearing a disguise or was hiding his true identity. They claimed that he *was* an Indian: he was an adopted member of a clan who had later married a Creek woman and lived by the customs and rules of her Fus-hatchee village. The paints and clothing that he wore were customary to his culture. Well-known Creek diplomat Alexander McGillivray voiced disapproval of the arrest and tried to get Spanish officials to explain their actions. In essence, village leaders insisted that their assessment of Brissert’s identity was all that mattered.⁶

These initial Native protests hardly impressed Spanish officials who chose to ship Brissert off to New Orleans to be punished “with other English prisoners.” After all, Brissert’s behavior and appearance made it an open and shut case. As he sailed to New Orleans, Fus-hatchee villagers and wind clan Creeks vowed to cut off relations with the Spanish, threatened to trade with Americans to the north, and hinted that their warriors might take immediate retribution if the Spaniards did not promptly return Brissert. Commandant of Pensacola, Arturo O’Neill, took the threats seriously, and after some deliberation, he determined that he had no choice but to return Brissert. If the Creeks claimed that Brissert was one of their own, officials in Spanish Florida were in no position to disagree. In Florida, Creek custom overrode Spanish law.⁷

The dispute over Brissert’s identity may have been unusual in late eighteenth-century Florida, but instances where village customs

6. Arturo O’Neill to Luis Unzaga, 16 February 1783, Lockey Collection, P.K. Yonge Library, University of Florida, Gainesville;

7. *Ibid.*; Alexander McGillivray to Arturo O’Neill, 10 March 1783; Arturo O’Neill to Luis Unzaga, 20 May 20, 1783; Luis Unzaga to Arturo O’Neill, 10 July 1783; Arturo O’Neill to Luis Unzaga, 21 August 1783, all in Lockey Collection.

and concerns trumped European law and policy were not. Throughout the eighteenth and early nineteenth centuries, Spanish, British, and American officials consciously chose not to enforce laws when a situation concerned Indians in Florida. Instead, they allowed Creek and Seminole Indians to define the laws of the land, or at least determine the extent of enforcement and European and American reluctance to punish Florida's Indians had many causes: they relied on Indian hunters to provide deerskins; they wanted allies to fight against other Indians and European rivals; they feared the repercussions of entering territory claimed by other European nations; they depended on Indian cooperation in returning runaway slaves and livestock; and they needed to preserve "peace with the numerically superior Indian towns."⁸

Perhaps most importantly, European and American colonists feared that the Indian custom of clan retribution, whereby members of a matrilineal clan avenged a death or wrongdoing to another member of their clan, would be meted out to them. In instances where colonial authorities did enforce laws, they created a cycle of violence more problematic than the original transgression. As a result, European agents frequently muted enforcement of their own laws in order to avoid Indian war. In 1768, fear of clan retribution shaped British reaction when Creek warriors killed two Englishmen in response to the whipping of a Creek man suspected of committing crimes in Georgia. British demands for punishment of the offending Indians went unheeded, and no further action was taken. Similarly, in 1788, Creek leader Alexander McGillivray successfully soothed the anger caused by the murders of two Georgians at the hands of Florida Indians. "No blame ought to be ascribed to the Nation in General," he explained. Instead, the killings were simply "satisfaction for two of our [warriors] killed by the Georgians" several months earlier.⁹ The cycle of violence ended when the United States chose not to pursue the matter any further.

8. Tanner, *Zespedes in East Florida*, 80.

9. John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, 1970), 73-92; Thomas Gage to Lord Shelburne, 22 January 1768, in Clarence Edwin Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State, 1763-1775*, 2 vols. (New Haven, Conn., 1931), 1: 158; Governor Willie Blount to Secretary of War, 8 November 1792, in *American State Papers, Class II: Indian Affairs*, 2 vols. (Washington D.C., 1832-1834), 1: 325-27; Alexander McGillivray to Andrew Pickins and George Matthews, 4 June 1788, Pantan Leslie Papers, Florida Atlantic University, Boca Raton, microfilm.

From 1750 to 1810, European and American officials rarely punished acts of clan vengeance. More often, they tried to convince Florida's Native Americans to end traditional forms of justice. Rather than demand arrest or punishment, for example, British Indian trader George Galphin urged village leaders in 1771 not to follow the tradition of clan vengeance. "If he should kill and White Man and take his goods," he pleaded "it would not bring his Kinsman to life again." Galphin understood that he could not obtain British-style justice, but he hoped to stop what he saw as an illogical alternative. Such cool-headedness to intercultural violence flew in the face of norms elsewhere on the southern frontier, where personal dishonor more often provoked vengeance.¹⁰

Spain's unwillingness to punish "Indian criminals" like Brissert as well as Great Britain's inability to secure justice for the murder of Georgians epitomized legal reality in Florida. Spanish and British officials returned accused Native Americans to their villages in return for promises of future good behavior and continuation of trade relations. In 1753, warriors killed two white South Carolinians and then retreated to their home along the Georgia border. Although the perpetrators were in Spanish Florida, British officials in South Carolina threatened to cut off trade and otherwise punish the Creeks unless the offending warriors were surrendered. Despite British demands for blood, the Native Americans refused to turn over the warriors and, instead, offered the Carolinians various gifts and promises that those who committed the murders would be punished. Governor James Glen reluctantly accepted "the satisfaction given" but declared that in "the future, nothing will be deemed a satisfaction for the lives of any of our people, but the lives of them who were guilty of the murder." Glen knew he lacked the authority to go into Florida villages to enforce his law, the diplomatic means to cut off trade, and the Spanish assistance to help him. In the following decades, British and Spanish officials repeatedly allowed Muskogee Indians to administer what the Indians thought was appropriate punishment. As a result, Europeans accepted a range of punishments that fell far

10. George Galphin to unknown, 12 September 1771, in Allen D. Candler, Kenneth Coleman, and Milton Ready, eds., *The Colonial Records of the State of Georgia*, 32 vols. (Atlanta, Ga., 1904-1916), 12: 150; Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York, 1980).

short of turning over murderers. When Creek Indians from West Florida killed fourteen settlers after the 1763 Augusta Conference, fearful traders fled Indian villages, and the British realized that they had to accept that perpetrators would go unpunished.¹¹

Faced with timid and calculating imperial neighbors, Florida's Native Americans frequently defied Spain, Great Britain, and the United States by embracing fugitive criminals and other refugees. During the American Revolution, Loyalists and soldiers from Great Britain and the rebellious colonies found homes among and alongside Seminoles and Creeks in Florida. American settler Caleb Swan declared that "their country [in Florida] is a place of refuge for vagrants and murderers from every part of the nation, who, by flying from the upper and lower districts to this desert, are able to elude the pursuit and revenge of even indians themselves."¹²

Yet, these were the most well-known and well-analyzed groups. Hundreds of other fugitives found homes in Florida Indian villages as well. Sometimes their identities as well as their presence remained hidden from European authorities, and when exposed local villagers often protected them. Following the war, the confederation of American states, which had entered into a series of trade and diplomatic negotiations with the Creeks, demanded that the Indians turn over four Loyalists and a couple of Indian leaders who had fought with the British. The Creeks refused; the Loyalists had all married Indian women and now served village interests as traders and interpreters. The sovereignty of the village protected

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11. Speech of Governor James Glen to King Malatchi, the Red-coat King, the Wolf King, the Otaffee King, and the other Cheifs, Headmen and Warriors present, of the Upper and Lower Creeks in Number about 100, in *South Carolina Gazette*, 11 July 1753; Fabel, *Economy of British West Florida, 1763-1783*, 52.
 12. Caleb Swan, "Position and State of Manners and Arts in the Creek, or Muscogee Nation in 1791," in *Information Respecting the History, Condition and Prospects of the Indian Tribes of the United States: Collected and Prepared Under the Direction of the Bureau of Indian Affairs, Department of the Interior Per Act of Congress of March 3d, 1847*, ed. Henry R. Schoolcraft, 5 vols. (Philadelphia, 1855), 5: 260; Patrick Riordan, "Finding Freedom in Florida: Native People, African Americans, and Colonists, 1670-1816," *Florida Historical Quarterly* 75 (summer 1996): 24-43; Carole Watterson Troxler, "Refuge, Resistance, and Reward: The Southern Loyalists' Claim on East Florida," *Journal of Southern History* 55 (November 1989): 563-96. Too much is made of Spain's desire to attract runaway slaves to Florida. More often than not, Seminoles not Spaniards protected the former slaves from slave catchers; see Jane Landers, *Black Society in Spanish Florida* (Urbana, Ill., 1999), 29-59, 74-75.

fugitives. Likewise, as Swan noticed, Indians found refuge in villages, even when their actions defied the interests of local leaders. Throughout the eighteenth century, Creeks in Florida stole slaves, cattle, and horses from neighboring white settlers in order to resell them or demonstrate their warrior prowess. Village elders, who occasionally complained about the ramifications that such brazen acts could have, were often powerless to prevent them. When punishments occurred they followed village, not European or American, customs. Several treaties, including a 1784 agreement between Spain and the Talapuche Indians at Pensacola, attempted village protections, but rarely were they enforced. Few Native Americans, Europeans, or Americans had the ability to stop anyone who acted with Indian sanction.¹³

Perhaps the most well-known manner in which Indians defied European jurisdiction was in terms of runaway slaves. Although Creeks and Seminoles dealt with African Americans differently and inconsistently, they both ignored European American demands by stealing, protecting, enslaving, and adopting slaves from Georgia and the Carolinas. Although in the sixteenth and seventeenth centuries Spain proactively embraced these newcomers, this policy changed in the eighteenth century. Spanish West Florida Governor Juan Vicente Folch and other officials ordered dozens of unsuccessful expeditions into the Florida interior to track down runaway slaves. Even when Creeks stole slaves from plantations in Florida and southern Georgia, they successfully used village autonomy to dissuade slave catchers. Neither Europeans nor Americans could stop the out-migration of African Americans into Muskogee villages. After the Haitian Revolution in 1794, for example, many fugitive slaves found safe harbor in Florida despite European and American efforts to impede their arrival. Governor Folch arrested and exported several former slaves from Haiti, only

13. Benjamin Hawkins to Henry Dearborn, 1 February 1802, in *Letters, Journals and Writings of Benjamin Hawkins*, ed. C.L. Grant, 2 vols. (Savannah, Ga., 1980), 2: 433; John Linder to Capt. Favrot, 13 November 1786, in John Walton Caughey, *McGillivray of the Creeks* (Norman, Okla., 1938), 136-37; Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1830* (Lincoln, Neb., 1998), 123-24; "Articles of Convention, Treaty, and Pacification and agreed on by the Spanish nation with the Talapuche Indians, at the Congress held for this purpose in the Fort of Pensacola, the capital of West Florida, on the 31st day of May and 1st of June, 1784," *American State Papers, Class I: Foreign Relations*, 6 vols. (Washington D.C., 1833-1859), 1: 278-79.

to have countless others find refuge among local Indians. Ironically, several smugglers took advantage the fluidity of the Florida frontier to import African slaves into Georgia after the Atlantic slave trade ended in 1808.¹⁴

As Europeans tried to control Florida's Indians, they frequently called upon Indian intermediaries for assistance. These arbitrators usually pursued their villages' interests and their own. As a result, they were rarely as helpful as Europeans and Americans desired. Alexander McGillivray, whose appearance and behavior often led European Americans to perceive him as "civilized" and thus "trustworthy," frequently played the role of intermediary. He obtained positions in the British and Spanish militaries, and served essential roles in the British trading firm of Panton, Leslie, Forbes, and Company. At times, he negotiated the return of runaway slaves, war captives, and European and American fugitives from justice. McGillivray, though, also represented the Creeks at treaties and organized war parties that threatened Spanish and American interests. In 1786, for example, Governor Vicente Manuel Zéspedes called upon McGillivray to track down warriors who scalped a young girl on the St. Marys River. He investigated, but the offending warriors were never turned over or punished. McGillivray was either not powerful enough or unwilling to take such actions.¹⁵

A lack of effective Indian intermediaries occasionally aided white criminals as well. In 1799, an escaped prisoner fled Spanish

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14. Kathryn E. Braund Holland, "The Creek Indians, Blacks and Slavery," *Journal of Southern History* 57 (November 1991): 601-36; Daniel F. Littlefield Jr., *Africans and Seminoles* (Westport, Conn., 1977); Juan Vicente Folch to Arturo O'Neill, 22 September 1787, Archivo General de Indias: Papeles Procedentes de Cuba, legajo 52, P.K. Yonge Library, microfilm; Luis de las Casas to Juan Nepomuceno de Quesada, 10 May 1794, East Florida Papers, reel 1, band 3A2, page 1355, P.K. Yonge Library, microfilm; Colonial Records of Georgia, 14: 332-33; David H. White, "A View of Spanish West Florida: Selected Letters of Governor Juan Vicente Folch," *Florida Historical Quarterly* 56 (October 1977): 143; Jane E. Landers, "Rebellion and Royalism in Spanish Florida: The French Revolution on Spain's Northern Colonial Frontier," in *A Turbulent Time: The French Revolution and the Greater Caribbean*, ed. David Barry Gaspar and David Patrick Geggus (Bloomington, Ind., 1997), 156-71; Landers, *Black Society in Spanish Florida*, 173, 175-77.
 15. Vincent Emanuel de Zéspedes to Bernando de Galvez, 16 August 1784, Lockett Collection; Secretary of War to James Seagrove, 31 October 1792, in *American State Papers, Indian Affairs*, 1: 259; Baron de Carondelet to Conde de Floridblanca, 22 March 1792, Panton, Leslie Papers; Alexander McGillivray to Vicente Manuel Zéspedes, 3 August 1786, Panton, Leslie Papers; Saunt, *New Order of Things*, 67-89; Green, *Politics of Indian Removal*, 54-55.

Pensacola and found refuge in a Lower Creek town. Governor Folch asked Spanish Indian agent Geonimo Yberes to track down the prisoner, but Yberes hit a diplomatic roadblock: village leaders protected the fugitive. Consequently, Yberes was powerless because, until the early nineteenth century, Europeans and Americans hesitated to impose their forms of justice within Indian villages, fearing repercussions. Still, they regarded such fugitives as their problem, and one best addressed through European and later American jurisdictions. In 1789, for example, a "Mr. Lawrence" from Georgia fled "with a price of four hundred guineas on his head and . . . settled among the Creeks" in northern Florida. After a generous bounty did not secure his return, Lawrence became more daring and further outraged white Georgians by joining a band of Tallapoosa Creek Indians who repeatedly crossed into southern Georgia to steal slaves and horses. After an extensive correspondence dedicated to finding Lawrence, Governor Folch sent a small militia detachment into what he called "Creek country." The posse found and killed the refugee in the Tallapoosa village. After the execution, McGillivray wrote to Folch demanding that such actions end. Too often, he claimed, colonists entered Creek villages to administer instant justice. Since Lawrence was an intermarried Indian trader who lived according to the norms of his Creek village, McGillivray claimed, he was subject to the regulations of his village and clan, not those of West Florida. Certainly, Lawrence should have been punished, but McGillivray warned Folch of allowing "assassins" to enter Creek villages again. The issue of jurisdiction, he insisted, was a serious one. "My advice," he continued, "is never to do the like to those who have passports, because the consequence may be dangerous." When other residents on the frontier followed the militia's example and took matters into their own hands in a similar dispute a month later, McGillivray wrote Folch to impress upon him the importance that all persons guilty of such outrages "should be brought to trial." The cycle of violence ended when Folch restricted white vengeance.¹⁶

16. Juan Vicente Folch to Geonimo Yberes, 6 August 1799, Archivo General de Indias: Papeles Procedentes de Cuba, legajo 52; White, "Indian Policy of Juan Vicente Folch," 260-75; Alexander McGillivray to Juan Vicente Folch, 14 May 1789, in Caughey, *McGillivray of the Creeks*, 231-32; Juan Vicente Folch to Alexander McGillivray, 14 June 1789, in Caughey, *McGillivray of the Creeks*, 237-38.

In contrast to Europeans and Americans who frequently swallowed their pride rather than risk an Indian war, Florida's Indians were rather confident in their ability to enforce cultural norms on the frontier. For example, white Georgians often found themselves pleading for the right to punish fellow Georgians for offenses against Florida's Indians. After capturing some horse thieves, Georgia Governor James Jackson begged the Cheehaw King to "be quiet, and not take a horse from the innocent which may prevent their making bread for their families." He promised compensation "at a reasonable price" if the horse taken from the Cheehaw village was not returned in "two weeks." As Jackson explained, "I will pay for him rather than the chain of friendship which is now bright would be mad, rusty, and the mad people on both sides would do mischief." Despite his pleas, Cheehaw warriors took retribution according to their tradition. Local Indian custom again trumped European concerns.¹⁷

The centrality of Indian villages extended beyond issues of law and jurisdiction. It also shaped the deerskin trade, one of the most important economic activities in the southern interior. Controlling the trade was a near obsession for Spanish, British, and American officials in the eighteenth and early nineteenth centuries. Only a secure trade, one that meant more than exchanging goods but also created social influence and political loyalties within Indian villages, could lead to diplomatic security. As a result, imperial powers set up systems of passports, licenses, and laws specifically designed to regulate Indian traders. Yet, these regulations proved quite useless in Florida, and "illegal trade" repeatedly occurred. Complicating matters, eighteenth-century competition for deerskins resulted in Spain, Great Britain, and even South Carolina and Georgia offering licenses to nearly all applicants wanting to trade with Florida's Indians. As British Superintendent of Trade John Stuart complained, "each Governor of the several Provinces can grant a License to any person to Trade indiscriminately to all the Indian Nations." Armed with licenses, traders freely moved across geopolitical borders and entered Florida. Even during the American Revolution, Great Britain could not prevent American traders from entering Indian villages and interfering with British

17. James Jackson to Cheehaw King, 7 February 1779; James Jackson to Executive Department, 9 March 1799, both in *Governors Letter Books*, Georgia Department of Archives and History, Atlanta.

activities. "The Rebels," he explained from Pensacola, "have their Emissaries in all the Indian Nations . . . which gives the Rebels an Opportunity of sending their Emissaries under the Character of Traders, Packhorse Men or Servants without Danger of being detected, by such means the Rebel Agents have gained over some of the Creeks to their Interest."¹⁸ Disloyal traders, Stuart believed, threatened the balance of power among the Indians and hurt Great Britain's southern strategy.

Although European powers could not regulate Florida's deer-skin trade, Muskogee Indians could. In particular, village leaders used marriage to regulate traders' behavior, to varying degrees of success. Muskogeese expelled traders for fraud, demanded that colonial governments revoke licenses, and occasionally killed with impunity those whose actions deviated too far from acceptable behavior. Marriages to Indian women proved the best, and sometimes the only, way for European and American men to obtain Native sanction and remain among Florida's Indians. Native wives performed essential functions such as soliciting business from fellow clan members, interpreting the Muskogee language, tanning deerskins, and forging political connections. More importantly, marriage provided traders with a way to live in matrilineal Indian villages. On several occasions, Creek and Seminole village leaders evicted traders who lacked Indian wives, and they killed a few unmarried traders for their abusive behavior toward Indian hunters and women. In 1752, several village leaders responded to a series of misbehaving traders by demanding that the British punish citizens responsible for "debauching their Wives." If the King would not comply, the Creeks promised that "the injured Persons would certainly put their own Laws in Execution." To prevent further outrages, they evicted "all the strowling white People that are not employed in the Indian Trade."¹⁹ In this case, as in many oth-

18. Vincent Emanuel de Zéspedes order, 26 October 1789, Panton, Leslie Papers; John Stuart to Thomas Gage, 14 March 1766; John Stuart to Thomas Gage, 19 December 1766, both in Gage Papers, American Series, William Clements Library, University of Michigan, Ann Arbor Gage Papers; John Stuart to General Augustine Prevost, 24 July 1777, 30/55/6/629; John Stuart, "Observations on the Plan for the Future Management of Indian Affairs Humbly Submitted to the Lords Commissioners of Trade and Plantations," 1 December 1763, 323/19, both in Public Records Office, Colonial Office, P.K. Yonge Library, microfilm.

19. Kathryn E. Holland Braund, *Deerskins & Duffels: The Creek Indian Trade with Anglo-America, 1685-1815* (Lincoln, Neb., 1993), 30, 121-38; Thomas Bosomworth in the Coweta Town in the Creek Nation, 11 October 1752, in

ers, clan connections and Native wives proved essential to avoiding such evictions. Licenses or other vestiges of the imperial state, in contrast, were useless.

Control and regulation of trade largely took place in the context of local villages. To enter villages, traders frequently married Indian women and formed relationships largely controlled by women and their clans. Marriages between Muskogee Indians and whites followed Native customs and rarely adhered to the religious or social expectations of European powers. As a result, the children of intermarriages almost always lived as other Indian children did. In the matrilineal Creek and Seminole societies, paternity did not determine the identities of children and the children of intermarriages were most likely raised by their mothers and their maternal uncles. They learned to hunt, speak Muskogee, dance at the Green Corn Ceremonies, and otherwise act like a Creek or Seminole. In short, they grew up in a village and lived according to the social obligations of their clan. Although some intermarried men tried to socialize their children, they did so with the oversight of their wives' clans. These marriages rarely had legal or religious sanction from the European perspective, and were often derided as "left-handed" weddings or "marriages of convenience." Nevertheless, Europeans and Americans frequently acknowledged their existence and their sanctity. Although polygamy was illegal in Georgia and the Carolinas, several intermarried traders referred to multiple Indian and non-Indian wives in their wills. Custom required that whites recognize the marriages, and the American courts had little precedent to deny them.²⁰

Local sanction provided by intermarriage explains how the Panton, Leslie, and Forbes Company, a British trading firm, survived the transfer of Florida out of British hands in 1783. Almost

Documents Relating to Indian Affairs, May 21, 1750-August 7, 1754, ed. William L. McDowell Jr. (Columbia, S.C., 1958), 2: 306; Wilbur Jacobs, ed., *Indians on the Southern Colonial Frontier: The Edmund Atkin Report and Plan of 1755* (Columbia, S.C., 1954), 39; James Glen to Duke of New Castle, 1 December 1748, in "Letter Book of James Glen," Henry E. Huntington Library, San Marino, Calif.; James Stuart, *Three Years in North America*, 2 vols. (Edinburgh, Scotland, 1833), 2: 134.

20. George Galphin's will, 6 April 1776, in "Creek Indian Letters, Talks and Treaties, 1705-1839," ed. Louise Frederick Hays, Georgia Archives of History, Atlanta, typescript; Benjamin Hawkins to William Eustis, 27 August 1809, in *Letters of Benjamin Hawkins*, 1: 307-308; Andrew K. Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln, Neb., 2005).

immediately after the 1783 Treaty of Paris, Spanish officials sought a way to cut into the profits enjoyed by the British company. Governor Vicente Manuel Zéspedes and others tried to appoint new traders, evict Pantón's agents, and forge new trading arrangements with Florida's Indians. Their actions proved unsuccessful: the Indians in northern Florida rejected them. Even men with "favor and leverage with the Spanish government," historian Susan Parker explained, were "not able to gain entrée into the Indian trade." Instead, the Muskogees made it clear that they did not want trade disrupted. Those near Pantón's store in St. Marks, for example, threatened that replacing Pantón's company could lead to war. "The store was Settled there by the desire of this [Creek] Nation," Alexander McGillivray asserted; "Messrs. Pantón & Co . . . Cannot [be] removed without giving the Indians Some reason for it." Elsewhere, Indians declared that their traders were members of their communities and needed neither passports nor Spanish permission to reside in the villages. Zéspedes and other Spanish officials concluded reluctantly that if they desired peace with the Indians, they had to work with the Pantón Company. As a result, the governor decided the company could remain in Florida if it and its participants pledged allegiance to the Spanish Crown. Zéspedes considered his efforts a failure because the Indians preferred English goods, because Pantón had personal influence with Creek leaders, and because no Spaniards had enough economic resources to compete. This may have been true, but the Indians also resisted efforts to replace Pantón's traders because they were intermarried and intimately connected to the villages and clan structures of Indian society. Pantón's Company maintained its centrality to the deerskin trade, and the company needed to abide by the rules of the new colonial authorities. But Spanish, British, and American authorities had no choice but to use the network of intermarried traders that Natives had already sanctioned.²¹

Trader marriages did not always ensure sufficient supplies in Indian villages, and throughout the eighteenth-century, Indians in Florida required outside assistance. Even in these instances,

21. Susan R. Parker, "Success through Diversification: Francis Philip Fatio's New Switzerland Plantation," in Landers, ed., *Colonial Plantations and Economy in Florida*, 78; Alexander McGillivray to Arturo O'Neill, 26 March 1784, Ayer Collection, Newberry Library, Chicago; Vincent Emanuel de Zéspedes to Estevan Miro, 9 March 1787, Pantón, Leslie Papers; Vincent Emanuel de

however, Natives acted from positions of strength. Large groups of Muskogeans visited Florida's governors to receive customary gifts. Zéspedes repeatedly complained that Indians came five times a year, with demands for presents and without invitations. At other times, Natives used their diplomatic power to demand supplies and other gifts. In November 1779, as the Revolutionary War disrupted trade in British-controlled Florida, the Creeks were in a "Distress[ed] Situation" because of their inability to sell deerskins and thus obtain necessary trade goods. The Tallassee King called upon American trader George Galphin to act upon the reciprocal relationships that had guided American behavior in the past. Galphin accepted a gift of a "white winge and a String of Beads with a Twist of Tobacco" in exchange for promises that the needed goods would arrive soon from the United States. This act of Native diplomacy determined that "the path may be perfect Clain and white from heare." Galphin, however, did not receive assurances that the Creeks would exclusively ally with the United States. Instead, the Tallassee King told Galphin that the Creeks had given the "Same Talk . . . this Day to the French and Spaniards at St. Marks at East Florida with a white wind and Beads." The United States, then, was expected to provide gifts because that would ensure neutrality. Only months earlier, the Creeks on the East Florida border had similarly used their position of strength to reject attempts to determine the Florida-Georgia border because it would artificially divide Indian villages. Mithlogee made the Indian frustrations and threat clear: "I am authorized to declare that it is the sincere desire of all my Countrymen to live forever in peace with the people of the United States and they wish that every difficulty and misunderstanding may be removed that is likely to disturb the peace or happiness further." Despite overtures of peace, Mithlogee asserted the power of his village. "I am bound to declare that unless I can carry back to the Nation a satisfactory explanation of matters," he declared, "that in ten days after my return, I think it will be impossible to prevent mischief being done." The Tallassee

Zéspedes to Bernando de Galvez, 16 August 1784, Lockey Collection. For a standard history of the Panton, Leslie Company, see William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie & Company and John Forbes & Company, 1783-1847* (Gainesville, Fla., 1986).

King and three hundred warriors were already prepared to enter war.²²

After Spain regained “control” of Florida in 1783, former Maryland Loyalist William Augustus Bowles began a campaign to unify the Seminole Indians, reduce the power of the Panton, Leslie, and Forbes Company, and otherwise return British rule to the region. Bowles attracted young Seminole supporters as well as deserted soldiers, black slaves, fugitive criminals, and other “Thieves & Vagabonds.” As a result, he faced opposition from each imperial power in the region. In 1791, many Creeks, Seminoles, Spaniards, Englishmen, and Americans committed to stopping and capturing Bowles. Spain exiled him, only to see him return to the region by 1799. Recognizing the lack of a centralized Indian polity, Bowles declared himself “Director General and Commander-In-Chief of the Muskogee Nation” and remained a thorn in the side of the imperial powers. He attacked and captured several of Panton’s stores, declared war on Spain, threatened the United States, alienated the British, and otherwise infused chaos into the Florida interior. When the Seminoles agreed to a peace with Spain in 1802, a disgruntled Bowles opposed the treaty and remained committed to a sovereign Seminole nation. His rare combination of actions managed to unite European, American, and Native powers against him. Still, the determination of some Indian leaders protected him. Although Native and European American authorities wanted him apprehended, with the assistance of a handful of local Indian leaders, Bowles managed to avoid being captured until May 1803.²³

Placing late eighteenth-century Florida into a global context does not necessarily present a flattering view. As much as Florida was connected to the wider Atlantic World, the territory was typically an under-funded and over-hyped afterthought in the plans of European and American powers. Rather than a central player or place of great concern, Florida served as a pawn in a trans-Atlantic

22. Vincent Emanuel de Zéspedes to Alexander McGillivray, 22 May 1786, Panton, Leslie Papers; “Talk Delivered at Silver bluff the Third Day of November 1779 to George Galphin Esqr Commissioner of Indian Affairs in Southern Department by the Tallassee King,” Ayer Collection; Mithlogege [Creek Indian] to James Seagrove, 14 June 1799, Ayer Collection.

23. Robert Leslie to unknown, 22 March 1792, Ayer Collection; J. Leitch Wright, Jr., *William Augustus Bowles: Director General of the Creek Nation* (Athens, Ga., 1967)

struggle over power, wealth, and religion. Its inhospitable environment, unclear geopolitical boundaries, and economic struggles prevented the European powers from investing sufficient men or money in the colony. Florida was repeatedly ceded through treaties, and its isolated populations rarely felt the effects of the centralized governments that claimed them. Although European colonists inhabited St. Augustine, Pensacola, and some forts and missions, most of Florida remained up for grabs. Colonial powers played a role in shaping Florida, but the key to understanding diplomacy, trade, law, culture, and economics in early Florida is found inside local and semi-autonomous Native villages like Alachua, Fus-hatchee, and Tallassee. As a result, between 1750 and 1810 dozens of semi-autonomous Indian villages controlled the region, and Florida remained Indian country.