



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services-FA

DEC 29 1983

MEMORANDUM

To: Assistant Secretary - Indian Affairs

From: Deputy Assistant Secretary - Indian Affairs (Operations)

Subject: Recommendation and summary of evidence for proposed finding for Federal acknowledgment of the Poarch Band of Creeks of Alabama pursuant to 25 CFR 83.

RECOMMENDATION

We recommend that the Poarch Band of Creeks be acknowledged as an Indian tribe with a government-to-government relationship with the United States and be entitled to the same privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes.

GENERAL CONCLUSIONS

The contemporary Poarch Band of Creeks is a successor of the Creek Nation of Alabama prior to its removal to Indian Territory. The Creek Nation has a documented history back to 1540. Ancestors of the Poarch Band of Creeks began as an autonomous town of half-bloods in the late 1700's with a continuing political connection to the Creek Nation. The Poarch Band remained in Alabama after the Creek Removal of the 1830's, and shifted within a small geographic area until it settled permanently near present-day Atmore, Alabama.

The Band has existed as a distinct political unit since before the Creek War of 1813-14. It was governed by a succession of military leaders and prominent men in the 19th century. From the late 1800's through 1950, leadership was clear but informal. A formal leader was elected in 1950.

The group's bylaws describe how membership is determined and how the group governs its affairs and its members. Virtually all of the Band's 1,470 members can document descendancy from the historic Creek Nation and appear to meet the group's membership requirements. No evidence was found that the members of the Poarch Band of Creeks are members of any other Indian tribes or that the tribe or its members have been terminated or forbidden the Federal relationship by an Act of Congress.

83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.

Identification of the Creek Nation or Confederacy, which included the aboriginal inhabitants of the American southeast, is well established. Federal, State, and county records clearly identify a group of half-blood and mixed-blood Creeks as having lived in the same general vicinity in southwestern Alabama within an eighteen-mile radius for a time period beginning in the late 1700's to the present.

Benjamin Hawkins, United States Agent to the Creek Nation from 1795 to 1826, refers to the community of half-bloods in Tensaw—a small settlement on the Alabama River fifty miles north of present Mobile—as an autonomous town within the Creek Nation, and was personally familiar with several half-bloods there with whom he had working relations. For the most part friendly toward the United States during the Creek War of 1813-14, they suffered depredations to their property and persons at the hands of the hostile "Red Stick" Creeks, and were cited in many Federal lists concerning indemnification for losses. They received grants for their improved, cultivated lands under the Treaty of Ft. Jackson in 1814. Many of them appeared on the Creek Census of 1832 under their respective native towns. Other identifications as Creek Indian appear in Lachlan Durant's letter to President Madison of 1815, a memorial to the U.S. Congress through the Alabama legislature in 1832, and pages of testimony in the 1851 court case of William Weatherford v. Weatherford, Howell, et al. They appear in local county records which give data about marriages, wills, and the acquisition and/or transfer of lands throughout the mid-nineteenth century, even though during that period their settlements were in areas of remoteness and isolation. Several of them are shown continuously as Creeks in private acts of relief in both the U.S. Congress and in the Alabama legislature between 1826 and 1856. They were not subject to the Creek Removal of the late 1830's, but rather remained in Alabama, though certain members of their community emigrated to Indian Territory during the last half of the nineteenth century.

Evidence of identification of the community that developed inland of the Alabama River in what is now Escambia County, and the group of settlements and "core" families that developed from it into the current Poarch Band of Creeks, rests initially on the consistent distinction of this group from other persons resident in their area. The 1860 census indicates the identification of a group of Indians.

During the period of the Civil War and reconstruction, they are shown in military records and in county records, but not as Indian. Given both the difficult conditions and the total preoccupation with the War in the South, this does not appear unusual. Designations as Indian reappear, however, toward the latter decades of the nineteenth century, particularly in U.S. Decennial Censuses and in church records. Reliable oral history about the group dates back roughly to this period. At the turn of the twentieth century, the members of Poarch Band of Creeks are again designated in Federal records as Indian, especially in the report of Special Commissioner Guion Miller. They are identified as an Indian group in a Federal Timber Trespass suit involving the General Land Office and a local mill company.

From at least 1908 onward, the group was segregated in separate Indian schools, named as such, and are clearly cited in newspaper accounts, Federal and local records, and in various church records as Creek Indians. In 1929 the St. Anna's Indian Mission (Episcopal) was begun to service the Indians at Poarch now gathered into the main hamlets within three miles of each other: Head of Perdido, Poarch Switch, Bell Creek, and Hog Fork. In 1941 they were visited by anthropologist Frank Speck, who published a brief ethnography of the group. In the 1950's they intervened in the Creek Nation v. the United States in the Indian Claims Commission and were allowed by the Court of Claims to sue by virtue of the fact that they were an "identifiable group." From the 1950's onward they have been dealt with by local authorities and officially incorporated themselves as the Creek Nation East of the Mississippi in 1971. In recent years they have been active participants in the National Congress of American Indians and the Coalition of Eastern Native Americans, and have received numerous grants from various governmental agencies by virtue of their being a Native American group.

Support for Federal acknowledgment of the group's petition has come from several different sources. Correspondence was received from Alabama Governor George C. Wallace as early as 1975. At that time, he stated that Alabama was ready to convey certain lands in Escambia County to the United States in trust for the petitioner. He went on to state that the ". . . offer has been made possible through the generous support and cooperation of the people and the Board of Education of Escambia County, Alabama" (Wallace, 1975). Former Governor Forrest James, Jr., also expressed the State's support during his term and Governor Wallace has recently reaffirmed Alabama's support and willingness to convey the land. The entire Alabama congressional delegation has expressed their interest and support on several occasions.

In August of 1983, the recognized Muscogee (Creek) Nation of Oklahoma formally established a government-to-government relationship with the Poarch Band of Creeks and supported the group's petition for recognition stating the PBC is "a distinct and separate band of Muscogee (Creek) Indians . . . [and] has been since . . . 1832" (Cox, 1983).

The Poarch Band of Creeks has been identified as an American Indian tribe from historical times until the present and therefore, has met the criterion in 25 CFR 83.7(a).

83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

The Poarch Band of Creeks of today originated in the aboriginal and historical Creek Nation. More immediately, the Band is derived from a community which developed in the latter part of the 18th century in the Alabama-Tensaw River area in what is now southwestern Alabama. This community, which was within and part of the Creek Nation, was comprised of "half-blood" Creeks who applied for and were given permission by the council of the Creek Nation to settle on the Alabama-Tensaw River lands. The community drew its population from a number of different Upper Creek towns.

The "half-bloods" were a partially acculturated class of people within the Creek Nation who became increasingly influential in the Nation in the late 18th and early 19th centuries. The community on the Alabama-Tensaw Rivers was highly intermarried and formed a well-defined community, quite culturally distinct from non-Indian settlers in the area. Although called a "half-blood" community during this period, it is probable that the blood quantum was higher than half.

Most of the families in the community acquired title to their lands after the cession of this area to the United States under the 1814 Treaty of Fort Jackson and most remained after the Creek Nation was removed to Indian Territory in the 1830's.

Between 1840 and 1850, a portion of the Alabama-Tensaw community moved inland 15 to 20 miles eastward from the river and settled in what is now the northwest corner of Escambia County, Alabama. This was a previously unsettled area, one which remained isolated and thinly populated until the late 19th century. The families which settled inland were drawn from a variety of the Alabama-Tensaw community's population. This included the children of Lynn McGhee, many descendants of Sam Moniac, Sr., and members of the Weatherford, Hollinger, Semoice, Hinson, Marlow and other families. For several decades this community maintained social relationships with their kinsmen on the river and remained a part of that larger community.

The inland families settled in close, kinship-based settlements which developed, by the end of the nineteenth century, into five settlements—Head of Perdido, Red Hill, the Colbert settlement, Bell Creek, and Hog Fork. These settlements, linked by kinship and social ties, came to form a separate community from the original group on the river after the 1870's. The families in these hamlets became tightly intermarried and gradually came to be distinguished socially from other descendants of Creek half-blood families in the same area, who were no longer socially identified as Indian. The Indian community retained some degree of cultural distinction from non-Indians until probably the latter decades of the nineteenth century. Around 1900, social distinction of Indians developed into a system of segregated Indian schools and churches, based in the Indian settlements.

The Poarch Creeks have remained a very cohesive group to the present, with definite social distinctions between them and others in the area. Two of the nineteenth-century hamlets, at Head of Perdido and Hog Fork, still exist, as does another, Poarch Switch, which formed in the 1920's from residents of the earlier settlements. Although there are no longer segregated schools, there are still several churches which are exclusively or largely Indian. The three settlements form a clearly identifiable "core" community at Poarch. A significant portion of the membership resides in nearby Atmore or neighboring areas of Alabama and west Florida, such as Pensacola, and maintains extensive social and kinship relationships with the home community.

The Poarch Band of Creeks forms a community distinct from other populations in the area. Its members are descended from the historic Creek Nation, from a community within that nation which developed in the late 18th century. This community developed into several Indian settlements in Escambia County, Alabama, which form the Poarch Band of Creeks of today. We conclude, therefore, that the Poarch Band of Creeks has met the criterion in 25 CFR 83.7(b).

83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The Creek Nation or Confederacy was a well-established political entity since first European contact. By the late 18th century, the Confederacy had developed an organized National Council, which was the official agency representing Creek matters to outside entities and maintaining a strong influence and control over internal matters. Initially the Alabama-Tensaw community formed within and was politically part of the Creek Nation, whose chiefs authorized settlement on the land where the community was located. There were also several influential men who were leaders within the community itself, such as William Weatherford, Sam Moniac, Sr., Dixon Bailey, and David Tate.

The inland community formed around 1850, derived from the Alabama-Tensaw community, had a variety of clearly recognizable but not formally designated leaders. These are identifiable from oral history and indirect documentary sources such as court and church records for at least the 1880's onward until 1950. The most prominent and influential of these leaders was Fred Walker, who was a leader between 1885 and 1941. There was generally more than one informal leader at one time, with varying degrees and scope of influence. These leaders exercised influence in maintaining social control, organized community efforts such as church and school building in the settlements, saw to the employment of community members, were religious church leaders, and fulfilled other functions. At least one of these leaders may have been active as early as 1870. There is evidence available for the two previous decades that several Indian community members mentioned in those documents were informal leaders of the type more clearly identifiable in the period immediately following.

The community, led by informal leaders, took a number of actions in the late 1940's to improve community conditions. At least one attempt was made to prevent the sale of a portion of Indian-owned land to a non-Indian. Major efforts included a community boycott of the Indian school and the organization of a committee which successfully forced local school authorities to provide bus service which would allow the Indians to attend junior high and high school.

The first formal leader of the Poarch Band, in the sense of a single leader with a definite title and a clearly defined role, was Calvin McGhee, who was chosen in 1950. A charismatic leader, McGhee was referred to by one scholar as the dominant political force within the community. McGhee also led a wider claims movement among eastern Creek descendents, heading the council of the Creek Nation East of the Mississippi established in 1950. The movement was initiated by the Poarch community, including McGhee, and was dominated by Poarch community leaders. The council's functions widened after McGhee's death in 1970 to include a variety of community services which the local leadership had previously negotiated for with local non-Indian authorities. At the same time, under a new generation of leaders from within the community, the council was narrowed and developed into a governing body for the Poarch community alone.

The Poarch Band of Creeks and the predecessor community from which it evolved have maintained identifiable leaders and political processes within a highly cohesive community essentially continuously since its origins in the late 18th century within the historic

Creek Nation. We conclude that the Poarch Band of Creeks has maintained tribal political influence and authority over its members throughout history until the present and that it, therefore, has met the criterion in 25 CFR 83.7(c).

83.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

The group has submitted a copy of their current bylaws which were adopted November 14, 1982. These bylaws describe in detail how membership eligibility is determined and how the group currently governs its affairs and its members. We conclude that the tribe has met the criterion in 25 CFR 83.7(d).

83.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

Eligibility for membership in the Poarch Band of Creeks is limited to persons who are lineal descendants of individuals who were identified as Indian on the group's cited source documents and who are of at least 1/4 Creek Indian blood. Three Federal population census schedules for Alabama are used by the group as source documents for establishing eligibility. These are the 1870 and 1900 general schedules of Escambia County and the 1900 Monroe County special Indian schedules. For tribal purposes, persons identified as "Indian" on these documents are considered to be full-bloods for the purpose of computing blood degrees.

Two membership rolls were provided; one dated 1979, the other 1982. The current roll, prepared as of October 1982, contains complete information including full names, addresses, and other personal information for the 1,470 members of the Poarch Band of Creeks.

Poarch Band members descend from ancestors who were identified as Creek in early 19th century Federal records. Because these ancestors and their descendants have continued to live in the area around modern Atmore for more than 150 years, events in their lives can be documented in the official records of the three counties immediately surrounding.

Intermarriage within the group has occurred to such an extent over the years that family lines present in the Poarch community are now extremely intertwined and many members trace their ancestry to more than one established Creek ancestor. The extent to which these families have intermarried indicates a high degree of social interaction among the Poarch families.

The tribal council appears to have been stringent in its application of the group's eligibility requirements and its evaluation of documentary evidence submitted to them. Based on our research, virtually all of the group's 1,470 enrolled members are believed to be able to document both their descent from one of the three source documents and at least the minimum 1/4 Creek blood degree requirement. Forty-five percent of the total membership are in fact of 1/2 or more Creek Indian blood quantum. Seventy-two percent of the members have been recognized as eastern Creek descendants and have shared or will share in judgment awards to eastern Creeks under Indian Claims Commission Dockets 21 and 275.

We conclude the membership of the Poarch Band of Creeks consists of individuals who have established descendency from an historical tribe and that the tribe has met the criterion in 25 CFR 83.7(e).

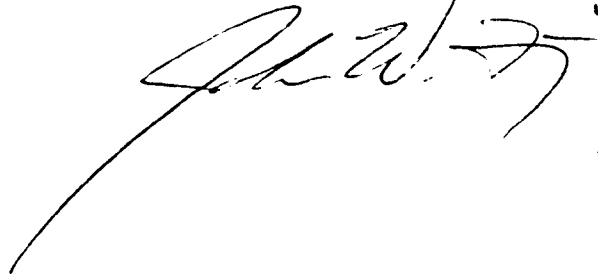
83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The petitioner asserts that none of its members is enrolled in any other North American Indian tribe. The bylaws do not permit concurrent enrollment in more than one tribe. Further, members of the Poarch Band of Creeks are not eligible for membership in the Muscogee (Creek) Nation of Oklahoma. The Acknowledgment staff found no members of the group enrolled with any other North American Indian tribe; therefore, we conclude the Poarch Band of Creeks meets the criterion in 25 CFR 83.7(f).

83.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The petitioner asserts that neither the group nor its members have ever been terminated or forbidden the Federal relationship. The Poarch Band of Creeks does not appear on the current list of "Indian Tribes Terminated from Federal Supervision" prepared by the Bureau of Indian Affairs under any of the names by which the group may have been known. The Poarch Band of Creeks has not been the subject of Congressional legislation which has expressly terminated or forbidden the Federal relationship.

We conclude that the Poarch Band of Creeks meets the criterion in 25 CFR 83.7(g).

A handwritten signature in black ink, appearing to be "J. W. [unclear]", is written over the bottom right portion of the text.

TECHNICAL REPORTS

regarding

THE POARCH BAND OF CREEKS

of

ATMORE, ALABAMA

Prepared in response to a petition submitted
to the Secretary of the Interior for Federal
acknowledgment that the Poarch Band of Creeks
exists as an Indian tribe.

NOTES TO THE READER

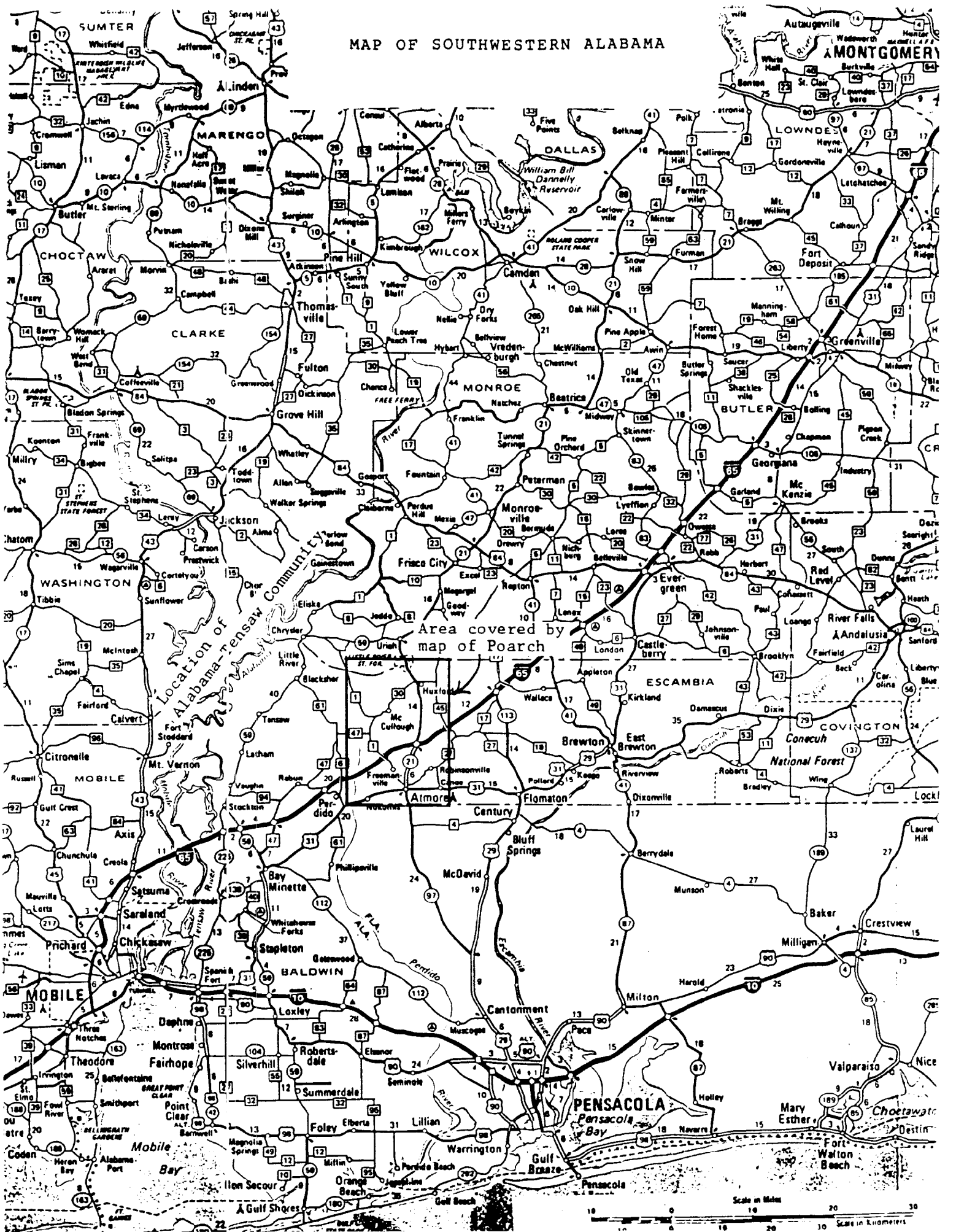
For the purpose of this report, all surname spellings have been standardized, except where they appear as direct quotations. The most frequently used standard spellings and the variations they reflect are listed below:

<u>Standard</u>	<u>Variations</u>
Deas	Dees, Deese
Horsford	Hasfor, Hausford, Horsefoot, Horseford, Hosford
McGhee	MacGee, MacGhee, MaGee, McGee
Moniac	Macknac, MacNac, Manac, Manack, Monac
Rolin	Rolan, Roland, Rollin, Rowland, Rowlands
Semoice	Semoi, Semoyce, Semoye, Shemach, Simmoice, Symac
Sizemore	Sizemoor, Sizemor, Sizmore
Stedham	Stedham
Tarvin	Turvin
Tate	Tait

Abbreviations

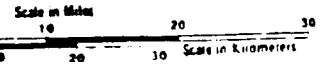
BFA	Branch of Federal Acknowledgment
CNEM	Creek Nation East of the Mississippi, Inc.
FRC	Federal Records Center, Suitland, Maryland (All records center references are to Suitland, unless otherwise cited.)
NARS	National Archives and Records Service, Washington, DC
PBC	Poarch Band of Creeks or Poarch Band of Creek Indians
Pet.	Petition (includes initial petition and all supplements)
RG	Record Group (All archives and records center references are to Record Group 75, Records of the Bureau of Indian Affairs, unless otherwise cited.)
T3N,R5E	Township 3 North, Range 5 East of St. Stephens Principal Meridian

MAP OF SOUTHWESTERN ALABAMA

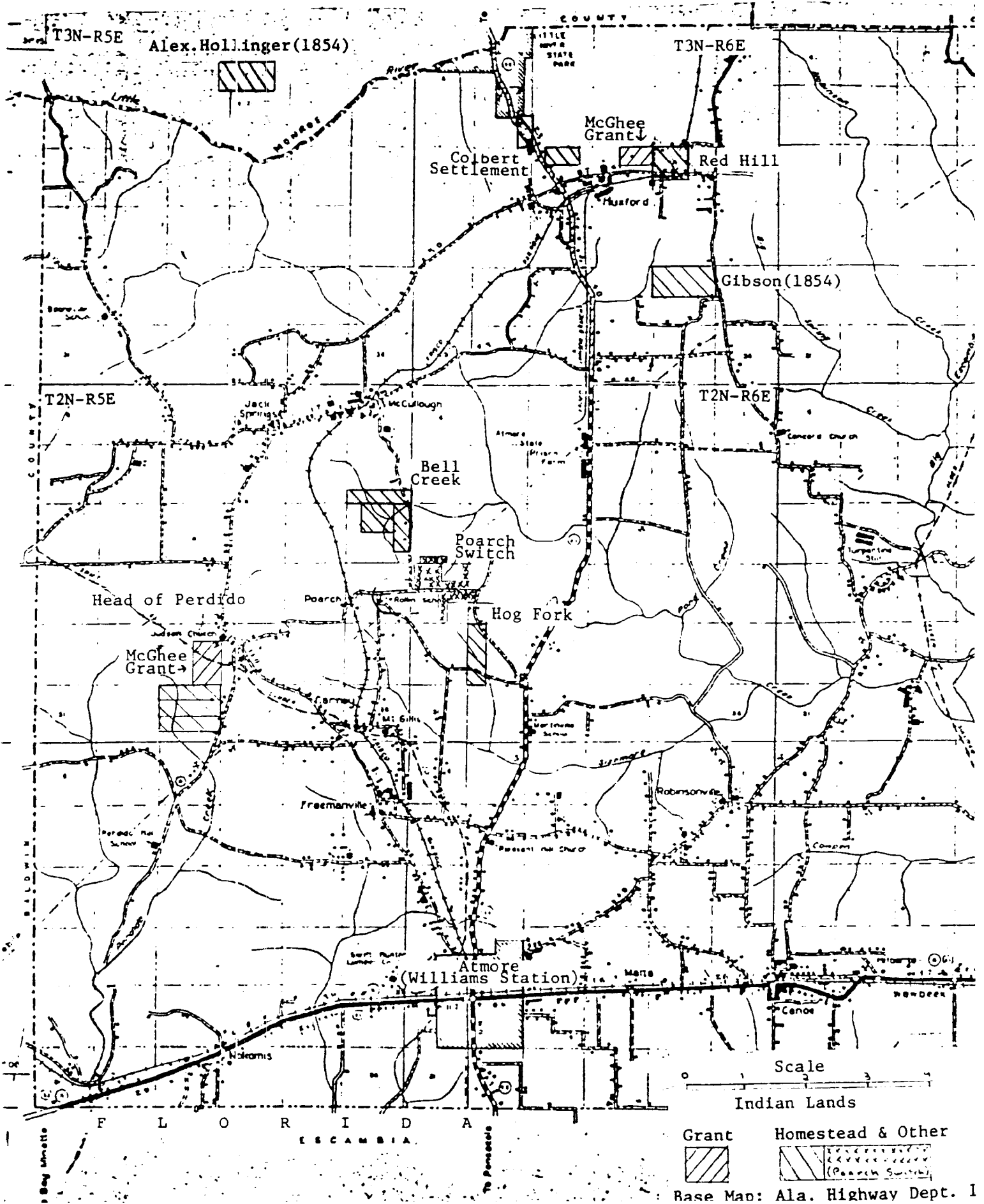


Area covered by map of Poarch

Location of Alabama-Tensaw Community



MAP OF POARCH CREEK
SETTLEMENTS AND LANDS: 1850-1983



HISTORICAL REPORT ON THE POARCH BAND OF CREEKS

The Poarch Band of Creek Indians is located in three hamlets near modern-day Atmore, Alabama. This report describes how they came to be situated in this locality and the duration and degree to which they have maintained communal autonomy. This required examining not only those tribes which occupied aboriginally the area just east of the confluence of the Alabama and Tombigbee Rivers, but also tracing the history of the so-called "Upper Creeks" found living at the time of European contact along the drainage of the Coosa and Tallapoosa Rivers in northeastern Alabama, from whom the present members of the Poarch Band of Creeks are descended.

Though not named the Poarch Band in the earlier years, this group established a community at Tensaw in what is now southwestern Alabama in the late eighteenth century and, forced out by non-Indian settlers, grouped themselves in clusters—first along the Alabama River and then in the area now called Poarch. They remained in Alabama both during and after the vast majority of Creeks were removed to Indian Territory in the 1830's. Throughout the entire time period, they have maintained close social ties and tribal relations, with an extraordinarily high degree of inter-marriage, and they have remained within a relatively small geographical area. They have thus been determined to meet all the criteria in 25 CFR 83 pertaining to identification as Indian, having a distinct community, and maintaining tribal relations.

83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.

The Poarch Band of Creeks has only been referred to by that name since approximately 1870, due to the lack of a place-name for the location known today as Poarch. However, sources in Federal, state, and county records clearly identify a group of half-blood and mixed-blood Creeks (often of a higher blood quantum than half) as having lived in the same general vicinity in southwestern Alabama within an eighteen-mile radius for a time period beginning in the late 1700's to the present. This group is further identified in church and school records, newspapers, scholarly publications and historical accounts, and in legal proceedings. Benjamin Hawkins, United States Agent to the Creek nation from 1795 to 1826, refers to the community of half-bloods in Tensaw—a small settlement on the Alabama River fifty miles north of present Mobile—as an autonomous town within the Creek Nation, and was personally familiar with several half-bloods there with whom he had working relations. For the most part friendly towards the United States during the Creek War of 1813-14, they suffered depredations to their property and persons at the hands of the hostile "Red Stick" Creeks, and were cited in many Federal lists concerning indemnification for losses and land grants throughout the first half of the nineteenth century.

During the period of the Civil War and reconstruction, they are shown in military records and in county records, but not as Indian. Given both the difficult conditions and total pre-occupation with the War in the south, this does not appear unusual. Designations as Indian reappear, however, towards the later decades of the nineteenth century, particularly in U.S. Decennial Censuses and in church records. At the turn of the twentieth century, Creeks of the Poarch Band are again designated in Federal records as Indian, especially in the report of Special Commissioner Guion Miller and in

a Federal Timber Trespass suit involving the General Land Office and a local mill company.

From 1910 onward, they are segregated in separate Indian schools, named as such, and are clearly cited in newspaper accounts, Federal and local records, and in various church records as Creek Indians. In the 1930's the St. Anna's Indian Mission (Episcopal) was begun to service the Indians at Poarch now gathered into four hamlets within three miles of each other: Hedapeada, Poarch Switch, Bell Creek, and Hog Fork. In the 1940's they were visited by anthropologist Frank Speck, who published a brief ethnography of the group. In the 1950's they intervened in the Creek Nation v. the United States in the Indian Claims Commission and eventually received a share of the monetary distribution awarded to the claimants. By the 1970's they had had a tribal council for two decades, and officially incorporated themselves as the Creek Nation East of the Mississippi. In recent years they have been active participants in the National Congress of American Indians and the Coalition of Eastern Native Americans, and have received numerous grants from various governmental agencies by virtue of their being a Native American group.

The Poarch Band of Creeks has been identified as an American Indian tribe from historical times until the present and has met the criterion in 25 CFR 83.7 (a).

83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area and that its members are descendants of an Indian tribe which historically inhabited a specific area.

The Poarch Band of Creeks lives today on land which was traditionally and aboriginally Creek. While there has been shifting of location of the various clusters into which they usually congregated, this shifting has been limited to a relatively small area, i.e., within a radius of eighteen (18) miles. Moreover, this shifting of dwelling clusters within this 18-mile radius had all occurred within a time span of 190 years. Through this period, the group has exhibited a high degree of endogamy (i.e., intermarriage), so that virtually all of the present members of the community can trace to earlier historical figures in the community shown in the first records. Additionally, the current kinship structure in the community shows a highly integrated blood-relation pattern.

Other factors indicative of community are also evident. Members of the Poarch Band of Creeks have historically acted as witnesses for each other in depositions, homestead applications, land claims, etc. They have historically been shown in estate and probate records to have bequeathed items of considerable value to each other, such as land, slaves (prior to 1863), household goods, cattle, etc. In censuses and lists they often appear in clusters—usually reflecting geographical proximity—when they are so listed. There has been a high incidence of land transfer between the members of the community in the form of trades, bequests, and sales. Finally, there has been a high degree of mutual assistance: they act as healers for each other, help provide for subsistence to indigent community members, and help protect each other from aggressive "outsiders."

A substantial portion of the Poarch Band of Creeks forms and has formed since historical times a community viewed as American Indian and distinct from other populations, thus the group has met the criterion in 25 CFR 83.7 (b).

83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The Poarch Band of Creeks has always had either a formal government or an informal leadership role of prominent men in the community. It must be remembered that aboriginal Creek chiefs or miccos ruled by persuasion and usually reflected the consensus opinion of the town, and not by absolute authority. In modern times, the government of the Poarch Creeks has been formal. The current Chairman of the Tribal Council is Mr. Eddie Tullis, who attained this position in 1978. Mr. Tullis succeeded Mr. Houston McGhee, who was "Chief," who followed his father Calvin McGhee. Calvin McGhee attained the actual position of Chief in 1950 but was, prior to that, informally the leader of the group.

The anthropologist Frank Speck cites Fred Walker as leader of the group in 1941, and refers to him as "provisional chief." Walker lived to a relatively old age, and can be traced back as leader of the group through oral history accounts to approximately 1895. His burial record in 1941 lists him as "Indian Chief." Reliable oral history accounts cease around 1890, but county records show several responsible citizens filling a number of positions for the county—men who were chosen from among the prominent members of the community around Poarch. For the period between 1860 and 1890, records show that David A. Moniac, John V. Steadham, and William Gibson served in such positions for the county as apportioner, road overseer, auctioneer, and even sheriff.

From the beginning of the half-blood community in Tensaw to 1840, accounts of leadership are clear. History records that at the skirmish at Burnt Corn Creek in 1813, a "Captain" Dixon Bailey and David Tate led a contingent of separate half-blood soldiers to fight the hostile Creeks under the command of Peter McQueen (a hostile half-blood leader). These men under Bailey and Tate rode with a company of their non-Indian neighbors to intercept McQueen's forces. David Tate lived until 1829, but Captain Dixon Bailey was killed at the massacre of Ft. Mims in 1813. David Tate's nephew, David Moniac, was also clearly a leader in the half-blood community there. Moniac was the first Indian ever to graduate from the United States Military Academy at West Point, and upon his graduation, due to serious family problems, he had to resign his commission as 2nd Lieutenant and return home. He lived in the Tensaw area and served in a leadership capacity until the Seminole War of 1836, at which time he volunteered for service and was made a Brevet Major and placed in command of a Creek force. Major Moniac was killed in action in northern Florida in 1836, fighting the Seminoles.

There have been certain junctures in the history of the Poarch Creeks at which they have collectively rallied to present a unified front to an outside entity or governmental agency, though participation at these junctures was varied and did not always include everyone without exception. At each of these instances, however, the prominent members or otherwise able-bodied members of the community represented the group as a whole. These group mobilizations include a letter petition to President Madison in 1815, a group memorial to the U.S. Congress through the Alabama State legislature in 1832, a near-consensus of military participation in the same Confederate units during the Civil War (though this involved only the men), religious activities and the founding of Judson Baptist church in 1891, a timber trespass suit in 1912, a school boycott in 1947, an Indian Claims Commission suit in 1956, and legal incorporation in 1971.

The Poarch Band of Creeks has maintained tribal political influence and authority over its members throughout history to the present and has thus met the criterion in 25 CFR 83.7(c).

THE ABORIGINAL AND COLONIAL PERIOD

The year 1540 marks the beginning of the historic record for the aggregation of indigenous peoples in the Southeastern United States who have come to be known as the Creeks. This was the year in which the Spanish explorer, Hernando De Soto, travelled the area with a small expeditionary force among whom was his chronicler, the unnamed "Gentleman of Elvas." The documents and accounts which he left comprise the first ethnographic descriptions of the Creek Indians. Between these and other early European accounts, in addition to the research findings of archeology and later oral history, a fairly accurate picture of pre-contact Creek life can be drawn.

Before proceeding to a brief description of Creek life, a clarification must be made concerning terminology and the nature of that collectivity of peoples usually termed "Creek." "Creek" is the colonial English term, and Swanton claims that "The name Creek early became attached to these people because when they were first known to the Carolina colonists and for a considerable period afterward the body of them which the latter knew best was living upon a river, the present Ocmulgee, called by Europeans 'Ocheese Creek.'" (Swanton, 1952: 157) The native term for Creek is Muskogee or Muscogee; it is not certain from where this term derives, but it is thought to be a Shawnee (Algonkian) term for "swamp" or "swampy ground." Constitutionally, the Creeks were not a homogenous people, but were rather a confederation of various different groups—some with radically different linguistic and cultural bases—contained within the same geographical area, and continuously incorporating groups from other regions with a high degree of acceptance and tolerance. Michael Green states that

The Creek Nation was a confederacy—an alliance of separate and independent tribes that gradually became, over a long period, a single political organization. Through most of its history, however, the Confederacy was a dynamic institution, constantly changing in size as tribes, for whatever reason, entered the alliance or left it. The evidence suggests that many more groups joined that withdrew . . . They were the only native group Adair knew of that was not declining in numbers. This means, of course, that the definition of Creek was constantly changing. (Green, 1979: vii)

Given this caveat, a description of pre-contact Creek life can now be made, keeping in mind that the descriptions are general, and may not address specifically or apply to the more culturally divergent groups within the Creek confederacy like the Yuchi, Alabama, Shawnee, and Natchez.

The social structure of the pre-contact Creek confederacy was built around a town-village system, with the town occupying a central role in relation to its outlying villages. The numbers of villages outlying a given town varied greatly, from one or two to over a score. The towns were then divided into a basic two-part system comprised of "White" or peace towns and "Red" (Chiloki) or war towns; these two types of town were said to be of different "fires." Within the governmental town and moiety structure, matrilineal clans were the basic building blocks of Creek society. Clans were named, and Swanton lists some 46 different ones among which were Alligator, Arrow, Bear, Beaver, Bison, Cane, Corn, Deer, Fish, Panther, Salt, Wind, and Wolf. (Swanton, 1928: 115) Certain clans were considered superior to others, like the Wind clan which had special privileges,

and this had a significant bearing on the ascent to power of Alexander McGillivray in later Creek history. Clans were further combined into a larger unnamed grouping system in which several clans would share an affinity based on commonalities in the clan totems, and which directed marriage and division of labor. Within clans were household units, the final subdivision of Creek society. The household units were comprised of a basic nuclear family: a woman, who owned the house, her husband, their children, and often certain of the woman's relatives. Children were born into the clan of the mother, and remained lifelong members of that clan.

Leadership and governmental power were bestowed in a micco or miko and the town council. The micco was head of civil authority, and there existed as well a war chief or leader whose authority was applicable only in military matters. The micco was usually chosen from the same clan as his predecessor, and in later times this position became almost entirely hereditary. The civil administration, headed by the micco, also had local precinct officials, a category known as heniha who directed public works, and the town's "beloved men" (and women) who had achieved a position of respect and leadership through their accomplishments. These combined formed the town council, at which legal and other governmental decisions were made. The micco and his council did not, however, retain an absolute power or authority over the town, but acted more in the capacity of arbitrator, facilitator, and representative of the public opinion and consensus.

The economy of the pre-contact Creeks was varied, combining horticulture with hunting/gathering in a semi-sedentary lifestyle. The calendar was divided into twelve months, but only two major seasons. During the winter season, hunting away from the town or village was the rule, and during the summer season—which included most of the ceremonial cycle of Creek religion—residents of the towns stayed close to home tending crops, storing for the winter months, and preparing for the annual busk. Crops consisted of various types of corn, sunflowers, beans, pumpkins, squashes, and melons. In addition to these domestic crops, the Creeks gathered wild rice, cane seed, different types of tubers, including sweet potato, and a variety of nuts, fruits, and berries. All these flora in the diet were supplemented by various fauna which were taken with the bow, the blowgun, and traps. Fowl, fish, shellfish, small game, primarily deer and occasionally bear were commonly included in the diet. Preservation of food was mainly by sun drying and smoking, and nearly every type of food could be preserved and stored for the lean winter season. Tanned deerskins were the principal item of trade, but other furs, shells, beads, and craft implements were also traded with neighboring groups.

The trading system of the pre-contact Creeks was well established, and artifacts from a variety of different tribes and geographical regions have been found in excavations. This developed system, in addition to the inherent ability of the Creeks to trade and maintain such a trading system, proved to be a natural and adaptable point of interaction with the similar interests of European traders in later years.

The entrance of DeSoto into Creek country in 1540 was soon followed by that of Tristan de Luna in 1559. De Luna's forces, like those of Juan Pardo who followed him, began the Spanish practice of assisting one town or tribe within the Creek confederacy in its warfare against another. European weaponry was thus introduced into the Creek nation during this time, irrevocably changing Creek life. For almost an entire century, the principal European players in Creek history were the Spanish, who by 1670 had colonized much of the Atlantic seaboard of present northern Florida. During this period, the Spanish struck a trail westward, and established a chain of missions west across Florida and through the panhandle, ultimately reaching Pensacola. The missions consisted of small garrisons with a contingent of clergy, under whose supervision and tutelage were

numbers of pacified Indians. Pensacola, owing to its fine deep-water harbor, became an important center for the Spanish later in the 17th century. While the condition of the confederacy among the Creeks at the time of De Soto's arrival is unclear, by 1670 the confederacy was thriving, no doubt due to the increased trading and military activity of the Spanish during the first century of European settlement.

In 1670 the historical picture of the region changed with the founding of the British settlement of Charleston in present South Carolina. Charleston became the center of Creek-English trade and commerce, and it was from Charleston, for example, that Lachlan McGillivray, father of the famous half-blood leader Alexander, made his first venture into the Creek nation. Some 32 years later, French colonists under Jean-Baptiste Le Moyne established a fort roughly thirty miles north of the mouth of the Mobile River. This lasted only nine years, and was relocated in 1711 to the site of present Mobile at which point it became capital of French Louisiana until 1720. The French and the Spanish were thus bordering each other in the southwest part of the Creek nation (the Spanish boundary never went west of the Perdido River), and the Spanish and English bordered each other in the eastern part of the Nation at the Savannah. "Occupying as they did a central position," says Swanton, "between the English, Spanish, and French colonies, the favor of the Creeks was a matter of concern to these nations, and they played a more important part than any other American Indians in the colonial history of the Gulf region." (Swanton, 1952: 166)

In 1685 a significant event took place relative to Creek history. Henry Woodward, an English trader, supervised an expedition of other traders with a large supply of goods and arrived in Coweta. Upon his arrival, the Creeks allowed him to construct the first English trading post in the Nation. The ultimate effects of this new commerce are described by Corkran: "Through the media of intensified warfare, hunting and trading, the Creeks became, comparatively speaking, a fiercely acquisitive and affluent Indian society. They lost many of their old manual arts and became abjectly dependent upon the English trading system . . ." (Corkran, 1967: 53) Woodward's English outpost flourished and others were begun. In 1705, the English colonists from Charleston signed a treaty of alliance with the Lower Creeks at Coweta. The French, however, did not sit idly by. In 1714 they sent an expedition north along the Alabama River to the fork of the Coosa and Tallapoosa, where they established a garrison and trading post which they named Fort Toulouse. Fort Toulouse, which remained there for some 45 years, figures into the history of the Poarch Band of Creeks, since it was there in 1720 that the French Captain Marchand married Sehoy of the Wind Clan. Their only daughter, Sehoy Marchand, is an ancestor to the McGillivrays and Weatherfords.

The year following the establishment of Fort Toulouse, the Yamasee Indians living to the south of the Savannah River in present Georgia, attacked the settlements in South Carolina—supposedly at the instigation of the Creeks. This began the bloody Yamasee war, which resulted in the near eradication of the Yamasee. One outcome of this was the incursion of the English into what the Spanish claimed was their territory. In 1733 the English colony of Georgia was settled in the area once occupied by the Yamasées, with the town of Savannah as the seat of government. The colony was headed by General James Oglethorpe, and had the direct support of the British crown. Oglethorpe negotiated a treaty with the Lower Creeks for the rights of occupancy, and the territory ceded to the Georgia colonists marked the first in a long series of cessions which led finally, in 1832, to the loss of all land for the Creeks in their native habitat.

In 1754, the French and Indian War began in the American colonies, and within two years had spread to Europe. The war involved a number of European nations and their respective colonies in America, and this included the Spanish. The war continued until

1763, at which point a peace treaty was made in Paris that was decisive in its results: the French had been thoroughly defeated, and the English were the major victors. By the Treaty of Paris in 1763, England acquired Spanish Florida and all the territory of the French east of the Mississippi River. Spain acquired that part of French Louisiana west of the Mississippi River. England, by proclamation of 1763, established the provinces of East and West Florida. It was at this point in time that English settlers from Virginia, Georgia, and the Carolinas began to infiltrate gradually into the Lower Alabama River area and established the settlement areas of Tensaw and Tombigbee, which attracted to them some of the ancestors of the present Poarch Band of Creeks. While neither the French nor Spanish had had extensive settlements in the area during their respective occupations of the region, there were nonetheless a small number of them living in the vicinity. The Tensaw/Tombigbee settlement area thus served as home for a small number of French and Spanish families, a second and more numerous wave of Englishmen from the Atlantic seaboard colonies, and somewhat later a large contingent of wealthy half-blood Creeks—many of whom were related—who were the wives, sons and daughters of "Indian country-men," i.e., non-Indians who married Indian women.

TENSAW AND THE FORMATIVE YEARS

The settlements in the Tensaw/Tombigbee area were unique in the history of the colonial South. Not only was the population there multi-national, it was also multi-racial. "The blood of these men [Tensaw/Tombigbee settlers] was various: English and Scottish traders mingled with Yankee frontiersmen, and many of them had taken native wives. The half-breeds were often men of wealth, and no distinction of race seems to have been made in the rugged life of the frontier." (Abernathy, 1965: 18) Prior to the American Revolution, cotton was introduced into the area, which brought in its wake a large number of slaves to work the fields. Lachlan McGillivray established a large cattle ranch in the settlement, and with the help of his son Alexander, sold hides to John Panton of Pensacola for shipment around the world. Charles Weatherford, the father of William Weatherford, had a large plantation there, and further had the distinction of building the first horse race track in the territory. Charles Weatherford and Lachlan McGillivray both married Creek women, and were thus considered "Indian country-men." Both had been traders among the Upper Creeks, and had made alliances with other Indians, Indian country-men, and their half-blood relatives in the Upper Creek territory.

These alliances were maintained into the Tensaw/Tombigbee area, downriver from the Upper Creek country, so that many of the half-blood property owners like the Durants, Moniacs, Cornells, and others had property in both areas. A greater number, however, seem to have relocated altogether from the Upper Creek country to the Tensaw region—people like the McGhees, Stiggins', Baileys, and Smiths. This relocation and settlement of these half-bloods occurred gradually between 1780 and 1800. There was a high incidence of intermarriage among these early half-blood ancestors of the present Poarch community, many were related from earlier connections in the Upper Creek country, and many of the half-blood men initially married native women. Thus, the embryo of the community known later as the Poarch Band of Creeks was formed during this period. Even in its embryonic stage, however, the community was both autonomous and sanctioned by the council of the Creek Confederacy. Because the half-bloods did not live harmoniously with their full-blood kinsmen in the Upper Creek towns, they applied for and ultimately obtained from the Creek Convention "leave to settle" on Indian land in the Tensaw area. (Grant, ed. 1980: 768) This allowance by the Creek Nation was not without precedent, and though this community was half-blood and not another culturally diverse but full-blood Indian group, the pattern was the same. The half-blood settlement near Tensaw was, like the Yuchis, Shawnees, etc., a legitimate

town of the Creek Confederacy maintaining full political relations with the Convention meeting alternately in Tuckabatchee and Coweta.

It appears from the evidence that the Tensaw/Tombigbee settlements were places of cultural synthesis; places where Spanish, French, English, and Indian cultures converged. Until the later advent of Judge Harry Toulmin in the first decade of the nineteenth century, the Tensaw region was without laws and formal governmental structure. Pickett, for example, in his famous history of Alabama and Mississippi, writes that "Upon the Tombigby and Lake Tensaw, the people still lived without laws [circa 1800], and without the rite of matrimony." He continues: "Down to this period [circa 1803], no Protestant preacher had ever raised his voice, to remind the Tombigby and Tensaw settlers of their duty to the Most High. Hundreds, born and bred in the wilderness, and now adult men and women, had never even seen a preacher." (Pickett, 1851: 183 and 194) It seems clear from descriptions of the settlement that Indian culture made a significant contribution to the collective culture of the unique community, and that the Indian culture in question was primarily Upper Creek.

Swanton reports that the two main tribes indigenous to the area were the Mobile and the Tohome, sub-groups of and later assimilated into the greater Choctaw nation. (Swanton, 1952: 159 and 171) For approximately a 40-year period during the French occupation of the area, a band of Taensa Indians from Louisiana were moved by the French to the region, which took its name from these Indians, but they were returned to Louisiana after the cession of French territory to the British in 1763. George Stiggins, curiously, who was himself half Natchez and an ancestor of the present Poarch Band of Creeks, wrote in his history of 1831 that "The first settlement we find in tracing the Alabama (a branch of the Creek or Ispocoga tribe) is at the confluence of the Alabama river and Tensaw lake near the Town of Stockton in Baldwin County-- Their settlements extended up the lake & river as far as Fort Mimbs [sic] . . . The white settlers of the place call it the Tensaw Settlement." (Stiggins, 1831: 1) Neither assertion is mutually exclusive; it might well have been that all these tribes occupied the region at varying times. The main point, however, is that the region, at the time of white settlement, was and had been permeated with Indian culture, and that elements of this culture had been retained and further added to by the influx of Upper Creeks.

Events in the Americas in the late eighteenth century began to accelerate the peaceful, isolated Indian settlement of Tensaw into a growing and central position. In 1780, during the American Revolution, England was preoccupied with the Americans. Spain, sending out a force from New Orleans under Bernardo de Galvez, recaptured Mobile; a year later Galvez recaptured Pensacola. The Revolution itself had caused a number of colonial Tories to relocate to the area from the Atlantic seaboard states, increasing the population of the area significantly. After the British surrender at Yorktown in 1783, the new government was not favorably disposed toward the Creek nation, for the reason that Alexander McGillivray, leader of the nation during the Revolution, had persuaded many of his chiefs to side with the British. With other more pressing problems at hand attendant to forming the new Union, the United States waited until 1790 to clarify both its borders with and relationship to the Creek nation. The Treaty of New York was signed August 7 of that year in New York by McGillivray for the Creeks and Henry Knox, Secretary of War, for the United States. Both Lachlan Durant and David Tate accompanied their uncle, Alexander McGillivray, on that trip to New York, in addition to 24 Creek chiefs and warriors, among whom was one of the signers of the treaty, "Samoniac."

Dispossessed of his property, and his commissions in the British, American, and Spanish armies, Alexander McGillivray relocated in 1792 to his plantation on Little River in

Baldwin County near Tensaw, from his home in the Nation. In speaking of his relocation, Carolyn Forman claims that "There was a large colony of wealthy and intelligent persons of mixed blood who had plantations on Little River where they would feed their great droves of cattle on the wild vegetation that was always safe from frost." (Forman, 1929: 116) Forman quotes a letter written by William Panton, the Pensacola trader, to Lachlan McGillivray (Alexander's father) in Scotland describing the events of Alexander McGillivray's death in the following year. Panton wrote that on February 17, 1793, Alexander died ". . . of complicated disorders--inflamed lungs and the gout on his stomach. He was taken ill on the path, coming from his cow-pen, on Little River, where one of his wives, Joseph Curnell's daughter, resided, and died eight days after his arrival here." (Forman, 1929: 118)

In 1795 a little-noticed but major event took place in Creek history. Benjamin Hawkins replaced James Seagrove as U.S. Agent to the Creek Nation. As Michael Green states, "No non-Creek in the history of the Nation ever wielded such influence or played such a decisive role in Creek affairs as Hawkins." (Green, 1979: 35) In addition to being a considerate and benign man, Hawkins was also a prolific correspondent and journalist. It is in Hawkins' documents that the first significant direct accounts of the history and activities of the ancestors of the present Poarch Band of Creeks are found. In the year following his appointment, Hawkins made an extensive survey of the Creek Nation, travelling to as many towns as he could and keeping a meticulous journal of his observations. Hawkins did not describe the "colony" of half-blood Creeks in the Tensaw area, but he did place certain of its residents and principal members as originally from the Upper Creek country. Having already described Stiggins, Smith, McGillivray, Cornells, Bailey, and Weatherford in his *Journal of 1796-97*, Hawkins then describes Leonard McGhee for the first time in an entry dated February 11, 1797: "I have heard that there is a halfbreed in the savannas, Leonard Megee, who is of an excellent character, speaks English well." (Grant, ed. 1980: 46) This is the same Len or Lynn McGhee (both "Lynn" and "McGhee" have several variant spellings) whose reserve acted and acts today as the geographic center of the Poarch Band of Creeks.

In a letter to James McHenry dated October 23, 1797, Hawkins briefly describes the Tensaw settlement. He writes: "You have in the inclosed a narrative of a recent murder at Tensaw.¹ (¹Not attached) In that settlement there are 60 families; in that of Tombigbee there are 40. The two settlements are on our side of the line, the first on the left bank of the Alabama, the other on the right bank of the Tombigbee." (Grant, ed. 1980: 113) While data about the constitution of the Tensaw settlement and the Creek half-blood colony there are scarce, it can be surmised from the existing evidence that it was more or less intermediate in its earlier history relative to colonial European culture and Indian culture. Hawkins states that "The whites who had Indian families took no care of them, either to educate them or to teach them any thing useful. They [the children] were left with their mothers . . ." (Grant, ed. 1980: 18) Thus, many of the half-bloods were raised with a high degree of Creek customs and worldview, and identified more as Creek than as white. This is further corroborated by the high incidence of endogamy (i.e., inter-marriage) within the half-blood colony there, in addition to many half-blood men, especially, taking full-blood Creek wives.

Of the numerous half-blood residents of the Creek colony at Tensaw who were ancestors of the Poarch Band of Creeks, or those who had property or positions in the Upper Creek nation, Hawkins mentions several in specific. In a journal entry on November 20, 1797, he mentions Benjamin Steadham, Mrs. Durand (Durant), Jephtha Tarvin, the latter being called "Johnny Haujo by the Creeks." On August 9, 1799 he writes that "Charles [Weatherford] is not now in trade, he has lately moved down the Alabama below Sehoy's . . .," (presumably Sehoy Marchand, Lachlan McGillivray's ex-wife). In

A Sketch of the Creek County, Hawkins wrote of the Upper Creek towns which had as residents "Sam Macnac [Moniac], a half breed . . .," Mrs. Durand, and Sehoj McGillivray. In a letter to William Eustis dated August 27, 1809, Hawkins describes the youngest of Alexander McGillivray's two daughters as having "an Indian husband" and, in describing inheritance customs among the Creeks, states that "according to the custom of this nation a man's children have no claim to his property, it belongs to his relations on the maternal line . . ." (Grant, ed. 1980: 556) He continues by saying that Mrs. Durand and Mrs. Weatherford took possession of the property of Alexander McGillivray, and that Mr. David Tate, whom Hawkins describes elsewhere as "a half breed of property," also inherited some of McGillivray's property through his mother and "lives on the Alabama within this agency, is careful and conducts himself well."

In the years immediately preceding the Creek War of 1813-14, one of the by-products of the War of 1812 between England and the United States, the Tensaw area grew into a full community with law, schools, and churches. The invention of the cotton gin by Eli Whitney in 1793 had helped to increase the population in the rich-soil area. Two brothers from New England, William and John Pierce, were local entrepreneurs, first establishing a school on Boatyard Lake near Tensaw in 1799 and then building the first cotton gin in the area in 1802. Children of the half-blood Weatherford, McGillivray, Tate, Stiggins, Durant and McQueen families in Tensaw (and possibly others), were known to be in attendance at the school. Of the many half-blood families which lived in the area, these were clearly the prominent ones, and the heads of these families generally occupied the positions of leadership in the community. In 1803 a land office was established at St. Stephens, a village near the Tombigbee settlement, to help arrange for the disposition of public domain. From this land office actual sales of land began in 1807. On December 21, 1809, Baldwin County was established, its territory taken from Washington County and part of the French province of West Florida included in the 1803 Louisiana purchase, and transferred in 1812 to the Territory of Mississippi. A census of the county taken in 1810 shows 127 heads of households, with some of the names of those who are ancestors of the Poarch Band of Creeks. Notwithstanding the War of 1812, life was relatively peaceful and prosperous in the Tensaw community until the tragic day of August 30, 1813.

THE CREEK WAR AND ITS AFTERMATH

Conditions in the Creek confederacy in the decade preceding the Creek War of 1813-14 grew progressively more troubled and polarized. Despite the establishment in 1799, under Hawkins' direction, of the National Council or Congress of the Creek Nation which was designed to include all towns of the Upper and Lower Creeks alike, and despite an ever-increasing European acculturation—especially among the Lower Creeks—the seeds of discontent were present, and destined to grow into outright rebellion. In June of 1802, and again in November of 1805, two large land cessions were made to Georgia and the United States for sums of money and goods and, most irritating to the Creeks, for payment of their debts. Their native homelands were gradually being taken, and the pressure and agitation of this expropriation was building in terms of resentment of the whites. Under the leadership of William McIntosh, a renown Creek half-blood, the Lower Creeks had become both more assimilated into white culture and more supportive of white perspectives than the more remote and traditional Upper Creeks, with whom the Lower Creeks were finding themselves increasingly at odds. Additionally, the British, in a move of international diplomatic strategy, had conscripted the aid of the Shawnees in their bid to defeat the Americans in the War of 1812. In 1811, the celebrated Shawnee chief and politician, Tecumseh, visited several Indian nations, Creeks included, to persuade Indians to resist American expansionism and organize—with the British—in an effort to expel the Americans from the Indian homelands. Assisting Tecumseh in this objective was a new prophetic native

religious movement begun by his brother Tenskwatawa, in the tenets of which whites would be expelled from Indian lands and Indians would regain their traditional ways and live in peaceful harmony. Tecumseh spread this gospel at his talks to various groups. He spoke at both Upper and Lower Creek villages during his stay there, and managed finally to enlist the support of most of the Upper towns.

Events leading up to the Creek War of 1813-14, otherwise known as the "Red Stick War," have already been described in several full-length works. The war served to place the pro-American half-blood community of former Upper Town Creeks into highlight, contraposing them with the hostile or anti-American faction of the Upper Creeks, so the main events of the War, at least, are included here.

Tecumseh's visit to the Creek nation in late 1811 established links between the Shawnee and the hostile Creeks. The following year, a party of Creeks under Little Warrior accompanied the Shawnee chief returning to his homeland beyond the Ohio River. Upon their return, they killed several families of white settlers near the mouth of the Duck River, apparently inspired by the teachings of Tecumseh and his prophet brother. They subsequently returned to the Creek nation, where word of these killings had spread among both the Indian community and among Hawkins and the white community. Added to this problem were the murders of Thomas Meredith in late March and William Lott in May, both in the Nation. In order to decide what action to take, the Creek National Council convened on April 9, 1813. (April 18, 1813; Lackey p.8) Hawkins had requested that Little Warrior and those responsible be apprehended and delivered to him for punishment under territorial law. The Council decided, however, to adjudicate the matter themselves, and sent William McIntosh—a Lower Creek—and a force of Creeks to kill Little Warrior and his party. The Council's order was carried out, and the execution took place shortly thereafter. This infuriated the hostile Upper Creeks, and in June they fell upon twenty-three older chiefs who were opposed to war, killing them all and destroying their property. The men comprising the Creek National Council, which up to that point had tried to preserve peace and accommodate both sides, gathered at Tuckaubatchee and fortified themselves. On July 10, they were surrounded by the hostiles or Red Sticks, and word of the situation was sent to Hawkins. Within a matter of days, Hawkins dispatched 200 Lower Creek warriors to Tuckaubatchee. After an eight-day siege, the chiefs of the Council and some of the inhabitants of Tuckaubatchee left with their rescuers and went down to Coweta, after which the besieged town was destroyed by the hostiles. Coweta, center for the Lower Creeks and Indians friendly to the United States, became the center for the Creek Nation's activity from that point on.

July and August of 1813 was a time of crisis for everyone in the territory. The lines had been clearly drawn, and the white settlers and friendly half-blood Upper Creeks, especially, were expecting the worst. Sam Moniac, in a sworn deposition before U.S. Judge Harry Toulmin at Ft. Stoddert, states that he learned of the plans of the Red Stick Creeks, i.e., that ". . . they were to attack the Settlements on the Tombigbee and Alabama, particularly the Tensaw and Fork Settlements." He claimed that for fear of his life he was forced to leave his "house on the road," near present Montgomery, and escape to his "plantation on the river," near Tensaw. He stated that "They [the Red Sticks] have destroyed a large quantity of my cattle, and burnt my houses on my river plantation, as well as those of James Cornells and Leonard McGhee." This destruction continued as Peter McQueen, a hostile half-blood, High Head Jim, and Josiah Francis, the Local Creek prophet and half-blood, most of whom were from outside the Tensaw area, began an expedition with several hundred warriors to Pensacola from the Upper Creek country to purchase arms and munitions for the war. Along the way they terrorized friendly half bloods and destroyed crops and dwellings. At Burnt Corn Springs

on the Escambia, around mid-June, they attacked the house of James Cornells. They burned his house, ran off his slaves, and carried his wife, Betsy Coulter, and James Marlow as prisoners to Pensacola. This action struck panic in the hearts of both whites and half-bloods alike in the Tensaw settlement. Judge Toulmin, in a letter to General Ferdinand Claiborne of June 23, described the reaction of the half-bloods in the Tensaw area: "The half-breeds, however, do not think fit to trust themselves with them [the hostiles] or to embark in their measures. They have fled and have left behind them their crops & other property. I visited them yesterday. They are in confusion and distress. Not less so are my white neighbors on Tensaw." (Toulmin Papers, Alabama Dept. of Archives and History) Having procured arms and ammunition in Pensacola, the hostiles started back to the Nation, and were met by a 180-man force of whites under Colonel James Caller and half-bloods under Captain Dixon Bailey, David Tate, and James Cornells at Burnt Corn. Initially, the force surprised the hostiles and ran them off. While Caller's and Bailey's men were rumaging through the booty left by the hostile Creeks, the hostiles regrouped and attacked, thoroughly surprising the expedition and scattering them in all directions. It is significant that both a white force and a half-blood force set out to oppose the hostiles. This indicates not only a distinction between the residents of the Tensaw/Tombigbee area in terms of ethnicity, but it shows a clear leadership role, e.g., that David Tate and "Captain" Dixon Bailey, a half-blood who later died in the fighting at Ft. Mims, had mustered and led men to this skirmish.

The white and half-blood settlements in and around the Nation began bracing themselves for an all-out attack by the hostiles, who by August had worked themselves into a religious fervor under the promise of expelling the whites and redeeming their pristine aboriginal state. The Creek chiefs—Big Warrior and Alexander Cornells—had written to Judge Harry Toulmin as far back as April 18th alerting him that Little Warrior and the hostiles intended to attack Tensaw: "The settlement in the fork of the Bigby and the Alabama, are desired to take care for fear he may endeavor to commit some depredation there as it is a weak part of the settlement." (Lackey, ed. 1977: 9) This warning was endorsed by Sam Moniac in his deposition of August 2nd, previously cited. General Ferdinand Claiborne, military commander of the region, decided at that point to fortify various homesteads along the banks of the Alabama and place in charge of each a garrison or fort commander. The home of Samuel Mims, once barricaded, became Fort Mims, and General Claiborne put a Major Daniel Beasley in charge of defending it. This proved to be a mistake, for on the afternoon of August 30, despite warnings of several blacks tending cattle a distance from the stockade, the Creeks struck Ft. Mims with its gates open and its sentries inattentive. The approximately 800 hostile Creeks from 13 Upper towns quickly overran the outer fortifications and cornered the whites and half-bloods in one of the houses. Dixon Bailey, captain of a contingent of half-bloods, fought courageously. At the end of the day, Ft. Mims lay in a pile of ashes and rubble, and of the 553 inmates who took refuge there, by all accounts fewer than 40 escaped with their lives. A large number was taken captive and carried off to the Upper towns, among whom were women, children, and nearly 100 black slaves. William Weatherford, who was with the hostile faction at the time of the attack but who disagreed in principle with the wanton massacre, participated at first but left the scene and went to the home of his half brother, David Tate, some miles away on Little River.

The destruction of Ft. Mims mobilized American forces against the hostile Creeks. Generals Claiborne, Floyd and Andrew Jackson attacked the hostile forces on different fronts in consonance with an act passed by Congress a month earlier authorizing the Governors of Georgia and Tennessee to raise militias for just that purpose, were it to become necessary. After a number of battles between the hostile Creeks and these three field commanders throughout the Fall and Winter of 1813-14, the decisive day

came on March 27, 1814. On that day at a place called Tohopeka, or Horseshoe Bend, Jackson's army faced 1,000 Creek warriors. At day's end after a bloody battle and hundreds of casualties, the hostile Creeks were thoroughly defeated, and the Red Stick rebellion smashed. Many Lower Creek and friendly Upper Creeks and half-bloods had fought alongside Jackson.

Most of the hostile chiefs fled to Spanish Florida, joining established Seminole communities or starting communities of their own. William Weatherford, however, surrendered himself to Jackson's camp. For the next 18 months, raids and skirmishes continued on the part of the hostile Creeks who either were in hiding or who crossed over the Florida boundary into Alabama, but these were few. In his 1875 history, J. D. Driesbach reported that after a stay with Jackson at his home in Tennessee, Weatherford returned to his plantation on Little River, near Tensaw, where he remained until his death in 1824.

The Treaty of Ft. Jackson marks a pivotal point in the history of the Poarch Band of Creeks, for it was under the provisions of this treaty that many of the present group's ancestors, including Lynn McGhee, received grants for their land in the Tensaw area from the United States for their support in the Creek War. The treaty itself was arranged by Andrew Jackson and its content was consistent with the acquisitive, expansionist environment of the time and the anti-Creek sentiments. Signed by representatives of both sides on August 9, 1814 at Ft. Jackson located at the confluence of the Coosa and Tallapoosa Rivers (previously the site of the old French Ft. Toulouse), the treaty ceded immense portions of both Upper and Lower Creek lands to the United States, running east from Georgia to the Tombigbee River and north almost to the Tennessee border. (Royce, 1899: 1001, land area #75) The Creek signatories to the treaty signed under protest, but to no avail. Of the many Creek chiefs who were signatories to the treaty, only one was of the hostile faction; the rest were friendly to the United States. Yet, due to Andrew Jackson's appetite for land in the Southeast, the friendly Creeks were forced to cede millions of acres of their land as well, to which they protested in vehement terms. Historians and writers since have questioned the fairness of this cession of just over 21,000,000 acres, particularly as it related to the non-hostile Lower Creeks and friendly Upper Creeks. The crucial provision in the treaty relative to the history of the Poarch Band of Creeks is found in article 1, and is quoted here in full:

Provided, nevertheless, that where any possession of any chief or warrior of the Creek nation, who shall have been friendly to the United States during the war, and taken an active part therein, shall be within the territory ceded by these articles to the United States, every such person shall be entitled to a reservation of land within the said territory of one mile square, to include his improvements as near the centre thereof as may be, which shall inure to the said chief or warrior, and his descendants, so long as he or they shall continue to occupy the same, who shall be protected by and subject to the laws of the United States: but upon the voluntary abandonment thereof, by such possessor or his descendants, the right of occupancy or possession of said lands shall devolve to the United States, and be identified with the right of property ceded hereby.
(7 Stat. 120)

The Creek War of 1813-14 obviously did not occur in a vacuum. Parallel to the events of the war were other occurrences which left major historical imprints on the area and in the ethnohistory of the Poarch Band of Creeks. The city of Mobile, for example, was retaken by the American forces during this period. Immediately following the peace within the territory, white settlers and pioneers streamed out of the Atlantic seaboard

states gripped by "Alabama Fever," in hopes of acquiring some of the new land ceded to and now held by the United States. Among this group was a young man named John Gayle, and his family, who moved from North Carolina to Mt. Vernon and later bought plantations in Baldwin and Monroe counties.

Specific mentions and detailed lists in contemporaneous documents describing the ancestors of the Poarch Band of Creeks and their property begin to appear for the first time following the War. It is important to note, however, that generally such mentions regarding Creek land holdings meant that the half-blood Creeks and their families had settled and cultivated the land in question, not that they held title to it. Many of these documents were drawn as a result of war-related issues, but others explain certain aspects and features of the Creek half-blood community in the Tensaw region and the Upper Creek towns. One such list, date November 1, 1812, proves that many of the half-bloods in the Tensaw area were originally from the Upper towns. This latter is found in the "Journal of John Innerarity," and titled "List of Debts Due by the Traders & Factors of the Upper Creek Towns to the Firm of Messrs. Panton, Leslie & Co. and John Forbes & Co. of Pensacola, Adjusted to November 1, 1812." This list identifies certain of the half-bloods, and includes Joseph Stiggins, John Moniac, David Cornel, Daniel McGillivray, Charles Weatherford, Sehoy Weatherford, and George Cornel.

Other lists taken of individuals, land, and property ownership show that the ancestors of the Poarch Band of Creeks grouped together geographically in clusters. In addition to the historical kinship relations between the Weatherfords, Tates, Durants, Stiggins', McGhees, Sizemores, Cornells', et.al., Marriage Book I of Baldwin County records thirteen marriages between these and other family members during the years 1812 to 1829, most of whom were ancestors common to the Poarch Creek community. Added to the high degree of endogamy among the early ancestors of the group and the reference in Harry Toulmin's letter to Claiborne about visiting "them," i.e., the half-blood community at Tensaw, is a reference made by Benjamin Hawkins in a letter to John Armstrong of September 21, 1813, just two weeks after the Ft. Mims massacre. Hawkins sent letters to "public officers in that quarter," i.e., the settlements at Ft. Stoddert and Tensaw, ". . . directing the half-breeds there to unite with their white brethren and that the people in the fork of Alabama should put themselves into the best situation they could to resist an attack." (Grant, ed. 1980: 664) Taken together, these references show that whatever the integration of the settlement during the last decades of the eighteenth century, the half-bloods in the Tensaw area had by this time intermarried and gathered into clusters or hamlets and had occupied the eastern bank area of the Alabama River and eastward along the Little River just north of the Tensaw settlement. This observation is corroborated by such lists as that of Major Howell Tatum who served as General Jackson's topographical engineer during this period. In August of 1814 he surveyed the Tensaw/Little River area, and mentions John and William Weatherford's improvements, those of Dixon Bailey and his two sisters (one "married to a white man by the name of Sizemore"), "a Mrs. Dyer, a half-breed Indian woman of the friendly party," Samuel Moniac, and "David Tait, a pretended friendly half-breed Indian," and "Mrs. Dunh, a half-breed woman." (Hamilton, 1898)

Of the lists of this era which are most indicative of the fact that the half-blood residents of the region tended to live in hamlets or clusters within the greater geographical area, is that of Judge Harry Toulmin, who took depositions from the victims of the hostile Creek depredations during the war. Toulmin's "schedule," as it is referred to, was signed by him on November 24, 1815. It is divided into counties whose boundaries in 1815, it should be remembered, differed from those of later years as population shifted, and shows Baldwin and Monroe counties among others. In Baldwin County, Moses Steadham appears, and grouped together down the column appear the names of

Ann Tarvin, Josiah Fletcher, Richard Tarvin, and James Earle. For Monroe County, almost all the names are early relations and ancestors of the Poarch Band of Creeks: Mary Dryer, John Randon, Margaret Bailey, Dixon Bailey (deceased), James Bailey (deceased), Arthur Sizemore, George Stiggins, Semio McGhee, Lachlin Durant, John Adcock, and Peggy Summerlin.

It was around this period of time, from 1815 to 1829, that the historical focus of attention for the early ancestors of the Poarch Band of Creeks shifted from depredations and losses resulting from the Creek War to the problems created by land usurpation and land grants under the Treaty of Ft. Jackson. The basic system of surveys and land sales and grants was that used under the Land Ordinance of 1785, modified in 1796 to provide for the surveying of each township into 36 sections, each section of which was one mile square and contained 640 acres. In March of 1815, Congress passed "An act to provide for ascertaining and surveying of the boundary lines fixed by the treaty with the Creek Indians [Ft. Jackson], and for other purposes." This act further clarified that "Indian title was extinguished by the aforesaid treaty" and that "all such [now public] lands . . . shall be offered to the highest bidder." (3 Stat. 228) This act was primarily responsible for setting off what has been described as "Alabama Fever." The half-bloods, who had sided with the Americans and had had their houses burned and their crops and livestock destroyed by the hostile Creeks just a year earlier, were now having the same done to them by white American land grabbers. The half-bloods were being cheated and run off by the whites. In describing their unique and intermediate status, Hawkins wrote, "I am of opinion these people will never be suffered by their Chiefs to return again in to the nation, unless they will in all things conform to the Indian habits, which from their practical knowledge of the plan of civilization is impossible. They are in consequence of the peculiarity of their situation divested of house and home and must fly their native soil [Tensaw/Little River] unless provided for by our government." (Grant, ed. 1980: 769) This situation precipitated a letter from the half-blood community to then President Madison, which was to be a critical piece of historical evidence in the story of the Poarch Band of Creeks.

This letter, dated May 29, 1815 and signed by eleven half-bloods of the Tensaw/Little River community, opened with the sentence "We the Natives of the Creek Nation, Relations of Alexander McGillivray most respectfully beg leave to present this our humble petition to the President of the United States for a redress of grievances of the most serious nature that can happen us." The next paragraph, which describes the usurpation of lands and most significantly places the half-bloods in a time and a place in which "the greatest number" of them "were born and raised," must be quoted in full.

After having shown an inviolable attachment [sic] for the Government of the United States through the whole of the late war in which our property has been destroyed, our lives threatened with indiscriminate carnage, not one of us but who lost Relatives both near and dear to us on that memorable day that Fort Mimms was taken by the dreadful massacre that the Hostile Indians made there; we have at all times evinced a willingness and readiness (as many of the Officers of the Army can testify) to cooperate and contribute to every measure that was calculated to prosecute the war with success on behalf of the United States — and we in common with every good citizen of the Government rejoiced at the fair prospects of peace but our prospects are darkened and we are placed in a most critical situation. Many citizens of the Mississippi Territory have moved over **the boundary line betwixt the United States and the Creek Indians on the Alabama River as high up as Fort Claiborne in which distance the greatest number of us who are called Halfbreeds were born and raised.** They have

taken forcible possession of our fields and houses and ordered us off at the risk of our lives. They have reproached us with our origins, insulted us with the most abusive language, and not content with that they have even proceeded to blows and committed private injury in our Stocks and property. (Durant, 1815) (emphasis added)

The letter continues by saying that they had sought for redress from local authorities, but that no one yet had jurisdiction. They said further that General Jackson had given them to understand that all actual settlers ". . . who were natives and descendants of the Indians would be intitled to a lease of six hundred and forty acres of land — some think differently on this subject now, that females with families will not be intitled to any." "We have been encouraged," they continue, "to remain on our farms which we had occupied for years before the war," and they ended the letter with the usual perfunctory protocol which correspondence demanded at that time. The letter was signed by Lachlan Durant, Samuel Brashiere, William McGirt, Rachael Walker, Saphiah McComb, Peggy Summerlin, Nancy Summerlin, Leonard McGhee, Lemi (or Semi) McGhee, Alex Brashiere, and Harriet Linder.

This petition was sent to President Madison in Washington, and ultimately referred to Benjamin Hawkins for comment and suggestions. Hawkins' response to the petition was outlined in a letter to Secretary of the Treasury William H. Crawford dated January 19, 1816. The letter itself is 2½ pages in length, addressing in general the condition of the half-bloods; attached to it was a four-page list of 45 of the "Indian country men" and half-bloods living in the Tensaw/Little River settlements who were early ancestors and relations of the Poarch Band of Creeks. Hawkins clearly sides with the half-bloods, and suggests that their claims be granted, including the request that women be entitled to land and indemnification. Moreover, Hawkins describes the method by which the half-bloods of the Tensaw/Little River area came to settle there from the Upper Creek country:

The situation of the half breeds have been peculiarly embarrassing. They embraced the plan of civilization first and by their conduct merited the attention of the Agent for Indian Affairs. They would not agree in their mode of living or pursuits with their Indian relatives or the Chiefs generally; which produced continual broils between them. This determined the half breeds to apply for, and after several years, to obtain from the Convention of the nation leave to settle down on the Alabama near the white settlements on the Indian lands. Here they were when the civil war among the Indians commenced. (Grant, ed. 1980: 768)

The four-page attachment which describes each half-blood and Indian country man lists all those who signed the original petition to James Madison, plus Sam McNac, Charles Elliott, Sam Smith, David Tate, William Hollinger, David and Peter Randon, Dixon, James, David, and Peggy Bailey, James Cornells, Arthur Sizemore, Zachariah McGirt, Josiah Fisher, Richard Tarvin, John Hinson, David Rolin, and John Weatherford, among others.

The two decades between the years 1816 and 1836 were a time of displacement and unsettled, uncertain future in the history of the Poarch Band of Creeks. By 1816, the effects of the wholesale destruction by the hostile Creeks during the war were felt less, while the effects of terrorist tactics by the white land grabbers who poured into the ceded territory were being felt more. This time was marked by residential shifting—the half-bloods being forced out of the more choice lands along the Alabama River banks had to take what was left. Significantly, the lands they chose were almost always as close to the Tensaw/Little River area and inland of the east bank of the

Alabama as was possible. It appears that geographical proximity to their neighbors and relations was an important consideration for them, thus assuring a communal continuity. Within this period, a series of depositions and testimonials in pursuit of claims for land and depredations was taken, in addition to memorials to Congress and congressional "acts of relief."

The first of these is dated April 27, 1816 and is titled an "Act for the Relief of Samuel Manac." The bill provides remuneration for the heavy losses Sam Moniac sustained during the Creek War of 1813-14 and is accompanied by an exhaustive set of supporting exhibits rich with historical details, among which is Moniac's memorial. In a letter from Gilbert C. Russell--part of the exhibits--Russell states that Moniac's "plantations were laid waste." Two or more plantations were not uncommon in Creek society, particularly that of the more wealthy half-bloods. In a letter from Thomas Freeman to Josiah Meigs dated June 30, 1816, Freeman states that there is a "great variety of positions & descriptions of those Indian Improvements." "In some instances," he continues, "the Residence with a small improvement consisting of cabins garden & small field are on the high land on one side of a river whilst the principal improvements or cultivations are on the low grounds on the Opposite side--Several small improvements of the same person are detached from each other to the extent of some miles . . ." (Carter, ed. 1938, Vol. VI: 695) Consistent with Freeman's observations were Moniac's land holdings, as well as those chosen by Lynn McGhee under his "act for relief" some years later.

With a shifting demography and a new, large influx of settlers, and with territorial status for the new Alabama only a year away, the legislature of the Mississippi Territory decided to hold a special census in 1816. Parallel to the breakdown of Creek half-bloods in the claims list of Harry Toulmin just a year earlier, the census shows only two Hollingers in Baldwin County. The census for Monroe County shows McGillivrays, Moniacs, Wards, Rolins, McGirts, Moores, Durants, Stiggins', Tarvins, Weatherfords, Hollingers, Tates, Earles, Cornells', Walkers, and others of the half-blood ancestors of the Poarch Band of Creeks. It also shows John Gayle as a considerable landowner with 22 slaves, which made him the 10th largest slaveowner in Monroe County.

LAND ISSUES AND CREEK REMOVAL

In the year 1817, center stage shifts from southern Alabama to Washington D.C. relative to events affecting the history of the Poarch Band of Creeks. In January of that year, the claim of the friendly Creeks as a whole are considered, and being reported out of the Committee of Ways and Means, Mr. Lowndes of the Committee concludes that ". . . it will be best to appropriate a definite sum to be applied, under the direction of the Secretary of War, to indemnify the friendly Creek Indians for property destroyed by the hostile Creeks, in fair proportion to their losses." (United States Congress, 1832-61: Vol. 2: 126) While no remuneration was paid out at this time, this report preceded the later payments and set the responsibility for payment on the United States. Two months later, an act was passed by Congress which played a crucial role in the history of the Poarch Band of Creeks. On March 3, 1817, a bill was enacted which provided that fee simple patents would be issued to the heirs of land grant recipients under the Treaty of Ft. Jackson, a significant departure from the original plan under which rights of occupancy would inure to the heirs as long as they did not voluntarily abandon the land. (3 Stat. 380) The act also provided for the appointment of the claims agent, or special Commissioner, and in December President Monroe chose former Georgia Governor David B. Mitchell to this post. Mitchell's mandate, then, was to ascertain the damages to the friendly Creeks to arrive at "a definite sum," and to take evidence "on the land occupied by such claimant" for those claiming a section of land under the Treaty of Ft. Jackson and modified by the act of March 3. Several of the half-bloods who were entitled to land, as it turned out later, were not in the vicinity

when Mitchell toured the area to take testimony from the claimants. Lynn McGhee was among those not present, and his absence precipitated the series of memorials to Congress several years later that ended in his descendants occupying his land grant to the present day.

Finally, in 1817 David Moniac, the son of Sam, was admitted to West Point under a provision of a treaty which called for the education of a limited number of Creek children at government expense. He was graduated and commissioned a Second Lieutenant on July 1, 1822, the first Indian ever to be graduated from West Point. Almost immediately, however, he took a leave of absence due to family difficulties and subsequently resigned his commission six months later. He returned to Baldwin County, where eventually he married and had two children. In 1836 he rejoined the Army during the Seminole War, was promoted to Brevet Major, and was killed in action in northern Florida.

Like 1817, the year 1819 was one of activity in terms of claims and congressional acts relating to the friendly Creeks. In January, Secretary of War John C. Calhoun submitted, pursuant to a house resolution calling for him to do so, copies of all accounts and correspondence relating to the claim of the friendly Creeks. David Mitchell had already begun, a year earlier, to gather evidence pertaining to the losses of the half-blood and other friendly Creeks, and much of the material Calhoun submitted was Mitchell's. It showed a partial payment to the claimants by the United States, but still a debit of "a little upwards of \$100,000" in Mitchell's words. The following month, Congress passed "An act authorizing the President of the United States to purchase the lands reserved by the act of the third of March, 1817, to certain chiefs, warriors, or other Indians, of the Creek nation." (3 Stat. 484) Thus, by a gradual process, the lands granted to the friendly Creeks under the Treaty of Ft. Jackson, originally inalienable, came to be issued to heirs in fee simple under the act of March 3, 1817, and finally were able to be purchased outright by the United States under this act, thereby eliminating any protection to title which the United States proffered under the treaty. On December 14 of 1819, Alabama was admitted as a state to the Union, creating what would later become jurisdictional problems between the state and the United States regarding dealings with and treatment of the Creek Indians.

Much of the testimony and depositions taken by David Mitchell in southern Alabama during 1818 and 1819 has survived, and these documents are revealing in several ways. First, they establish a pattern which was to continue in the history of the Poarch Band of Creeks to the present day--namely, the practice of testifying for each other in cases before the authorities. One example in the Mitchell documents is the witness of David Tate, James Earle, and William Hollinger for Josiah Fletcher. Several years later, in testimony taken by John Crowell, David Tate, William Hollinger, James Earle, and John Westherford all testify regarding the claim of Lynn McGhee. This practice occurs again in the congressional memorials in the 1830's, again in the homestead applications in the 1870's and 1890's, again in the Cherokee claims testimony taken by Guion Miller in the early twentieth century, again in the timber trespass suit of the 1912 period, and so on. Second, these documents reveal that most of the half-bloods and Indian country men lived in close proximity to each other along the Alabama River in the period surrounding the Creek War and that they kept abreast of each other's agricultural efforts, property holdings, and families. Third, they bear witness to the fact that their lands were in effect stolen from them, even though the usurpation might have appeared legal.

The 1815 letter of Lachlan Durant to President Monroe was quoted earlier, and described in general terms the problem of usurpation: "They [white intruders] have taken forcible

possession of our fields and houses and ordered us off at the risk of our lives . . ." The depositions taken by Mitchell and later by John Crowell get specific on this matter, and name one John Gayle and his father Matthew as chief offenders of this practice. John Gayle moved to the region in 1813, and having been college educated, he began reading law in Claiborne under A. S. Lipscomb. He was elected in 1818 as Solicitor of his circuit (Tensaw to Claiborne), was later representative of Monroe County in the state legislature, served on the Alabama Supreme Court, was re-elected to the state legislature where he became speaker of the house, and finally, in 1831, was elected Governor of Alabama and re-elected to that office in 1833. He was elected to Congress in 1847 where he served two terms; following that he was appointed a Federal district judge which post he held until his death in 1859. Clearly, nonliterate half-bloods and Indian country men would have posed little problem for Gayle's apparently unscrupulous acquisition of their untitled lands.

Gayle was not alone in this practice, but was named in testimony on several occasions. In a deposition taken by Mitchell, Charles Ehlert, a half-blood, said "And I further state on oath that Matthew Gayle has taken forcible possession of my improvements." In depositions taken by John Crowell six years later, the half-blood Semoice stated that "I remained on my place after the War until driven off by some white people, since which time the land has been sold by the United States." At the same time, Lynn McGhee asserted that having been wounded in the Creek War, his land ". . . was under the control and management of my Brother Semoye after the war, until driven off by the White people and the said land has since been sold by the United States." While these particular depositions do not name Gayle, later ones do. Taking sworn statements for Congressional memorials in 1831, Semoice goes into detail about Gayle:

. . . this deponent further saith that a man by the name of John Gayle intruded on him and had his stock constantly destroying his crop, and often used means to get him to remove from the place, and often profered to wrent his place when he heard that the friendly Creeks would be entitled to their places--but that this deponent forever refused either to wrent or sell--this deponent further saith that the said Gayle did make base and false statements relative to his claim in the presence of Governor Mitchell and that the said Gayle had often threatened him that unless he would wrent or sell his place to him that he Gayle would prevent him from getting his land or a choice selection of his own . . .

This assertion is corroborated by a white settler, a Captain William Waller, who also made a deposition the same day describing testimony taken by Mitchell: "there was testimony introduced by a man by the name of John Gayle who had settled himself on the lands claimed by Symmoice and Lynn MacGhee; in order to deprive them of their claims . . ."

Records of the Probate Court for Baldwin County show that in April of 1820 John Gayle purchased \$300 worth of land contiguous to the land sold to him earlier by John Randon, so that by purchase, rental, and usurpation Gayle's land holdings grew. Later that month, a major land act was passed by Congress, which made Gayle's objective easier. "An act making further provision for the sale of public lands," (3 Stat. 566) this act was in effect until the Civil War, and it was through this act that the United States sold the lands to which the half-blood Creeks of the Tensaw area had no legal title, even though they had cultivated it for years and in many cases claimed it under the Ft. Jackson treaty.

Other events in the 1820's either affect or help describe the half-blood and Creek community in the Tensaw region. On April 23, 1822, David Tate wrote to his nephew, Cadet David Moniac, at West Point. He advised him to return home upon his graduation, since his father was in an unfortunate condition, and had lost most of his property in "bad Trades." The letter claims that David's father, Sam, had to "move into the nation" to save the remainder of his property. Tate concluded by saying that Cadet Moniac's uncles, William and John Weatherford, were fine.

John Crowell replaced David B. Mitchell as Special Agent for Indian Affairs for the Creek nation, and in December of 1823 took depositions, presumably by request of Secretary of the Treasury William Crawford, from Lynn McGhee, Semoice, William Hollinger, and the heirs of Mary Dyer. This struggle for rightful claims under the Treaty of Ft. Jackson was a long and tedious one, and did not end until the mid 1830's. In the meantime, the claims for losses and depredations committed by the hostile Creeks during the Red Stick War reached a conclusion on April 15, 1824. A House Resolution was passed to "inquire into the expediency" of paying the remainder of the claims. Mr. McLane of the Committee of Ways and Means reported that no more claims should be paid; that the \$85,000 appropriated in 1817 was sufficient. On March 3, 1825, "An act granting certain rights to David Tate, Josiah Fletcher, and John Weatherford" was passed by Congress. This bill gave to these men all right, title, and interest in the land which they had reserved under the Treaty of Ft. Jackson.

The following year, 1826, was a portentous one for the Creek nation. On January 24, a treaty was made between the Creeks and the United States, in which the Creeks ceded all their remaining lands in Georgia. The Lower Creeks were so outraged by this cession that the miccos met and decided that the half-blood William McIntosh, who instigated the signing of the earlier Treaty of Indian Springs, was to be executed for treason. This sentence was carried out immediately. Neither this land cession or the last and major one of 1832 affected the half-blood community in southern Alabama--in the Tensaw region--to any great extent, but hundreds of Lower Creeks succumbed to the mounting pressure of the policy of removal and left the Southeast for Oklahoma, or "Indian Territory," in 1827. The remainder apparently relocated to the last sanctuary of the once vast Creek nation, the area of land between the Coosa and Tallapoosa Rivers. While the decade between 1826 and 1836 was an ominous one for their Creek kinsmen to the northeast, the fortunes of the half-blood community in the Tensaw area were brighter. In May of 1826 two private acts were passed by Congress to give all right, title and interest pertaining to their reserves to William Hollinger and Samuel Brashiere, making a total of five title holders within the community in a period of two years.

Of thirty-nine land claims under the Treaty of Ft. Jackson, twenty-seven were filed by members of the half-blood community in southern Alabama, yet only thirty were processed as of December 20, 1826 showing an April 12, 1820 date of certificate. The remaining nine were processed at varying times, up to 1828. The 30 land claims which were processed, of which 25 were those of relations and ancestors of the Poarch Band of Creeks, appear in volume 14 of the Public Lands documents in the American State Papers, and lists Tate, Brashier, Stiggins, Earle, Fisher, Sizemore, Fletcher, Bailey, Hinson, Durant, Smith, McGirt, Weatherford, Ehlert, Hale, Randon, and Cornells--Dyer and Hollinger were processed at later dates.

The year 1829 marks the death of David Tate, one of the wealthier of the early ancestors. His will, dated November 17, is not of great descriptive importance other than showing the extent of his holdings, but it is significant that Tate chose as his beneficiaries John Weatherford, Captain and Mrs. Shomo, David Moniac, Mr. Hollinger,

Elisha Tarvin, and Lynn McGhee. This will establish a pattern in the community which lasts to the present day--that of making bequests to members of the half-blood community of Creeks. It is similar to the pattern of testifying for each other to various authorities for claims, judgment awards, etc. This practice of bequests within the Creek community is more than indicative of communal cohesion, however; it had the practical ramifications of retaining both property and chattels within the community to be passed from generation to generation, providing a continuity.

On May 29, 1830 Congress passed "An act to relinquish the reversionary interest of the United States in certain Indian reservations in the State of Alabama." The Creeks George Stiggins and Arthur Sizemore were granted title to their reserves under the Treaty of Ft. Jackson as well as six Cherokee claimants under an 1817 treaty. There was a proviso in this act, however, which required that these people ". . . with their respective families, shall remove to their respective tribes west of the Mississippi River, not included within any State or Territory . . ." (6 Stat. 441) Stiggins, at least, never left Alabama. The year 1830 is also the one in which the U.S. Decennial Census was taken, and the schedules for Baldwin County, whose boundary lines were changed since the previous census, show fifteen surnames common to the ancestors of the Poarch community. These ancestors, moreover, were enumerated in clusters, which indicates a communal identity. Those for Monroe County show somewhat fewer, though it is clear that for whatever reason not everyone in the Creek community was enumerated.

In February of 1831, foreshadowing the ominous event of the following year, a delegation of Upper Creeks consisting of Tukabachee Hadjo, Octe Archee Emathla, and Paddy and Thomas Carr went to Washington to speak with Secretary of War Eaton. They stated that they did not want to leave Alabama; that they did not want to remove to Indian Territory. Andrew Jackson had taken office as President in 1830, and one of the policies of his platform was to remove all Indians in eastern settlement areas west of the Mississippi River. Pressure was mounting for legislation to require this, and the Creeks along with the other so-called "Five Civilized Tribes" were worried. Concurrent with the anxiety about removal among the Creeks in northeast Alabama was a flurry of activity among those of the Creek and half-blood community in the Tensaw region to acquire land, perhaps as a result of the tension brought about by the threat of removal. Edward Steadham, for example, an Indian country man who had been born and raised in the area, had survived the Ft. Mims massacre, and had married Nancy Earle (a half-blood daughter of James Earle and Elizabeth Tarvin), made ten land acquisitions beginning in 1831 and extending through 1843. These were all acquired in Baldwin County and the transactions made at the land office at St. Stephens. (Baldwin County Deed Record Book E) Still on the trail of their reserves, Lynn McGhee and Semoice each made sworn affidavits in October and November of 1831 to Justice of the Peace John Peebles of Monroe County, reaffirming what had befallen them during the Creek War and what had happened since to prevent their possession of the land they claimed.

More depositions, it seems, were required of the half-blood Creek claimants who unsuccessfully sought reserves under the Treaty of Ft. Jackson. On January 8 of 1832, Lynn McGhee and Semoice again gave sworn affidavits in the form of memorials to Congress to facilitate receipt of their land reserves. The content of the affidavits is essentially the same as the former ones, i.e., that they had been loyal to the United States, had cultivated land on the Alabama River near Tensaw both prior to and after the Creek War, had been forcibly driven off their lands by whites, and the lands subsequently sold by the United States. Two more memorials were considered by Congress at the same time--those of Susan Marlow, daughter of James Marlow killed at Ft. Mims, and Samuel Smith, whose original claim was recorded as rejected in David B. Mitchell's notebook. Smith claimed in his memorial that his 1819 claim was "overlooked by David B.

Mitchell" and that "improper testimony and interference had been used against your memorialist."

The last and most devastating of the Creek land cessions occurred on March 24, 1832. This treaty, signed in Washington, D.C., ceded to the United States all Creek lands east of the Mississippi River, except individual sections. According to the provisions of the Treaty, 90 principal chiefs were to have a section of land each, and every head of family a half section. At the end of five years, each Creek Indian would be given a deed to his land if he hadn't sold it. Twenty sections of land were to be selected and set aside for orphaned children, and a census to be taken on location was mandated by the treaty as well.

Work on the Creek census began in late 1832. The work was divided in two, with Benjamin Parsons counting family heads in the Upper Creek towns, and Thomas Abbott counting in the Lower Creek towns. In May of 1833 the completed census was published. Parsons' count showed a total of 14,142 members of the Upper towns in the Creek nation, with an additional 445 black slaves. Among this number were approximately 30 members of the half-blood Creek community in the Tensaw region, who apparently returned to the various towns to which they felt linked and, presumably for purposes of obtaining a half section of land from the government, had themselves placed on the Creek census. The placement of these southwestern Alabama half-blood Creeks on the census, notwithstanding the fact that they were motivated by acquiring land, was nonetheless legitimate, with none of the town Chiefs or other residents objecting. Among those who returned to the towns of their parents, their siblings, or their spouses were McGillivrays, Cornells, Tarvins, Walkers, Elliots, Hales, Weatherfords, Stiggins', Moniacs, McGirths, Sizemores, and Durants. The fact of their being included in the Creek census also shows a strong identification with Creek—an identification which was passed to their immediate progeny and continued throughout the nineteenth century and into the twentieth century to the present. Others, like the McGhees, Tates, and Hollingers are conspicuous by their absence, but this may be explained by a letter written September 17, 1834 by five Creek Chiefs to the Secretary of War, claiming that many were not counted in the census due to their being out hunting or their being absent for other reasons. (Creek Chiefs, 1817)

In the meantime, there was trouble in Creek country. It did not go unnoticed by greedy whites that potential profit was to be had in land speculations with thousands of non-literate Creek Indians gaining title to sections and half sections of prime Alabama farm land. Throughout the entire period from 1832 to 1837, an endless repertoire of frauds and tricks were used by whites and certain of their Creek conspiritors to steal land from the Indians. Indeed, whole companies were formed whose primary function was to defraud the Creeks and take their land. The whole, pathetic history of these speculations is told in two works by Mary E. Young: Redskins, Ruffleshirts and Rednecks: Indian Allotments in Alabama and Mississippi and "The Creek Frauds: A Study in Conscience and Corruption" in the Journal of American History. Favorite methods were inducing a state of profound intoxication and, for the promise of more whiskey or goods, having the Indian landowner place his X mark on a bill of sale in front of "witnesses"; another was extending credit for goods at exorbitant prices for unrealistic interest rates so that the unsuspecting Indian, unfamiliar with commercial procedures of white culture, would overextend and usually end up owing not only his land but all the rest of his property as well. Other, less sophisticated whites took another approach to the Indian lands—they simply moved in and took over without any regard for the Creek owner's title.

The frauds and theft perpetrated against the Creeks were so malignant that in April of 1833 Secretary of War John Eaton directed Robert L. Crawford, United States Marshall for the Southern District, to intervene and remove white intruders from Creek lands. President Jackson sent Francis Scott Key to Alabama that same year on a special mission to try to resolve the problems, but little was ever done to ameliorate the situation for the Creeks. A special commission was established under John B. Hogan to investigate the Creek frauds, but that too had little practical effect. John Gayle, then Governor of Alabama, took the side of the white settlers against the Indians, and a serious situation developed between the state and the Federal government, due to Crawford's intervention on the side of the Indians and his request for Federal troops. The situation climaxed when the frustrated and outraged Creeks struck back at the white intruders. Concurrent with the Seminole War of 1836, the few acts of violence on the part of the Upper Creeks were interpreted as war by Gayle and his followers. The general alarm was raised, and Army General Thomas Jesup was sent in to round up the Creeks in preparation for a forced march to the Indian Territory—the infamous "Trail of Tears." This mass exodus took place primarily between the years 1836 and 1837, so that by 1838 only a handful of Creeks remained in Alabama, among them those of the half-blood community in the Tensaw region.

The principal concerns back in the half-blood Creek settlements in the Tensaw/Little River area during this period were still indemnification for losses sustained in the Creek War and land acquisition, and one result of the latter was a continual shift in demography, though confined to the same general vicinity. In February of 1832, in a good example of concerted community action, a group of the half-bloods memorialized Congress through the state legislature of Alabama. In the petition they identify themselves as "native Creek Indians of mixed blood"; they summarize the losses they sustained and claim they have never received any remuneration. The three-page petition is signed by James Earle, Arthur Sizemore, John Weatherford, Sizemore for the estate of Dixon and James Bailey, Charles Elhert, Zachariah McGirt, David Moniac, Semoice, Moniac for David Tate, Armstrong for Josiah Fletcher, Lachlan Durant, George Stiggins, David Hale, William Hollinger, and Lynn McGhee, among others. (Senate Documents 2, #65-110) While the land claims of others in the half-blood community were "on track," that of Sam Moniac did not fare well. A question arose over the location and validity of the claim: George Goldwaite of the General Land Office (GLO) wrote to Commissioner of Indian Affairs Elbert Herring on January 17, 1835 that the location of Moniac's reserve was in question in GLO records. Herring replied on January 21 that "there does not appear to be anything in this office which shows that he was so located." This may have discouraged Sam Moniac enough to leave Alabama for the Indian Territory; we learn from Woodward that he died in 1837 in Pass Christian, Mississippi, one of the Indian encampments along the emigration route West. In an 1885 deposition given by Monday Durant of Indian Territory, he stated that David Hale also "started to this country and died at Pass Christian."

There is an irony of history which is exemplified in the events of the years 1836 and 1837. These two years are those in which most of the Creek Indians east of the Mississippi were removed to Indian Territory along the Trail of Tears. They are also the two years in which most of the land acquisition and special acts of relief occurred for the members of the pre-Poarch community of Creeks, enabling them to stay in their native homeland. Those half-blood Creeks who stayed appear to have assisted in the removal, as well. In a letter from Congressman John Bell of the Committee on Indian Affairs to Lewis Cass, Secretary of War, dated May 9, 1836, expenses for local interpreters in the removal effort were listed for John Rolin and Richard Tarvin under the command of Lt. Edward Deas, and for Samuel Smith and Richard Tarvin under the command of Captain John Page.

On July 2 of 1836 Congress passed "An Act for the relief of Susan Marlow," who, being the "only surviving child of James Marlow, a Creek Indian, who lost his life at the destruction of Fort Mims," was entitled to a "reservation allowed to the friendly Creek Indians." (6 Stat. 678) The same day, Congress passed "An Act for the relief of Samuel Smith, Lynn McGhee, and Semoice, friendly Creek Indians." The language in the bill is significant, for it allowed that they were "entitled, under the treaty with the Creek nation of Indians . . . to reservations of six hundred and forty acres of land each . . . to be held by them on the same terms and conditions as the reservations given by said treaty." (6 Stat. 677) This bill makes no mention of the act passed March 3, 1817 which, upon the demise of the grantee, gave title in fee simple to his heirs. This 1836 act then, makes reference only to the Ft. Jackson Treaty, which provided for rights of occupancy to the descendants of the grantee as long as they shall not voluntarily abandon the reserve. It was this oversight in the legislation which allowed the descendants of Lynn McGhee to occupy the land as a reserve, without title, until 1924. Sometime in 1836, Baldwin County Deed Record Book E shows that David Moniac, father of David Alexander Moniac, sold the northeast subdivision of fractional section 19 in T4, R3 E (130 acres) to Margaret Tate. Similarly, Elizabeth Steadham bought the northeast quarter of section 8, T3, R3 E in Baldwin County.

Early in January of 1837, after spending the summer and fall looking for land reserves, the four grantees again asked Congress for relief. The problem was that all the good land along the Alabama River in the Tensaw region had long since been bought, and little or no land of value was available as an entire section. The relief, therefore, was to be allowed to choose land in parcels—legal subdivisions—which cumulatively amounted to 640 acres. On January 12, Mr. Linn of the Committee on Private Land Claims reported on "Samuel Smith and Others," stating the essence of the problem, and suggested a bill be enacted to rectify the situation. Congress then passed such a bill on March 2 of that year, titled "An Act to amend an act approved the second of July, 1836, for the relief of Samuel Smith, Lynn McGhee, and Semoice, Creek Indians; and, also, an act passed the second July, 1836, for the relief of Susan Marlow." It was under this final amendment that Smith, McGhee, Semoice, and Marlow first chose lands in and around what is today the community of Poarch.

Finally, in 1837 the first of what were to be several legal disputes over title to land granted to the friendly Creeks arose. Peter Randon had leased his land for 20 years to non-Indians, and on May 23, B. F. Butler issued U.S. Solicitor's Opinion #78 in which he held that Randon's lease of this land and his subsequent move to Louisiana constituted abandonment under the Ft. Jackson Treaty and that the United States should resume title to sell the land.

AFTER REMOVAL

As the decades of the 1820's and 1830's were ones of geographic shifting and uncertainty for the ancestors of the Poarch Band of Creeks, the decades of 1840's and 1850's—up to the Civil War—were ones of relative prosperity and growth. The constitution of the community changed as well, due to the dying out of several older family surnames like Hale, Tate, McGirth, Cornells, etc., and the adding of new ones through marriage, like Adams, Gibson, Lomax, Deas, etc. History records the activities of the immediate ancestors of the Poarch Band of Creeks during this period mainly in wills, deeds, special acts, and land transfers.

In 1839 James Steadham used certificate #7985 and certificate #7986 at the St. Stephens land office to obtain 39 acres and 38 acres, respectively, in Baldwin County. The day and exact location were not recorded. In the following year, the 1840 census showed, for Baldwin County, Poarch ancestors among whom were Lynn McGhee and the families

of Deas', Earles, Sizemores, Steadhams, Tates, Tarvins, Tunstalls, Weatherfords, and others. For Monroe County, the census showed Shomo, Weatherford, Hathcock, and Smith, and the clusters of Creek half-bloods in this region were still in close proximity to each other, -county lines notwithstanding, since the shifting lines often bisected—and later trisected—the greater half-blood community.

In 1844 George Stiggins died. Stiggins was a half-blood who was born and raised in Tensaw, and attended the Boatyard school run by John Pierce where he learned to read and write. In 1831 he began work on a manuscript which he continued until his death in 1844. The manuscript, though unfinished, is a rich source of ethnography and history about both the aboriginal customs of the Creeks and about the half-blood community and events up to and just past the Creek War of 1813-14. George's son, Joseph N. Stiggins, wrote several pages of biographical information about his father and about Stiggins genealogy in his correspondence with Lyman Draper, who was sent the original George Stiggins manuscript in 1875. The manuscript is entitled "A Historical narration of the Genealogy traditions and downfall of the Ispocaga or Creek tribe of Indians, written by one of the tribe," and appears in full in Series V of the Draper Collection; it was later transcribed by Theron A. Nunez and appears in Ethnohistory. (Vol. 5, No. 1: Winter 1958)

The year 1845 begins the recording of marriages in Marriage Book II for Baldwin County. Extending to 1856, the book shows the marriages of eight couples who are ancestors of the members of the current community of Poarch Creeks in this eleven-year period. Again in 1845, in trying to formulate a policy on what to do with the Creek Indians in Alabama at that time, some seven years after the removal to Indian Territory, Robert M. Cherry, Special Agent for the Office of Indian Affairs, wrote to Commissioner Thomas Crawford from Montgomery. Cherry wanted to know ". . . whether the contractor would be authorized to remove the Creek Indians in Alabama other than those residing in the counties embraced in the Creek purchase of 1832 and that were left from the emigration of 1836 or 37. The reason of this last enquiry is because it is understood here that there is a number of families residing in Baldwin County . . . who have been residing there since the first settlement of the state."

In 1846 another of the court cases involving clouded title appears. George Stiggins, who is named in the suit as a Creek Indian, had apparently traded "fractional section 1, T4, R3 E" containing approximately 170 acres for several slaves. The case, under the title of James v. Scott, was brought because Stiggins was never entitled to alienate the land since it was granted to him under the Treaty of Ft. Jackson. The last will and testament of Lynn McGhee is dated January 8, 1846: he leaves his livestock to be divided by his five children, who are Nancy, Peggy, Jack, Billy, and Dixon. He also leaves twelve cows to his friend and Executor, Gerald B. Hall.

Another problem involving clouded title surfaces in 1848. In this case, it involves the purchase of some land by a Mr. Charles G. Gunter which appears to have been given to Sam Moniac—"appears," since the records of Moniac's property were supposed to have been lost according to correspondence between George Goldwaite of the General Land Office and Elbert Herring, Commissioner of Indian Affairs, in 1835. In this instance of 1848, the evidence is a letter from Mr. Saltmarsh of the Cahaba land office to Richard Young, Commissioner of the General Land Office, dated November 7. Saltmarsh asserts that Gunter purchased the Moniac reserve in section 18 and 19 in T10, R16 on the Alabama River. An act for the relief of Gunter and others was considered, and Saltmarsh claims that "Several persons in this district are holding lands reserved under the Treaty of Ft. Jackson in the same manner."

The following year, another historical irony occurs in the story of the Poarch Band of Creeks. It will be remembered that in November of 1831 Semoice made a damaging deposition against John Gayle, naming him specifically as the one who, through threats of violence and intimidation, forced him off his land. Some thirty years later, on January 16, 1849, Representative John Gayle of Alabama reported on H.R. 719 (30th Congress, 2nd Session) and recommended that the children of Semoice be given patents in fee simple to the land their father had chosen under the special act of 1836. The actual bill was not introduced until 1852, but it had Gayle's support throughout.

The U.S. Decennial Census for 1850 lists approximately 70 persons in Baldwin County with surnames common to the present Poarch community. Monroe County lists approximately 30 persons with similar surnames—and, in cases, the same surname—as "colored." This type of inconsistency indicates the variation in census enumeration of this period, particularly listing as "colored" anyone who was not of white derivation. In this case the "non whites" were Indians and Indian descendants of varying blood quantum. Interestingly, the 1860 U.S. Decennial Census—and all subsequent U.S. Censuses—lists many of the same persons of the Poarch Band of Creeks as "Indian."

Just as John Gayle appears to have tried to make restitution to the heirs of Semoice for forcing Semoice off his land after the Creek War, so the state legislature of Alabama appears to have tried to make restitution to the principal members of the Poarch Band of Creeks. In January of 1852, the state assembly passed an act "For the relief of Thomas T. Tunstall and others." Alabama, like Georgia and several other eastern states, had never recognized Indians as citizens, and those Indians who happened to be resident of a given state had no vote, no voice in representation, and could not, among other things, give testimony in court. This act named specific members of the families of Tunstall, Weatherford, Tarvin, Steadham, Sizemore, Powell, Moniac, and Driesbach and stated that ". . . they and their heirs are hereby declared citizens under the law, capable of exercising all the rights, immunities and privileges of the State of Alabama as fully as they would if they were not of Indian descent." Later that year, Congress also acted on behalf of certain members of the Poarch Band of Creeks—it passed, with the initial support of John Gayle, "An Act for the Relief of the Heirs of Semoice, a friendly Creek Indian," and the three heirs were named as Hetty Deas, Vicy Foxy, and Elizabeth Semoice. (10 Stat. 735) Congress also enacted legislation for the relief of the heirs of Josiah Fletcher, namely his sister Priscilla Blackwell and his widow, for whom they appropriated \$2,000.

In the January term of 1852, the case of William Weatherford vs. Weatherford, Howell, et.al. was heard in the Alabama Supreme Court. The case was first tried in the lower Chancery Court of Mobile, and the fight involved the half brothers and half sisters of William Weatherford, Jr. William Jr. was the first son of William Weatherford, Sr., the renown Creek half-blood leader who died in 1824 and his first wife, Superlamy. The marriage did not last, and William Sr. then married Marry Stiggins, with whom he had four children. The estate of William Sr. was contested between William Jr. and his half brothers and half sisters. The court found for the children of Mary Stiggins. Of major significance in this court case is the interesting testimony given by the witnesses, which describes a significant part of the history of the Poarch Creek community. Though taken in depositions between 1847 and 1851, the testimony in the case referred generally to the period from the Creek War of 1813-14, through the time of William Weatherford, Sr.'s death in 1824, to the marriage of Levitia Weatherford to William F. Howell in 1842. Witnesses in the case included Lachlan Durant, William Hollinger, Mary Sizemore, Elizabeth Moniac, and William and Levitia Sizemore, among others. Samuel Edmunds, a non-Indian resident familiar with the half-blood community, testified to the fact that there were "but three white families living in Weatherford's

neighborhood," and that those in the half-blood community around Tensaw were "called half-breeds by their neighbors and was [sic] said to belong to the Creek tribe of Indians."

It was in the mid-1850's that the gradual process of localizing to the exact area of what is today the Poarch community began. Up to this point in time, the geographic distribution of Creeks and Creek descendants in the area had been broader. In October 1853, Gerald B. Hall, Executor of the estate of Lynn McGhee, formally filed with the Land Office in Sparta to record two parcels of land for the heirs of Lynn McGhee, the larger of which came to be known as the Head of Perdido (later corrupted to Hedapeada) in section 28, T2, R5 E. In 1854, the first of over 20 homesteads and purchases by Creeks and Creek descendants of the community were recorded in the immediate vicinity of the McGhee lands. In that year, lands were obtained by William D. Gibson and Alexander Hollinger. On December 11, 1854, Sidney Lomax, whose wife Matilda was a Creek half-blood, purchased 120 acres of land in Township 3, near the present Poarch community. A patent was issued for this purchase some 6 years later—August 14, 1860—from the local register's office of the General Land Office in Elba, Alabama.

The Alabama State legislature, in February of that year, also extended the same full rights of citizenship granted to "Thomas T. Tunstall and others" in January of 1852 to William Weatherford, James Stiggins, Elijah Paget, Charles Weatherford, and George Sizemore. Also in this year, and again in 1856, James D. Driesbach filed final inventories and settlements for the estates of George Stiggins, Lynn McGhee, David Tate, Dixon Bailey, and James Earle. Beneficiaries of the Stiggins estate were Elizabeth, Irene, Clarinda, and J. N. Stiggins, Charles Weatherford and John Tarvin. Those of the Tate estate were Elizabeth and Elisha Tarvin and Josephine Driesbach. Those of the Earle estate were James, Frank, and John Earle and Edward Steadham. Those of the McGhee estate were Richard, Jackson, Peggy, and Mary McGhee (Records of the Probate Court of Baldwin County, Book #2).

The sale of lands around the Poarch area occurred more frequently now, another factor which caused change within the community. Many land purchases, however, were made within the social parameters of the community: Elizabeth Tarvin, for example, sold a tract of land in 1855 on the east side of the Alabama River to John P. Weatherford. The acreage was not shown in Baldwin County Deed Record Book G, but the price was \$3,095. Reverberations from the Treaty of Ft. Jackson were still being felt in 1855, due to clouded titles. House Report #103 of the 33rd Congress, 2nd session, outlines the case of James M. Lindsey,, for whom an act of relief was considered. It seems that the Creek half-bloods Samuel and David Hale, who had each received land under the treaty, illegally sold their land in 1826 to Adam Carson. The bill for his relief was passed August 23, 1856. By this time, however, few of the original recipients of the reserves given under the treaty were still alive; their heirs had title to the land as was provided under the act of March 3, 1817 (with the exception of the lands allowed to McGhee, Semoice, Smith, and Marlow in 1836).

CIVIL WAR AND RECONSTRUCTION

The year 1860, marking the beginning of a new decade, was a very significant one for the Poarch Band of Creeks in several ways. The two previous decades had seen growth in the community, the acquisition of land and goods, the localizing of many related families into a smaller environment, the restoration of citizenship rights in Alabama, and relatively good prosperity. The events of the impending decade, however, were to change all this.

This first event of major importance to the community was the U.S. Decennial Census of 1860. The census enumerator for Baldwin County, E. E. Carpenter, was apparently instructed to count the Indians in his district, so, for the first time on a U.S. Census, the members of the Poarch Band of Creeks are listed as "Indian" under the Color column. A total of 84 individuals in Baldwin County are so listed, and all of them have surnames common to the Poarch community. Moreover, this sets a historical precedent of sorts, since subsequent U.S. Decennial Censuses generally list either the same individuals or their offsprings as "Indian" as well.

The second important occurrence of 1860 was insignificant by normal standards, but highly significant in the history of the Poarch Band of Creeks. On May 7 that year the Commissioner's Court for Baldwin County began keeping a detailed record of its proceedings, and much valuable information regarding the community and its prominent members is found in it. During the May term, 1860, for example, the following entry is found: "Dist. 2, from double branches to Turkey Creek including the Bridge over the same. It is ordered that Francis Earle be appointed overseer." An entry for June 18 states: "It is ordered by the Court that Turner Starke, James D. Driesbach, and David A. Moniac be appointed to act with the Commissioners appointed by the Commissioner's Court of Monroe County, to let and contract for repairing or rebuilding over Little River."

The third and ultimately most relevant event affecting the lives of the Poarch Band of Creeks in 1860 occurred several hundred miles away. On December 20 of that year, the state of South Carolina seceded from the Union--the first to do so--starting a series of events which would radically alter the face of the South. The following month, in January of 1861, Alabama seceded from the Union and in February the Provisional Government of the Confederate States of America was established. The convention was held in Montgomery, making Alabama the center of Confederate activity. Finally, on April 12 of 1861, Confederate forces bombarded the Union garrison of Fort Sumter in the harbor of Charleston, South Carolina, thus beginning the long and bloody War between the States in whose battles members of the Poarch Band of Creeks also fought.

The effects of the War were not felt immediately in the Poarch community, however. Until the following year, it was still "business as usual," and the Record of the Commissioner's Court is filled with mundane matters essentially unconnected to the War. In February of 1861, D. A. Moniac was appointed auctioneer for Baldwin County, and in July of that year for the general elections which were to be held in August, the Commissioner's Court appointed as "Inspectors of the general election" Wm. S. Avery, Alex McGhee Weatherford, and G. C. Cruit for Precinct No 2, Jack Springs. Jack Springs, it should be added, was only four miles from the Lynn McGhee reserve at head of Perdido, and was a commonly used campsite by both Indians and whites in the early nineteenth century. Local legend has it that Andrew Jackson camped there. It was a way station on the old Mobile to Montgomery route, part of the old Federal road. During the mid- and later nineteenth century, Jack Springs was used by voting and census officials as a precinct or "beat" for many years, and thus serves as a convenient research device owing to its proximity to the center of Poarch Creek activity. At one point during the 1870's, Jack Springs grew into a little community, with its own post office, schools and the Mars Hill Baptist Church, but eventually it died out.

By July of 1861 the War was well under way, and the Creek Nation West, in Indian Territory, had made a treaty of alliance with the Confederate States. The remaining Creeks in the east also joined in on the side of the Confederacy, as records suggest that at least eighteen men from the Poarch Creek community enlisted in the Confederate forces. Compiled from various sources, this composite list includes David Moniac,

J. R. Moniac, Mike Moniac, George Moniac, W. W. Adams, Richard Rolin, Lynn McGhee (Jr.), Carmon McGhee, William Colbert, William Hollinger, Alex Hollinger, Martin Gibson, John Hinson, Charles Bryers, A. J. Davis, and J. V. Steadham.

As the War dragged on, the economy of the South began to suffer under the strain, and state and municipal coffers were eventually drained of their assets. In February of 1862, the Record of the Commissioner's Court for Baldwin County shows the creation of a "Fund for the aid of Indigent Families of Volunteers," with \$75 being disbursed for the wife and two children of David Moniac and \$30 for the sister of William and Alex Hollinger. The following November, a greater number is added to the list: the wife and five children of Richard Rolin received \$400, the wife and three children of William Colbert received \$300, the child of Adam Hollinger received \$150, the two sisters and one brother of Carmon McGhee received \$250, the wife and child of Mike Moniac received \$225, the wife and two children of David Moniac received \$225, and the sister of William and Alex Hollinger received \$150. This list recurs five more times in the Record of the Commissioner's Court on December 22, 1862, January 3, 1863, March 9, 1863, and June 22, 1863. The final list, which appears on October 22, 1863 has a disbursement of \$6.69 for the wife of Martin Gibson and \$17.86 for the parents and four brothers and sisters of William Gibson. Two facts are strongly indicative of conditions in the South at this time: first, the radical decline in disbursements to indigent families is obvious, to the point where pennies are counted and, second, every able-bodied man was needed to fight, even those with whole families dependent on them.

William Gibson, for example, remained in the community during the first years of the War due to the number of his dependents, and became one of the responsible people in the locality. On May 5, 1862 he was appointed, along with James D. Driesbach and J. B. Smith, as a Road Overseer for his district. On September 10 of 1863, apparently a month before he decided to enlist, he was appointed by the Commissioner's Court to oversee the building of a bridge over Pine Long Creek. The exigencies of the War finally caught up with Gibson, however, and he left his family to fight, among the last of the Poarch Creeks to do so.

It appears that there was not a complete consensus among the Poarch Band of Creeks at the time about the legitimacy of the Southern cause. Data published in The War of Rebellion: A Compilation of the Official Records of the Union and Confederate Armies indicate that one of the Poarch Creek members, Adam Hollinger, served in the Union Army—the First Florida Cavalry. He is first mentioned in a November 18, 1864 letter from Colonel A. B. Spurling to General J. Bailey; he is mentioned again in a letter from General C. C. Andrews to General E. R. S. Canby of February 14, 1865, where Andrews states that "Sergeant Hollinger appears in the record, in which he describes in detail his reconnaissance of and familiarity with the area in which he was raised."

April 9, 1865 General Robert E. Lee surrendered to Ulysses S. Grant at the Appomattox Courthouse in central Virginia, thus ending the War. Confederate soldiers were mustered out, and on the Muster Roll of Company "C," 15th Regiment of the Confederate Cavalry, approximately 12 men can be identified as relations and ancestors of the Poarch Band of Creeks. All over the South, and the North as well, veterans were returning home. The poverty, despair, destruction, and malaise which the Confederate veterans found when they returned home was something altogether different than what they had left when they went off to enlist.

The entire South was a depressed area, and it was more than a decade until conditions improved substantively. The Poarch community was thus a depressed area within a depressed area, and the simple preoccupation of survival just after the war resulted in three major developments affecting the history of the Poarch Creeks. First, local records were not kept as meticulously as they had been before the War, the result of which is a partial hiatus of documentary evidence for the community's history during this period. Second, the relevance and/or significance of their Indian heritage were paled by the enormity of the events during and after the War, for during the last part of the nineteenth century their "Indianness" was not often mentioned in those records which were kept. Third, the difficulties of survival after the War renewed and strengthened the community or tribal cohesion of the Poarch Creeks, and so they survived in quietude amongst themselves in a near subsistence mode for the following five years, trying to rebuild and regain a normalcy to their existence. The following quote provides a graphic and succinct description of the conditions which the returning Poarch Creek veterans faced, and one extremely pertinent to the historical documentation of their case:

Accompanying the end of the war there was a breakdown of state and local government, widespread disorder and theft, starvation and destitution, and military government that was inadequate to the systematic maintenance of law and order. The "freedmen," as the former slaves were called, roamed about, living off the country, and many of both white and black races were confronted with the danger of starvation. For a time the resources of the people had to be devoted primarily to the problem of staying alive. Of the Confederate soldiers who straggled home after the war a large part came back too late to engage in the planting of a new crop, and many suffered from wounds and debilitated health. Their homes and farms were generally in a dilapidated condition and their livestock was largely gone. The destruction of war had hit . . . a devastating blow. The labor system which had produced most of the surplus for export had been destroyed. Liquid capital had been destroyed. Buildings and fields had been neglected. Then, in the aftermath, Alabama and Mississippi planters who had held their cotton in the hope of marketing it at favorable prices after the war to provide a basis for rehabilitating their farms were confronted with a heavy federal tax on cotton and with a swarm of cotton thieves, treasury agents, unscrupulous merchants, and others who took advantage of the breakdown of law. (Doster & Weaver, 1981: 110)

In order to "take stock" of who returned and who was left, the State of Alabama conducted a census in 1866, presumably under the aegis of the military government which occupied the southern states immediately after the War. Just over 50 members of the Poarch Band of Creeks were listed in the returns for Baldwin County, though they were listed on the rolls as "Colored." Their color was of Indian derivation, however, and not of Negro derivation. The enumerators only had a choice of two--white and colored--so the Indians, with their darker complexions, were placed on the colored census. In 1868, Escambia County was created from areas of Baldwin and Conecuh counties, and the county seat was placed at Pollard. Jack Springs, the McGhee reserve, and the majority of the Creek Indian land owners were now situated in extreme northwest Escambia County.

In 1869 the commissioners of the new county began the process of keeping minutes of their proceedings, and while no "Indians" are ever mentioned in the Minutes of the Commissioner's Court of Escambia County, certain prominent individuals and community leaders are mentioned. An entry for August 9 shows that Sidney Lomax and John V.

Steadham are listed as "reviewers" of county roads in their area. An entry for March 14, 1870 gives an order of the Court: "Ordered further that Gilbert Cruit, Steven Lomax and Bart Gibson be appointed apportioners for Jack Springs precinct." Later that year, results from the 1870 U.S. Decennial Census for the Jack Springs Beat in Escambia County show 78 Poarch Creek surnames on the returns, of which 39 are listed as Indian, 13 as mulatto, and 26 as white. Again, the variation in racial designations is reflective of the variation in personal judgments of the census enumerators.

It was at this time that the little community of Jack Springs, where a concentration of Poarch Creeks lived, began to grow and to take on the characteristics of a small town. In 1869 the Mars Hill Baptist church was begun in Jack Springs, and throughout the years—until 1914—the church had not only a part Indian congregation, but Poarch Creeks were involved in the administration of the church as officers. John V. Steadham, in fact, donated the land on which the church stood. The Mars Hill Baptist church was a member of the Bethel Baptist Association, in whose records its pastors and elders appear. From 1869 to 1874, the pastor was A. J. Lambert. In 1875 John D. Beck succeeded Lambert, and carried out his ministry there for two years. Beck was to play an important role in the history of the Poarch Creeks, and was involved with their welfare from 1875 to at least 1907, and perhaps longer. There were non-Indians, such as John Ficklin, who were active in the Mars Hill church at an early date. In later years, such Creek descendants as J. V. Steadham, W. T. Gibson, and D. Bryars were active participants in the administration of the church.

In addition to the church at Jack Springs, several schools were started by the state. In 1870, a year after the establishment of the church, there was a Colored school (Dist. 22, R. 11) taught by Robert Moore with 22 students, a White school (Dist. 23, R. 6) taught by Mrs. Elisha Tarvin with 40 students, and another White school (Dist. 22, R. 6) taught by James Hansel with 18 students. Student rolls are not available for these schools, but it may be presumed that the Poarch Creek children who went to school attended the white schools, since Mrs. Tarvin, herself a Poarch Creek, taught the District 23 school for Whites. At least one historian corroborated the fact that there was a group of Indians in the area. W. Brewer, in his history of Alabama published in 1872, provides a tantalizing piece of evidence but with no elaboration. He simply states that "Forty-three of the 98 Indians in the State live in Escambia." (Brewer, 1872: 246)

Notwithstanding the establishment of governmental, religious, and educational entities during the reconstruction era, economic and social conditions in the South were not improving greatly, and in the Escambia County area, specifically, things did not improve markedly until the pine lumber and turpentine industries regained momentum in the mid 1880's. Land was still the indicator of wealth, but greatly increased taxes worked to the detriment of large land owners. The renown historian of Alabama, Albert B. Moore, describes this period of despair.

In 1873 the people of Alabama were groping in Stygian darkness . . . They were in the fathomless depths of bankruptcy; the State debt alone having advanced from about \$7,000,000 in 1867 to \$32,000,000. Crops had generally been poor since the surrender, and taxes were too heavy to be borne. Plantations were rented for their taxes, or parts of them were sold to pay the taxes on the rest. Thousands of farmers were unable to pay their taxes and their farms were sold by the State at public outcry. One copy of the Southern Republican in 1871 carried 21½ columns of advertisements of land sales in the four counties of Marengo, Greene, Perry, and Choctaw. One issue of the Tuscaloosa Independent Monitor advertised 2,548 lots of

land, of forty acres or more each, for sale in Tuscaloosa county . . . Public buildings everywhere were placarded with notices of land sales. Thousands of farms that were not sold for taxes were sold under mortgage. Mortgage sales of farms and household goods were common in all of the counties. Since the surrender children had grown into young manhood or womanhood unable to read or write. As a crowning stroke of adversity, the panic of 1873 swept across the State, the rivers flooded large areas of crops, and several towns were scourged by yellow fever. (Moore, 1934: 500)

With little money to purchase land, members of the Poarch Band of Creeks, who were in the same situation as the rest of Alabama, were forced to homestead available properties in the Jack Springs vicinity. In July of 1873, Richard McGhee filed for a homestead in Township 3 near the Poarch community. McGhee's application was filed at the land office in Mobile, and had no witnesses, but it was the first homestead application among the Poarch Creeks since the War.

The years 1874 and 1875 were ones of some historical significance for the Poarch Band of Creeks, for at this point they may be distinctly and specifically referred to as the Poarch Band of Creeks. Early in 1874, the famed Lyman Draper of Wisconsin, an avid chronicler of American pioneer history, contacted John D. Driesbach of the Creek community asking for a copy of Woodward's Reminiscences and any additional data that was available. This began a series of correspondence between Draper and Driesbach which resulted in Driesbach's production of a 31-page manuscript on the history and particularly the genealogy of the early half-blood Creek community and the intricate intermarriage between all the Weatherfords, Tates, Moniacs, Hollingers, Tarvins, McGhees, et.al. The manuscript does not shed much light on the status of the Creek community at the time of its writing, but dwells on events primarily up to and through the Creek War of 1813-14. At approximately the same time, Draper instigated a correspondence with Joseph Stiggins, the son of George Stiggins. Stiggins wrote Draper first in January of 1874, but the letter was apparently lost. In February of 1875, Stiggins again wrote Draper, and enclosed with his letter a poem by his daughter, an eight-page biographical note about his father George, and the complete eighty-page manuscript of George Stiggins which was written between the years 1831 and 1844. Again, none of these documents addressed the condition of the Poarch Creeks of 1875, but they appear for the first time in that era as detailed histories of the early ancestors of the Poarch Creeks and events which placed them where they were at that time.

A single entry in the November 30, 1875 number of the Alabama Baptist proved to be a significant one for the Creek community around Poarch. It was, in fact, an obituary written by the new pastor of the Mars Hill Baptist church, John D. Beck, about Peggy McGhee—Lynn McGhee's daughter. It is also the first recorded mention of "Head of Perdido," one of the hamlets into which the Poarch Band of Creeks grouped in the later nineteenth and early twentieth centuries. Beck wrote:

Peggy McGhee departed this life on the morning of November the 4th. She was in the 73rd year of her age, and had the testimony of many brethern and friends that she walked according to her Christian profession. She was baptised by either Brother A. J. Lambert of James Boyles in his early ministry, and has been faithful to her profession, as many tears testified; they wept not as those who had no hope, but as those who had lost one of infinite value from their midst. She was interred at her homestead, Head of Pedido [sic], a donation to her family in the Red Jacket Treaty.

This last statement is, of course, a reference to the reserve of Lynn McGhee which he obtained under the Treaty of Ft. Jackson. "Red Jacket Treaty" is one which recurs in Poarch Creek history, and its derivation is unclear. One possibility is that it might have gotten confused with the renown Seneca chief Red Jacket (1756-1830), but it is more likely that it was a corruption of "Red Stick" and "Fort Jackson."

THE END OF THE 19th CENTURY

The historical record for the remainder of the 1870's and the early part of the 1880's consists primarily of land acquisitions, domestic events, censuses, and occurrences in local affairs. In June of 1876, William Adams, who appears as Indian on the 1880 U.S. Decennial Census, filed for a homestead in Township 2, near the Poarch community. Adams' application, like Richard McGhee's, who filed with Adams, had no witnesses and was filed at the land office in Mobile. The same year, David A. Moniac obtained a 160-acre homestead in the west half of section 32, Township 4 in Baldwin County (Baldwin County Deed Record Book M). In 1877 J. D. Driesbach, who had sent a historical manuscript to Lyman Draper only three years previous, was solicited by a local history professor to submit a similar paper to him in preparation for a book on Alabama history. Driesbach revised his earlier manuscript and submitted it on June 28. It was eventually published, along with an addendum written in 1883, in the January 1884 issue of the Alabama Historical Reporter. The later paper was significant because it contained the following sentence: "Being daily surrounded by the descendants of some of the prominent characters of these traditions, I feel somewhat embarrassed in expressing myself in language that will relieve me of the charge of egotistical laudation of the progenitors of my own household." Driesbach thus establishes a clear link between the Creek community of the Tensaw/Little River area in the late eighteenth and early nineteenth centuries and that of 1877.

Just eleven years after Escambia County's inception, the courthouse burned down in 1879, in the county seat of Pollard. It is estimated that 90% of the records to that date were lost in the fire, and the significance of that loss for the history of the Poarch Band of Creeks can never be known. Four years later, in 1883, the county seat was moved from Pollard to the town of Brewton. While Brewton and Williams Station (later Atmore) were growing during this period with influxes of new people attracted by the expanding pine lumber and turpentine industry, the village of Jack Springs reached its peak. In September of 1879 Jack Springs got its first U.S. Post Office, and in 1880 it first appears on Alabama maps. The Post Office, however, only stayed open for three months under the management of Luck Wainright; it was officially discontinued on December 10.

In June of 1880 William D. Gibson filed application for homestead in Township 2, near the Poarch community, at the land office at Wilson, Alabama. He had as witnesses John V. Steadham, William W. Adams, and Robert F. Cruitt. He claimed on the application that he had lived on the land since 1877. The year 1880 was also the one in which another U.S. Decennial Census was taken, and that census shows only 22 persons as Indian on the schedule for Escambia County, Jack Springs beat. Most of the others with surnames common to the Poarch Creek community appear as "mullatto," but of these many of the same people appear as Indian on both the 1870 and 1900 U. S. Decennial Census. For Monroe County, 73 persons appear as Indian, in stark contrast to the observations of the Escambia County enumerator, for many of the people in these two counties are related and share the same surnames.

June 1, 1881 shows an entry in the marriage records of Escambia County for the marriage of Henry Colbert and Annie Taylor: due to the loss of these records during the 1870's this is the earliest of an eventual 73 marriages of Indian members of the

Poarch community recorded to the present (1981). There may have been such records during the 1870's, but due to their loss in 1879 this cannot be determined. Two years later, Baldwin County Deed Record Book M shows that David A. Moniac obtained another 160-acre homestead tract next to his first one obtained in 1876 at section 32, Township 4.

William M. Deas, the son of Hetty Semoice Deas and William Deas, wrote to the Department of the Interior on June 9, 1883 requesting information about legal claims to the land granted to the heirs of Semoice under the relief act of 1852. His letter was answered by H. Price of the General Land Office. Price, whose letter to Deas at Mt. Pleasant, Alabama was dated June 18, outlines the history of the Creek land claims relating to the case of Semoice, Smith, Marlow and McGhee, and states that approximately 280 acres of the claim are still vacant "and subject to the claim of the heirs of Semoice, whenever application is made therefor."

A year later, in 1884, a U.S. Post Office opened at Steadham, Alabama, only a few miles from Jack Springs. The first postmaster there was Robert F. Cruit who, though not a member of the Poarch Band of Creeks, is nonetheless familiar with the Indians of the community.

By 1885 the economy and the lifestyle of the citizens of Alabama, and of the Poarch Band of Creeks, had stabilized somewhat. Twenty years had elapsed since the surrender, and a new generation in addition to new settlers to the region both served to prolong the eclipse of Indian identity which the Poarch Creeks suffered as a result of the War. The partial loss of Indian identity during this period, however, was relative only to county and state authorities and new settlers; their own Creek heritage was never lost among the members of the Poarch Band of Creeks or their close neighbors. Their kinsmen—and in cases their immediate relatives—of the Creek Nation West in Indian Territory were also stabilizing socially and politically. Having sided with the Confederacy during the War, their losses were high due both to the War and the new treaty they signed with Washington, but under a new constitution and new, capable leadership, the Creek Nation West was gaining strength. It was during this period that applications for citizenship in the Creek Nation began arriving from Creeks residing in Alabama and other southern states, and sworn testimony given in behalf of applicants who appeared before the Citizenship Commission of the Creek Nation provides much useful historical information for this period and establishes a connection between the Creeks of Indian Territory (Oklahoma) and the Creeks of Southwestern Alabama of the 1880's.

The application for Creek citizenship of S. S. Strickland is one such case. In October of 1885, the Commission heard testimony on Strickland's behalf from Monday Durant, a grandson of Lachlan Durant, and he described daily life and his neighbors around Baldwin County near Tensaw during the mid-1880's. He named as Creek Indians Sam and David Hale, Sam Smith, the Sizemores, Weatherfords, Moniacs, and Fishers. Homer Cornells, related to Alexander and David Cornells, also testified for Strickland. He stated that David Hale and Sam Smith were once partners in a store in Baldwin County, and similarly connects Strickland with the community of Alabama Creeks. In an action which would affect all future applications for Creek citizenship, the Muscogee Nation I.T. passed an Act of the Council on October 26, 1889 which debarred all those current and future applicants due to their having been born "beyond the limits of I.T. . . . who have continuously resided beyond or outside of the jurisdictional limits" for more than 21 years. The Durant and Tarvin families, who would apply six years later, were initially rejected under this act.

The U.S. Decennial Census for 1890 was lost for the state of Alabama, destroyed by fire in the Commerce Building in 1921, so there is no way to determine the exact demography

or degree of Indian identity of the Poarch Creek community at that time by the use of this census alone. To help fill the historical gap created by the loss of the 1890 census, there are two items. The first is a letter by Charles Weatherford, Jr. of Mt. Pleasant, Alabama to a Mr. T. H. Ball dated October 17, 1890. Weatherford writes about the exploits of his grandfather Billy Weatherford and the events of the Creek War of 1813-14. He mentions his aunt Susan Stiggins, who later married Absalom Sizemore, living near Mt. Pleasant. Weatherford, who lived some miles away from Poarch at Mt. Pleasant in Monroe County, was not considered a fully-integrated member of the Poarch community but, like others living in Monroe and Baldwin counties, is related to many of the central or core families and family members of the Poarch community. The second and more significant item is that the oral history taken by Professor J. Anthony Paredes in 1972 from elders in the Poarch Creek community dates back with fair reliability to roughly 1890. This oral history is invaluable in terms of filling the historical spaces between the documented, recorded events pertaining to the Poarch Creeks.

From 1890 to 1893 a rash of homestead applications is filed by members of the Poarch Creek community. In September 1890, Polly Rolin, a granddaughter of Sam Moniac, filed for a homestead adjoining the McGhee tract in Township 3N R5E. In her testimony of September 5 of that year, she stated that she had begun settlement "about the years 1850." The witnesses in her behalf were Alex McGhee, Will Colbert, and Tillman Lomax. In July of 1891 William T. Deas made homestead entry #25700 in Township 3 near the Poarch community. In November of 1892 James Colbert filed for a homestead in Township 3N R6E, near the Poarch community. Colbert claimed he had farmed the land for eight years. In October of 1893, Gideon Gibson filed application for a homestead in Township 2N R5E, near the Poarch community. He filed at the Post Office at Atmore (formerly Williams Station), using J. F. McGhee, Alick (Alex) McGhee, Frank Gibson, and William D. Gibson as witnesses in his behalf. He claimed to have moved onto the land--120 acres--in 1884. On November 22, 1893 Bennetty Gibson filed an application for homestead in Township 2N R5E, near Poarch, at the land office in Montgomery, Alabama. She used as witnesses in her behalf John F. McGhee and John W. Presley. She claimed she had lived there since 1878. On the following day--November 23--four homestead applications were filed, all for the same vicinity near Poarch. The four men were William Rolin, Alex Rolin, Sam Rolin, and John F. McGhee, and all used each other as witnesses on their respective applications, in addition to Sidney Lomax who apparently accompanied them to the land office. The spatial concentration of the Poarch Creek community had reached a high level by the end of the nineteenth century. Their very first settlement area was centered around the north parcel of land which the heirs of Lynn McGhee chose near what is today Huxford. This area was known within the community as "Red Hill," and has since died out. The Indian families grouped themselves into four hamlets, three of which are still extant today. The hamlets are Head of Perdido (Hedapeada), begun around 1860; Bell Creek, begun around 1877 but vanishing around 1940; Hog Fork, begun around 1885; and Poarch Switch, begun in the 1920's.

Concurrent with this concentration of the Poarch Creek community, a new Baptist church was begun in its midst. In the "Minutes of the 75th Session of Bethlehem Baptist Association" is the following, dated September 25, 1891: "A letter petitioning for admittance into the Association from the Judson church was presented by Bro. T. W. Fickling [sic]. The church was received into the fellowship of the Association." Both the founding of the Judson church and Ficklin's role are described in an undated pamphlet written by Rev. Alexander T. Sims titled "A Boy Long in Heaven." In the pamphlet, which describes the history of a bequest which Sims had received owing to a kindness he had done for a dying boy (Ollie Long), he mentions the Indian community at Head of Perdido and indicated what is to be done with the money:

In a few weeks I visited a churchless community on the head of Perdido River about eight miles northwest of Atmore in Escambia county. I got a good congregation, some of them Indians, to meet me at night under some fine water oak trees. Bro. Dick McGhee, an Indian who had lived all of his life on the very grounds where we were holding the services, kept a good lightwood fire burning during the services so that we needed no electric lights. At the close of my sermon I related the story of the Long family and proposed to organize an Ollie Long Memorial Sunday School provided they would all pledge themselves to attend regularly winter and summer, making the school evergreen. By actual count 40 persons stood pledging themselves.

Given the existence of the Mars Hill Baptist church in Jack Springs only four miles away, with its Indian parishioners and administrative officers, it is open to question whether Head of Perdido was entirely a "churchless community" as Sims asserts. Nonetheless, until its dissolution in 1914, the Mars Hill church operated along with the new Judson church, and both had Poarch Creek community parishioners. The following year, 1892, in "Statistics of the Bethlehem Baptist Association" printed in the "Minutes of the 76th Session of the Bethlehem Baptist Association," A. T. Sims is listed as "Pastor" of the Judson Church in Williams Station, and J. W. Ficklin is "Clerk." The membership is given as 28. Similarly, in the 1896 Directory of the Bethlehem Baptist Association, Sims and Ficklin are shown again, except the town name had changed from Williams Station to Atmore. Judson Church is still in operation today with an Indian and non-Indian cemetery next to each other, and the many grave markers of the Poarch Creek Indians interred there from the late nineteenth century attest to continuous existence of the community.

The year 1893 was another one of historical significance for the Poarch Band of Creeks. In March, Susan Weatherford King applied for citizenship in the Creek Nation, I.T. The affidavit of witness was sworn by Thomas W. Ficklin of Escambia County. August 22 is the date of a letter sent to the Secretary of the Interior by John D. Beck. The letter states that Beck had been a preacher to the Creek Indians of Alabama for over 20 years, and that he was writing on behalf of his parishioners to ask if the Alabama Creeks would get any of the money from per capita distributions of settlements made to Creeks in Oklahoma and, if so, how to go about applying. The response came from the Office of Indian Affairs and expressed little encouragement for the successful intervention of the Alabama Creek descendants. In September of 1893 Marion E. Tarvin, then living in Galveston, Texas, finished his history of the Creek Indians which, in actuality, was a history of the prominent half-bloods and ancestors of the Poarch Band of Creeks. He titled it "The Muscogee or Creek Indians from 1519 to 1893"; it was written in response to a request of Professor W. S. Wyman of the University of Alabama, and Tarvin acknowledges the use of the earlier manuscript of his uncle, J. D. Driesbach. At this point, much of the history and genealogy is a repetition of previous works, but Tarvin's version contains one important statement: "Nearly all [the Creeks] were settled in the new territory with the exception of a few scattering families who remained in Alabama. A goodly number of their descendants still live there." This statement of Tarvin's is corroborated by a reference published in 1895 by Thomas Donaldson, a special agent for the Bureau of Indian Affairs. Writing primarily of the Creeks in Oklahoma, Donaldson stated that ". . . it is true that some Creek Indians are still residing in the states of Georgia and Alabama, and others are scattered through Mississippi, Louisiana, and Texas . . ." (Donaldson, 1895: 75)

In 1887, Congress passed the General Allotment Act (24 Stat. 388) which was designed by its authors to "civilize" Indians on reservations by allotting communally held tribal

lands to individual heads of families. Section 8 of that Act excepted certain tribes in Indian Territory, including the Creeks. Seven years later, however, Congress enacted an appropriations bill (27 Stat. 612) which, following the same civilizing program, allowed in Section 15 that allotments could be made on Cherokee, Choctaw, Chickasaw, Seminole, and Creek lands and established in Section 16 the Commission to the Five Civilized Tribes. The Commission was created to negotiate with the tribes, to ascertain who was to receive what, and to help maintain order in Indian Territory, among other things. The allotments brought a flood of applications for citizenship and/or enrollment into the Creek Nation, and among them, in 1895, were those of the Durant and Tarvin families.

The Citizenship Commission of the Creek Nation heard the case of Otho Durant and five of his relatives on July 15, 1895. Testifying under oath in his behalf are the same witnesses used by Marion E. Tarvin and his family two days later; they were William Fisher, Ward Coachman, and G. W. Tarvin. Otho Durant was the son of Jackson Durant, who was the son of Lachlan Durant who figured prominently in the early history of the ancestors of the Poarch Creeks. William Fisher testified that "I knew Lockland Durant the grandfather of Otho Durant well. Lockland Durant was nearly a full blood Indian. Lockland Durant has been in our house in Alabama and I have been in his house also." In the cross examination of Ward Coachman, the following questions and answers appear in the record: "Q: Did Jackson Durant come to this country with the Creeks from the old country? A: Yes, he came with the second batch and then returned to the old country . . . He came and staid [sic] two or three years on the Tombigbee River."

The Commission heard the case of Marion E. Tarvin and five of his relatives on July 17. The first witness was George W. Tarvin, "first double cousin" to Marion. Ward Coachman, who was 70 years old at the time, testified that "I was living with my uncle [Lachlan] Durant when the Tarvins came to his house in company with Charles Weatherford from Little River. Alex and Nicy Weatherford were also with them." William Fisher stated that he knew Marion Tarvin, because "In Alabama we lived neighbors about 6 or 7 miles apart." In Fisher's cross examination, the following is in the record: "Q: Were they [Tarvins] regarded Creek Indians in Alabama? A: Yes. Q: How did you know they were Indians? A: Only what the people said about them through the neighborhood." Though taken in 1895, this testimony proves that post-removal Creeks in southwestern Alabama had maintained both a community and Indian identity into the 1870's, which parallels data in the U.S. Decennial Census for 1870. Both the citizenship applications of Durant and Tarvin were approved August 24, 1896.

A letter dated November 16, 1896 from the Commissioner of the General Land Office was sent to Commissioner of Indian Affairs Browning concerning the homestead of William T. Deas, whom the local land office agent refers to as "about a half-blooded Creek Indian." Deas, it seems, had left his homestead after originally filing in 1891, and his claim to title was held in cancellation. But he returned to the land and the cancellation was rescinded. The Commissioner of the General Land Office wanted to know if Deas "should make an Indian homestead under the Act of July 4, 1884 (23 Stat. 96)," and further if "the mixed blood descendants of the Creek Indians now in the State of Alabama are considered wards of the Nation, as Indians, or as American citizens." The reply to this letter from Commissioner Browning, dated November 25, made no reference whatsoever to the questions about the status of the Poarch Creeks, and deferred to some other statute which would "obviate" the problem for Deas and the GLO. One other homestead, the last of the nineteenth century for the Poarch Creeks was filed by Tillman Lomax for a tract in Township 3 near the Poarch community. Lomax claimed he had lived on the land for six years, and used as witnesses J. M. Keller, Sidney Lomax, Louis Boone, and O. M. Richardson, all of Steadham.

BEGINNING THE 20th CENTURY

Gradually, during the last decade of the nineteenth century, the identity of the Poarch Band of Creeks as Indian began to resurface as a general perspective among non-Indians in the community and local, county officials. This occurred primarily because the total preoccupation with the Civil War and its devastating economic and social aftermath were over, in addition to and simultaneous with a large influx of new settlers and a booming timber and turpentine industry. Stratification of social classes once again became a topical issue, and the Poarch Creeks were again placed in the middle ground between white and colored: they were not whites and they were not blacks. They were in fact Indians, and came to be partially segregated on those grounds. The U.S. Decennial Census for 1900, for example, lists the highest number to date of Poarch Creeks in the area as "Indian." The returns for Escambia and Monroe counties, Jack Springs Beat and Precinct #13, respectively, list approximately 140 persons as Indian. Others, known both genealogically and by surname to be part of the Poarch community, were listed by race as either white or mulatto. In 1902 there occurred an event which bears out the assertion of reestablished Indian identity for the Poarch Creeks. During the summer of 1902, there was a "frolic," as oral history has it, in the community—a social gathering and dance. Following several warnings about rowdy behavior, John Rolin killed Will Colbert and was indicted for 2nd degree murder by the state. The indictment in *The State of Alabama vs. John Rolin* lists a number of witnesses present at the frolic, among them D. C. Colbert, Mack Colbert, Hettie Colbert, Alex McGhee, Fred Walker, Authureen Colbert, Emma McGhee, Tildy Woods, George Cruitt, Richard Walker and John Steadham. The case is significant in that it shows that the community socialized together, and that a member of the Poarch Creek community was distinguished as "Indian." John Rolin was sentenced to prison for the murder of Will Colbert on October 2, 1902, but served only nine months before he was pardoned by Governor Jelks. The date of the pardon was July 14, 1903 and two days later The Standard Gauge, published in Brewton, ran the story. The opening sentence reads "John Roland, an old Indian of this county, who was convicted of murder a year or more ago, has been pardoned by the Governor."

Perhaps the most salient example of the reemergence of Indian identity among the Poarch Band of Creeks was the material generated by the report of Special Commissioner Guion Miller. Miller was appointed in 1906 by the U.S. Court of Claims to determine who was eligible to share in per capita disbursements of funds under the treaties between the United States and the Eastern Cherokees ratified in 1836 and 1845. Hundreds of applications were submitted by the Poarch Creeks in 1906 and 1907, and testimony was taken by Guion Miller and his staff in 1908 in Mobile and Pensacola. The outcome of it all relative to the Poarch Creeks was that they were refused on the grounds that they were not Cherokees; Miller asserts that they are in fact Creeks. Much interesting and relevant historical evidence is found in the testimony, however. On October 22, 1906 the Rev. John D. Beck wrote to the President, with a letter enclosed by Charles Weatherford, pleading for "executive clemency" on behalf of the band of Indians in southern Alabama in their quest for funds. Beck's role in the whole Guion Miller affair is questionable; he signs letters as "Indian agent," but Miller clearly denies Beck's association with the Commission. Miller's final report was published on May 28, 1908, and contains the following paragraph:

There are several hundred persons who have filed applications for participation in the distribution of the Eastern Cherokee fund, who for the most part, live in the extreme southern section of Alabama and the western section of Florida, who are not Cherokee at all, and most of them do not claim to be Cherokees, but are Creeks. Quite a number of these claim descent from such historic Creek characters as Billy Weatherford,

Peggy Bailey, William and Chilly McIntosh, and Alexander McGillivray, and most of these applicants claim only through the Hollinger, McGhee, McIntosh, Moniac, McGillivray, Franklin, or Killian families which are all of Creek origin. Some of these are recognized members of the Creek tribe, others while not recognized as members of the Creek tribe, claim as descendants some Creek ancestor. Most of them state in so many words in their applications and in their testimony that they are Creeks, and they file their applications under the impression that descendants of Creek Indians are entitled to share in this fund.

A census of schools for 1908 found in the records of the Escambia County School Board identifies a Gibson Indian School in District 55 and a Poarch Indian School in District 56. It is uncertain exactly when these schools were established; it is certain only that they were there in 1908. It is the first mention both of a separate facility for Indians in the Poarch area, and it is the first mention of Poarch as a school location. The community of Poarch appears to have been formed—or at least named—in the last decade of the nineteenth century or the first decade of the twentieth. Post Office records show that a U.S. Post Office was opened at Poarch on June 7, 1905, and that it operated until April of 1918, at which time it was discontinued.

Between the years 1908 and 1913, the marriage records for Escambia county show a total of 16 marriages listed as "Indian." This identification as Indian, when added to that of the 1910 U.S. Decennial Census, is another strong indication of the growing awareness among non-Indians in southwest Alabama of the existence of Indians in their region. An increase of those listed on the 1910 census returns occurred, compared to the 1900 census, making the 1910 census the highest figure yet. Approximately 200 persons appear as Indian—142 in Escambia County, Jack Springs Beat, and 57 for Monroe County, Jeddo Precinct #13. An anomaly occurs in the Monroe County returns, however. This Decennial Census contained a special "Indian Schedule," and these were used for southern Alabama; those Creeks living near the Poarch community of common surnames to the rest of the community were listed as Choctaw. There is no rational explanation for this, but the tribal designation Choctaw is clearly wrong, for many of these same people appear as Creek in the Guion Miller applications several years earlier, in addition to having been part of the established Creek community there for a century. The bulk of the Poarch community, however, showed up on the regular schedules for Escambia County as "Indian."

In 1910 another church is added to the community; the Atmore Spectrum reported that a "Free Will Baptist Church" was founded "near Poarch P.O. at the head of Perdido in the Maghee Settlement," which meant that the Judson Baptist church was no longer the only one there. Unlike the Judson church, the Free Will Baptist served primarily the Indian residents of the community, and it seems likely that the Indian attendance began to drop at the Judson church about this time.

June 3, 1911 is a significant date in the history of the Poarch Band of Creeks, for on that date the report of the Federal Timber Cruiser J. B. Chatterton of the General Land Office was filed. The report is significant because it precipitated voluminous documentation about the Lynn McGhee reserve, the history of the Poarch Band of Creeks, the status of the community at that time, and it reawakened the Federal government to the fact that an Indian reserve still existed in southern Alabama obtained under the 1814 Treaty of Ft. Jackson—a fact apparently overlooked by both the General Land Office and the Bureau of Indian Affairs for half a century.

The specifics of the case are recorded in a variety of letters, legal briefs, and memoranda between the General Land Office, various offices of the Justice Department and the U.S. Attorney, and the William M. Carney Mill Company. Briefly, Carney's pine timber cutters had, despite the warnings by Poarch Creek's residents about its being government land, trespassed on the McGhee reserve in 1904 and cut certain stands of pine, which they sold commercially. Chatterton discovered this in 1911 and filed a report to that effect. In the report he suggested that the ". . . U.S. collect \$15,552 from the William M. Carney Mill Company as compensation for the timber they removed from the McGhee grant lands and the damage to the property caused thereby." Just prior to the filing of his report on June 3, Chatterton had taken sworn affidavits from Will McGhee, Gust Rolin, F. L. McCawley, T. W. Ficklin, and from Richard McGhee, who claimed he had informed Carney that it was government property. The government considered filing suit for damages against the Carney Mill Company. On May 21, 1912 the Assistant Attorney General in Washington wrote to the U.S. Attorney in Mobile and enclosed information from the Secretary of the Interior regarding the timber trespass. The U.S. Attorney in Mobile was ordered "to give careful consideration to the facts" and determine if there was "sufficient evidence to maintain suit." On May 29 a complaint was filed by the government, with William H. Armbrrecht acting as U.S. Attorney, beginning United States vs. Carney Mill Company. Due to the death soon after of William M. Carney, the complaint was amended with the defendant being H. H. Patterson.

One outcome of the case was that the government's anxiety about clouded title to Indian land grants in Alabama was rekindled. On June 4, 1912, Congress passed "An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all lands held under claim or color of title by individuals . . . situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek tribe or Nation of Indians . . ." (37 Stat. 122) This had no effect on the Indian descendants still occupying the land, i.e., the McGhee family, but put an end once and for all to clouded title or purchasers of Creek land grants and reserves.

A. A. Jones, the 1st Assistant Secretary of Interior, wrote to the U.S. Attorney General on January 16, 1914 ordering him to reject the offer of \$750 from the defendant in lieu of the new \$25,515 claim from the value of the stolen timber and damages, and to proceed with a trial. The trial never occurred: the final disposition of the case resulted in the payment of damages by the defendant in the amount of \$2,000 on June 1, 1915.

During September of 1912, the Jury Commissioners undertook a "thorough canvass" of Escambia County in order to determine who was eligible to sit for jury duty. This canvass covered all male citizens 21-65 years of age in the county. The Minutes of the Jury Commissioners, Escambia County show, listed as "Indian," the following men: David C. Colbert, Henry Colbert, Henry W. McGhee, Neal McGhee, Lyttles McGhee, J. C. Harrison, William Rolin, and John Taylor. Many others of Indian surname in the Poarch area were also listed, but not specifically as Indian.

As of September 17, 1918, the Tract Book A for Escambia County shows land holdings for twenty members of the Poarch Creek community. This does not include the McGhee's land reserve, or those members of the community who live just over the county line in Baldwin and Monroe counties, nor does it take into consideration the lands bought and sold prior to this date.

THE ERA BETWEEN THE WORLD WARS

These data show that the Poarch Band of Creeks is established in geographical clusters and with an emerging pride in Indian identity. With the advent of the 1920's, a new era begins for the Poarch Creeks. Their history becomes less equivocal, since every few years they are studied or cited by representatives of governmental, scholarly, or religious agencies. As the twentieth century progresses they become the subject of scores of newspaper and magazine articles. The historical documentation concerning their background, community, and activities grows exponentially. The era of Pan-Indianism about which historian Rachael Hertzburg writes is now dawning; non-traditional and forgotten Indian groups around the United States are taking pride in their heritage and beginning to fight for their rights as Indian, and while the Poarch Creeks are not immediately active in this, the following decades show a gradual renaissance of pride in Indian heritage and culture among the Poarch Band of Creeks.

Early in the year of 1920, F.L. McCawley wrote to the Department of the Interior requesting patents for the land they lived on, i.e., the Lynn McGhee reserve at Poarch, since he claimed his family and other relatives lived on this land and paid taxes on it. His response came on February 24 from Clay Tallman, Assistant Commissioner of the General Land Office. Tallman said that the Act of June 4, 1912 did not apply to the McGhee reserve: that no patent could therefore be issued for the land. Moreover, Tallman wrote to the state of Alabama and instructed them to cease collecting taxes for the land, since it was government property.

In 1921, the Poarch Band of Creeks was described in Thomas Owen's History of Alabama and Dictionary of Alabama Biography, which contained the following passage:

Nearby [Atmore] is a small Indian Reservation on which there are still about 45 Indians. The former home and grave of the famous Indian chief, William Weatherford, are on the Little River across the line in the north part of Baldwin County. (Owen, 1921: 72)

Owen's is the first of many such descriptions for the Poarch Creeks in the twentieth century, and, though it is short, it nonetheless identifies an Indian community.

On November of 1924, the Department of the Interior issued, without any apparent rationale, a patent for the McGhee grant lands — Patent #948359. The legality of this issuance has since been questioned, and one of the results was the loss of inalienability, i.e., the protection of title by the government. Since that point in time, small parcels of the land have been sold. Local non-Indians bought some 80 acres of the reserve land over the years, and today approximately 160 acres are left of the pre-1924 tract.

Notwithstanding the loss of federal protection for their land, the Poarch Creeks at Hedapeada and the other hamlets of Bell Creek, Hog Fork, and Poarch Switch maintained their Indian identity both among themselves and in the consciousness of their non-Indian neighbors. The May 25, 1928 entry in the "Minutes of County Board of Education, Escambia," shows, like 1908, a Gibson Indian School and a Poarch Indian School. Each school had one teacher, a seven-month term, and appropriations of \$525 and \$420, respectively, which were about average for the size and type of school in question.

The segregated Indian schools point to an interesting situation for the Poarch Creeks at that time in their history—they were in a distinct position between the white and black strata of southern society. The Poarch Creeks were allowed, for example, to

marry whites, but they were not allowed to attend white schools. They were allowed to sit on juries, but they were not welcome at all-white churches. What is obvious is that they were distinct; that they occupied a separate niche in the local social structure by virtue of the fact of their Indian ancestry.

During the Great Depression, the Poarch Creeks were not well off in contrast to their non-Indian neighbors. The Episcopal Church entered their history at this point, in 1930, and documented the generally depressed conditions of the community. In the May number of 1930, the Episcopal journal The Alabama Churchman ran a short feature entitled "Perdido Hills Indian Mission," which announced the beginning of the mission and clearly identified the Poarch area as an Indian community. In December of that year, Robert C. Macy, M.D., a physician working in collaboration with the missionary arm of the Episcopal Church, wrote an article titled "The Indians of the Alabama Coastal Plain" which was published in the Alabama Historical Quarterly. This article was the first major ethnographic work on the Poarch Band of Creeks, and gives a full account of their constitution and living conditions. Macy makes a strong statement in the article about the leadership in the community: "I am unable to give any data concerning the Rollin ancestors, but the patriarch, and acknowledged chief of the Indians in this vicinity is an octogenarian, 'Uncle Alex' Rollin, as we call him." (Macy, 1930: 407)

The involvement of the Episcopal Church into the lives of the Poarch Creeks was to have many beneficial results for those in the community. It was decided to build a small church in the community itself, to be named St. Anna's Mission, with the first pastor being Rev. Edgar Van W. Edwards of Atmore. The March 31, 1932 edition of the Atmore Advance reported that "Sunday about noon a twister formed in the field of Frank Hixon, near Poarch, and leveled the frame work of the new church of St. Ann [sic] Episcopal, being built by Rev. Edgar Van W. Edwards for his Indian congregation at that place." This was only a minor setback, however. The Church was completed later that year, and also in that year Edwards undertook an extensive survey of the Poarch Creeks community which, in final form, was 17 pages in typescript listing all the Poarch Creeks and certain vital data. Other positive results of Edwards' service to the community was increased awareness in matters relating the health, education, basic rights, and employment.

The "Minutes of the County Board of Education, Escambia" for 1933 shows two new Indian schools. A list of teachers, along with the schools in which they taught, shows that in that year, only five years after the 1928 list, there were four Indian schools. Besides the earlier Poarch and Gibson schools from 1908, there are now the Roland Indian School and the McGhee Indian School.

In October of 1934, the first contact with the Bureau of Indian Affairs was made. Samuel H. Thompson of the Office of Indian Education visited the community and wrote a report about what he found. The report was not comprehensive; most of it deals with the four Indian schools at Poarch and the 130-40 pupils enrolled in them. Relative to the leadership of the group, however, Thompson makes a significant statement: "This group of Indians lives about nine miles out of Atmore, and they regard Will McGhee...as their leader." (Thompson, 1934) Both Will McGhee and Alex Rolin, it appears, had clear leadership roles in the early twentieth centuries.

Sometime around 1935 or 1936, Anna C. Macy, wife of Robert C. Macy, was asked to write a brief history of the Poarch Creeks, which she did. The document is several pages long, and outlines the work that she and her husband did for the community specifically, and the work that the Episcopal church did on behalf of the Indians there since 1930. This document is not long, but is well detailed for that period of time. It

does not include, however, the consolidation of the four Indian schools into one school meeting at the St. Anna's church. This happened in 1939, and the Minutes of the County Board of Education show that a "Motion was made by Mr. McCurdy and seconded by Mr. Moore to consolidate Rollin, Poarch, McGhee, and Gibson Indian schools...." From 1939 to 1970, the new school was known as the Poarch Indian Consolidated School, and appears in all subsequent education records as that. The school was finally closed in 1970 as a result of the 1969 U.S. Supreme Court desegregation order requiring Alabama to desegregate its schools.

In February of 1941, the noted anthropologist Frank Speck visited the Poarch Creeks, and made the first professional ethnographic study of the community. Speck published his findings in America Indigena under the title "Notes on Social and Economic Conditions Among the Creek Indians of Alabama in 1941." This study contains much valuable information about the community in 1941, and also discussed cultural survivals relative to customs, healing practices, and social behavior. Speck wrote that Fred Walker ". . . comes nearest to functioning as leader of the Creeks at Atmore," and that "He is provisionally called 'chief'. . ." He also noted that folk dances or frolics ". . . have served the purpose of preserving a certain degree of social cohesion among the band." As valuable and descriptive as Speck's observations of the Poarch Creeks were regarding social cohesion, his descriptions would have been far more specific and substantive had he visited the community after the school boycott and the Walker v. Weaver law suit, around which the Poarch community rallied in communal agreement. Besides Speck's writings, the Rev. George C. Merkel wrote four unpublished papers on the Poarch Creeks between 1946 and 1954.

THE MODERN PERIOD

The year 1947 marks the beginning of the current phase of history for the Poarch Band of Creeks--the modern period. From this point on, the Poarch Creeks begin a series of struggles for their rights: rights of education, of equal opportunity, of sharing in Creek judgment awards, of recognition by state and Federal authorities. In this process, they "professionalize," and become more sophisticated in operating in the world of courts and bureaucracies. While these struggles each had different effects upon the community as a whole, the overall effect was one of providing points or areas of consensus around which communal singleness of purpose and unity would flourish. It is around this time that the Mennonite Church sent missionaries to the Poarch Indians, the effects of which are still visible in the community today in terms of their services at the Poarch Community Church and in the educational advantages gained from Mennonite efforts. In 1947 Calvin McGhee organized an informal committee of Poarch Creeks to meet with county school officials, civic organizations, and even the governor in order to improve conditions in the community. The county, it seems, refused to allow the Poarch Creek children bus transportation to the Junior High School in Atmore. In a daring confrontation, Jack Daughtry, a Creek from Poarch, stood in the path of a school bus and refused to move until the driver allowed the Indian children to board. The outcome of this confrontation was a law suit. On December 2, 1948 attorneys Hugh Rozelle and C. LeNoir Thompson for the Poarch Creeks filed a petition for mandatory writ, Annie R. Walker, et al. v. O. C. Weaver, et al. They were ultimately successful in this suit, as they were in their second major legal battle in which they filed as intervenors in the The Creek Nation v. United States before the Indian Claims Commission.

Prior to this intervention, two events occurred significant to the history of the Poarch Creeks. First, in 1948, anthropologist William H. Gilbert of the Smithsonian identified the Poarch Creeks in an article on "Surviving Indian Groups of the Eastern United States," published in the Annual Report of the Smithsonian Institution. It was not a long entry, but the identification is clear. In 1950, in anticipation of the ensuing battle

with the Indian Claims Commission and ultimately with the U.S. Court of Claims, the Poarch Creeks formally organized a council to deal with claims issues. From this point on, records of the council's actions are recorded in minutes, and some twenty years later, in 1971, the council incorporated under the state laws of Alabama as the "Creek Nation East of the Mississippi."

On January 5, 1951 the Creek Nation East, using the name "The Perdido Friendly Creek Indian Band of Alabama and Northwest Florida Indians" moved for leave to intervene in the case of the The Creek Nation v. the United States (Docket 21) which the Creek Nation filed in the Indian Claims Commission on January 29, 1948. The Creek Nation filed to recover damages for the acquisition by the United States of 23,267,000 acres of Creek lands in Alabama and Georgia under the Treaty of August 9, 1814, i.e., the Treaty of Ft. Jackson. There was to be a roll created of all descendants of the aboriginal Creek nation to whom a distribution of funds was to be made, in compensation for the expropriated land. This, of course, was the reason for the intervention by the Poarch Creeks, but the Indian Claims Commission refused to allow the intervention on the grounds that they were not an "identifiable group." The Creeks East of the Mississippi appealed to the U.S. Court of Claims May 6, 1952 to allow the intervention, which it did, effectively overruling the Indian Claims Commission. The Commission amended its findings, and 52% of the current membership of the Poarch Creeks shared in the original judgment for only 8,849,940 acres of land. This two-year battle by the Poarch Creeks generated thousands of pages of documents and correspondence, all of which collectively addressed social, historical, demographic, and genealogical issues about them.

In February of 1957, Rev. Vine Deloria visited the Poarch Creek community. He wrote a report of his observations about the community on behalf of St. Anna's Mission. His description of the community is thorough and comprehensive; he claims in his report to have visited the homes of 60 Indian families. A similar report was written eight years later by Calvin Beale of the U.S. Department of Agriculture. Beale's report, while informal, is thorough with much detail. Regarding the leadership roles, Beale writes that "The chief of the group is Calvin W. McGhee. He is easily the dominant political and community leader of the Escambia County group, and has been so for many years."

The Creek plaintiffs in Docket 21 were unsatisfied with the findings of the Indian Claims Commission, feeling that the both the award and land compensated for were too small. They appealed to the U.S. Court of Claims and the U.S. Supreme Court, but were rejected in both. In 1967 Representative Bob Sikes introduced a bill in the House (H.R. 2423) "For the relief of the living descendants of the Creek nation of 1814." Calvin McGhee went to Washington accompanied by his attorney, C. LeNoir Thompson, and testified on April 6 and again on April 24 before the Subcommittee on Indian Affairs. The bill, however, was opposed by the Attorney General and was never enacted. The proposed legislation did have one positive effect, however: it made the Congress aware of the existence and conditions among the Poarch Creeks. The Joint Economic Committee reported in America Indians: Facts and Future that 750 Creek descendants living in Escambia and Washington counties attended their own churches and segregated schools.

On August 27, 1971 the council filed articles of incorporation as the Creek Nation East of Mississippi, which officially incorporated the Poarch Creeks into a non-profit organization. This pivot in the direction of their history changed their income pattern for one third, from small donations by community members to larger grants from various agencies, thereby having a significant economic impact on the community. By this time as well, and throughout the 1970's and 1980's, the newspaper accounts and journal

articles of which the Poarch Creeks were subjects are too numerous to delineate. Special notice should be taken of the work of Professor J. Anthony Paredes of Florida State University, however. It was around 1972 that he began his extensive ethnographic research into the community, taking oral history and eventually writing, to date, half a dozen anthropological papers on the ethnohistory of the Poarch Creeks.

In November of 1974, Chief Houston McGhee formally entered the Poarch Band of Creeks into a Consortium Agreement with the Coalition of Eastern Native Americans (CENA). The Poarch Creeks became consortium members at that point, and have remained so; in more recent years the current chairman of the council, Mr. Eddie Tullis, has held an administrative position in CENA. On May 15, 1975, The Native American Rights Fund submitted a petition for Federal acknowledgment on behalf of the Poarch Band of Creeks. The petition asserted that a trust relationship exists between the Band and the United States. The main issue involved centered around an offer by the State of Alabama to deed the land upon which the Poarch Consolidated Indian School stood to the United States, to be held in trust for the Poarch community. At that time, however, there were no criteria for Federal acknowledgment or any systematic procedure to evaluate such petitions, so that no action was taken immediately. Governor George Wallace formalized this offer of deeding the land in a letter to Commissioner Thompson on September 15, and this was followed by another letter from The Native American Rights Fund on September 22, reiterating their earlier request.

This request precipitated a study, ordered by Commissioner Thompson, in order to determine the legal status of the land and the history of its granting and transfer. After an exhaustive study by the Office of Trust Responsibilities in the Bureau of Indian Affairs, Commissioner Thompson issued a Memorandum to the Associate Solicitor of the Department of the Interior stating that "a positive evidence of record" supports the claim that the March 3, 1817 statute had no application to the Lynn McGhee reserve secured under the 1836 statute. The land claim issue for the Poarch Band of Creeks is still unresolved.

In 1976, the Poarch Creeks received a Federal grant of \$117,775 from the Department of Labor for a CETA grant due to the provision of awarding monies to American Indian groups. In the summer of 1979, two more large grants were awarded to the Poarch Creeks: one from the Department of Education under Health, Education and Welfare for \$64,358 and one from the Administration for Native Americans (ANA), also under Health, Education and Welfare, for \$47,000. In 1982 the Poarch Band of Creeks received a "status clarification" grant from the ANA enabling them to hire professional researchers to help in the preparation of the second and revised petition they submitted for Federal acknowledgment on January 14, 1980.

In May of 1978, the State of Alabama established under the Alabama Act #677 the "Southwest Alabama Indian Affairs Commission." The Act provided, in Section 4, that the "Commission shall be composed of those members of the Council of the Creek Indians of the Mississippi [sic]." There was at that time a new wave of interest in Alabama concerning the aboriginal natives of the area, and the Poarch Band of Creeks, being the prominent surviving community in the state having maintained Indian identity, were the center of the interest. One concrete development which ensued from the establishment of this Commission was the involvement of the Poarch Band of Creeks in the "Talladega project," an archeological excavation of aboriginal artifacts conducted by Dr. Roger Nance of the University of Alabama. The Poarch Creeks were given rights to the artifacts produced by the excavation, and have placed certain of the pieces in their own museum and in others around the state.

In September of 1979, the Council of the Poarch Band of Creeks passed a resolution to become members of the National Congress of American Indians, into which they were accepted. The council's chairman, Mr. Eddie Leon Tullis, has held positions of leadership in this organization, in addition to many years of active involvement in various panels, councils, and commissions concerning Indian affairs.

Since 1980, the focus of activities in the community at Poarch has been directed toward economic and educational improvements and in social programs of benefit to senior citizens. The influx of grant monies has allowed the Poarch Creeks to build several new buildings housing the equipment for crafts and cottage industry. An audio-visual studio is utilized for production of programs for educational and informational purposes. Genealogical and historical research concerning the ancestors and background of the Poarch Creeks continues. Each Thanksgiving an annual pow-wow is held, and each year a speaker of state or national prominence is the keynote speaker for the occasion. The Poarch Band of Creeks has achieved a level of existence and survival as modern American Indians, based on adopting commercial, legal, and corporate methods, which both complements and finalizes their continuous existence as a communal entity since the late eighteenth century.

ANTHROPOLOGICAL REPORT ON THE POARCH BAND OF CREEKS

Summary Evaluation

83.7(b) Evidence that a substantial portion to the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area and that its members are descendants of an Indian tribe which historically inhabited a specific area.

The Poarch Band of Creeks of today are ultimately derived from the aboriginal and historical Creek confederacy and more immediately from a community of half-bloods which developed on the Alabama-Tensaw River area, not far from the current group's location. This community developed, beginning in the latter 18th century, within and as part of the Creek Nation. The relatively acculturated half-bloods were highly influential in the Creek Nation in this era. Many of them in the Tensaw area acquired title to their lands after the cession of this area to the U.S. under the 1814 Treaty of Fort Jackson, and most remained after the main body of Creeks removed to Indian Territory in 1836-7. The community, although initially drawn from a variety of the Creek towns, was a highly intermarried group and formed a fairly well defined community.

Between 1840 and 1850, a portion of this community moved inland from the river about 15 or 20 miles and settled in what is now the northwest corner of Escambia County, Alabama. This was a previously unsettled area, and remained very isolated and thinly populated until the end of the 19th century. The families which settled inland were drawn from a variety of the half-blood families in the Tensaw area community. Among them were the children of Lynn McGhee and a large number of descendants of Sam Moniac, Sr. These settlers clustered together in several hamlets of Indian families and for several decades maintained social relationships with their kinsmen nearer the river and remained part of the larger half-blood community. They were considerably poorer than those in the older settlement areas, and many became increasingly poorer, especially after the Civil War.

A portion of the community gradually became socially distinguished from the other descendants of the Creek half-blood families that had settled in that area and became tightly intermarried, living close together in several small hamlets. By about 1875 or 1880, a distinct group had evolved, separate from the other Creek descendants in the area or the remnants of the original community on the Tensaw River. Some degree of cultural distinction from non-Indians probably persisted until the latter decades of the 19th century. By 1900, this "core" of families were essentially the only ones still identified as Indians in this area, and were socially segregated from whites in Indian schools and churches.

The Poarch Creeks have remained, to the present, a very cohesive group, with very definite social distinctions made between them and others in the area. Two of the nineteenth century hamlets, at Head of Perdido and Hog Fork, still exist, as does another, Poarch Switch, which formed in the 1920's from residents of the earlier settlements. Although there are no longer segregated schools, there are still several churches which are exclusively or largely Indian. The settlements form a clearly identifiable community at Poarch. A significant portion of the membership resides in nearby Atmore or neighboring areas of Alabama and West Florida such as Pensacola, and maintain extensive social and kinship relationships with the home community. The

Poarch Band of Creeks have historically maintained a distinct community and thus meet criterion b.

83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

Initially, the Tensaw community formed within and was politically part of the Creek Nation, within which many half-bloods were influential leaders. There were also a number of influential men, leaders specific to this community, such as Dixon Bailey, David Tate, and the famous William Weatherford. The community established inland initially remained part of the larger half-blood community. For this specific community, oral history and supporting indirect evidence from documentary sources such as church and court records show a variety of clearly recognizable but not formally appointed leaders from at least the 1880's onward until 1950, when more formal leadership was established. There were generally more than one of these informal leaders at one time, who exercised influence in maintaining social control, organized community efforts such as church and school building in the settlements, saw to providing work for community members, were religious leaders, and fulfilled other functions. These figures were recognized as such by non-Indians locally and sometimes played a role in dealing with non-Indians. The most prominent and widely influential of these leaders was Fred Walker, who was a leader between about 1885 and 1941. There is evidence in the limited documentation available for the several previous decades to this that several community members mentioned in those documents were informal leaders of the kind described above.

A number of actions were taken by the community in the late 1940's to improve community conditions, including a community boycott of the schools and the organization of a committee to which successfully forced local school authorities to provide the bus service which would allow the Indians to attend junior high and high school.

The first formal leaders in the sense of a single leader with a definite title and a clearly defined role was Calvin McGhee, who was chosen in 1950. A charismatic leader, McGhee led both the Poarch community and also a wider claims movement among Eastern Creek descendants until his death in 1970. McGhee and other community leaders were dealt with by local non-Indian authorities as representative of the Indian community. McGhee headed the council of the Creek Nation East of the Mississippi, established in 1950, which was based at Poarch and was dominated by Poarch community leaders. After McGhee's death, under a newer generation of leaders from within the Poarch community, the council gradually evolved into a formal governing body for the Poarch community alone.

The Poarch Band of Creeks and the predecessor community from which it has evolved have maintained identifiable leaders and political processes within a highly cohesive community since its origins in the late eighteenth century within the historic Creek Confederacy. The Poarch Band of Creeks therefore meets criterion c.

83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.

Identification of the Creek Nation or Confederacy is well established. Records from about 1800 clearly identify the community of half-bloods resident in the Alabama-Tensaw area as an Indian community within the Creek Nation and which continued after the Removal to Indian Territory of the main body of the Creek Nation in the 1830's.

Evidence of identification of the community that developed inland in what is now Escambia County, and the group of settlements and "core" families that developed from it into the current Poarch Creek Band rests initially on the consistent distinction of this group from other persons resident in their area. Families in these settlements were consistently distinguished on the censuses from 1860 onward, usually identified as Indian, indicating that a distinct body of individuals existed there which was identified as Indian by the local residents. There are few descriptive accounts of any kind that might have described and identified the group between 1850 and 1890, because of the remoteness and isolation of the area. One account from 1875 identifies the homestead at Head of Ferdido as being granted by treaty to the families resident there. The writer of this account is known to have been extensively involved in the Indian community from 1875 to at least 1913 and in later years very actively promoted their claims as Creeks with both the Federal Government and the Creek Nation in Oklahoma. A 1911 account indicates the writer's knowledge of the local Indians as early as 1871.

Several documents in the 1890's indicate the identification of a settlement of Indians. Oral history indicates that segregated Indian-only schools and churches, known from records to have existed as early as 1908, developed before the turn of the century. Documents from 1913, in connection with a timber trespass suit concerning the Indian grant land, identify the local Indians as a group of Creeks. Identifications of the Indian community in the area become clearer and more frequent after that point. They include missionary reports beginning in 1929, a visit by a BIA agent in 1934, a brief study by anthropologist Frank Speck in 1941 and numerous identifications by scholars and government officials after that point. The Poarch Band and the communities out of which it developed have consistently been identified as Indian since earliest times, and therefore meet criterion a.

ORIGINS IN THE CREEK NATION

The Poarch Band of Creeks of today is derived from a portion of the historic Creek Confederacy, specifically a settlement of "half-bloods" of the "Friendly Creeks." The "Friendly Creeks" refers to those who sided with the United States in the Creek War of 1813-14 and, subsequent conflicts in the Removal period of the 1830's. In the later 18th century, a community of "half-bloods" developed on the Tensaw River, near its junction with the Alabama River, in what is now southwestern Alabama. The area was outside of the main areas of settlement of the Creek Nation, though within the boundaries of the Nation. Located close to Mobile and the Spanish settlement of Pensacola, the area provided an opportunity for trade and agricultural and stock-raising enterprises. The area thus attracted half-bloods from the Upper Creek towns to the north. Many of these people initially developed holdings both on the Tensaw and in the Upper Creek towns they were from.

The term "half-bloods" refers to a class of people which developed within the Creek Nation in the 18th and 19th centuries who were widely acquainted with, and influenced by, white culture. Unlike other elements in the Nation, they aggressively sought non-traditional economic means, e.g., developing plantations. This class was increasingly influential within the Nation during the later nineteenth century and included such famous historical figures as Alexander McGillivray and William McIntosh. The half-

bloods were the descendants of marriages between Creeks and whites resident within the nation. These whites, termed "Indian countrymen," were usually traders resident in the Creek towns. The half-bloods were by no means highly assimilated to white culture nor automatically on the side of the whites. Many sided with the elements most hostile to the advance of the whites into Creek territory, and some were even prophets in the traditionalist movement which led to the desperate "Red Stick" rebellion of 1814. U.S. Indian agent Benjamin Hawkins, writing of such people in the town from which Sam Moniac and other ancestors of the Poarch Creeks came, remarked that they had "lost their language [i.e., English] speak Creek, and have adopted the customs and manners of the Creeks" (Grant 1980). Hawkins further reported that they practiced polygamy and that the Creek custom of matrilineal inheritance held among them. Thus when Alexander McGillivray died, his children did not inherit but, following the rules of matrilineal inheritance, his property went to his relatives on his mother's side. Lachlin Durant, McGillivray's half-blood nephew, testified in 1854 that a husband had no control of his wife's property and that it was inherited by an uncle, nephew or other maternal relative (Chancery Court of Mobile 1851).

Initially probably just an area of holdings of some of the Upper Creek half-bloods, the Creeks in the Alabama-Tensaw River area came, by 1800, to form a community, distinct both from the whites settled in the area and from the Upper Creek towns, with which they still retained relations. References from this period indicate it clearly was considered to be a part of the Creek Nation. Hawkins wrote in 1816 that the half-bloods, because of conflicts with the Creek leadership due to their changes from traditional ways, had applied for and after several years "obtained from the Convention of the nation leave to settle on (sic) Alabama near the white settlements on Indian lands." Hawkins further referred to them as being "in possession of lands assigned them by their chiefs..." (Grant 1980). Thus the settlement was formed under the authority of the Creek Nation. Peggy Summerlin, a half-blood resident on the Tensaw, said that she had "fled from the half breed settlement in the Creek territory on the Alabama . . ." in 1813 as a result of the Red Sticks' destruction of Fort Mims in that area (Lackey 1977). An estimated 60 families were resident in the settlement, which was near an area of white settlement. A white man who had lived in the area, Samuel Edmonds, testified that in the early 1800's there were "many Indians living in the said neighborhood," referring to the Alabama-Tensaw community, but only three white families (Chancery Court of Mobile 1851).

A good idea of the settlement pattern of the Alabama-Tensaw community can be gained from the claims filed by its members after the 1814 Treaty of Fort Jackson. The Tensaw area was among the areas ceded to the U.S. under that treaty, even though most of its residents had sided with the U.S.. A provision in that treaty for Friendly Creeks to acquire individual title to lands was implemented under an 1817 law which provided that they could select sections of land which included their "improvements" and provided for granting fee simple title to their children if they had continued to occupy them. Of 39 claims made under the act, 27 were filed by Indians from this community (U.S. Congress 1832-61). The lands selected ranged along and on either side of the Alabama River over a distance of about 15 miles, roughly between Fort Mims and Claiborne, near the town of Mt. Pleasant. Also within this area were the lands of William Weatherford, Sam Moniac, Sr., Lynn McGhee, and Semoice, which were not included in these claims. Sam Moniac Sr. did not file for lands, apparently because he sought separate compensation for his very large holdings. He was eventually successful in receiving some compensation by means of Congressional legislation.

A number of others failed to get title to their lands under the 1817 law, for a variety of reasons. These included Lynn McGhee and Semoice (either McGhee's brother or his

brother-in-law), who had been settled on contiguous lands, Susan Marlow (wife of Sam Moniac Jr.) and Samuel Smith. These people petitioned Congress in the 1830's for relief, which was granted by several acts. Smith, McGhee and Semoice were, by an 1836 act, granted rights to select as a reserve under the Fort Jackson treaty a section of land (640 acres). An act the following year allowed them to select the lands in several tracts rather than a single section. Unlike lands gained under the 1817 act; however, no provision was made for gaining fee simple title to these lands (U.S. Congress 1789-1812).

Initially drawn from a variety of Upper Creek towns, the particular half-blood families of the Alabama-Tensaw community became highly intermarried. Half-bloods of this era more often than not married either other half-bloods or other Creeks. Among the more renowned families was that of William Weatherford, the famous leader who sided with the Red Sticks. William was first married to Polly Moniac, sister of Sam Moniac Sr., who was married to William's sister Elizabeth Weatherford. Weatherford later married Mary Stiggins, another half-blood. Sam Moniac's son, Sam Jr., married Susan Marlow, daughter of another half-blood. Another son, Dixon, married a Bailey, also a half-blood. William Weatherford's mother was Sehoj McGillivray, sister of Alexander McGillivray. Sehoj was also married to David Tate, whose descendants included the Tarvins and Dreisbachs. Sam Moniac, Sr.'s father had two wives, producing a second Moniac family which included the famous David Moniac.

The resulting web of kinship relations is too complex to describe completely. Some further relationships include the Colbert family, cousins of Sam Moniac through his mother Polly Colbert. These were also related to Alexander McGillivray, as apparently was Lynn McGhee, whose descendants are prominent in the current Poarch Band. Married into these families in a variety of ways were the Sizemores, Baileys, Hollingers, Durants, and Marlows, all half-blood lines.

While a few community members removed to Indian Territory during the Creek Removal of the 1830's, most remained in the Tensaw area, which had been part of the State of Alabama since 1819. Baldwin and Monroe Counties were formed in that area. A trickle of community members emigrated voluntarily to Indian Territory over the balance of the century, and some contact with relatives in Indian Territory was maintained by others.

Among reported leaders within the Alabama-Tensaw community was William Weatherford, who reluctantly sided with the Red Sticks and led their forces. He was evidently quite influential both before and after the war. Woodward (1859) states that "He was no chief, but had much influence with the Indians." Sam Moniac Sr., one of the wealthiest of the half-bloods, led several units of Friendly Creek half-blood warriors in the campaign against the Red Sticks. Dixon Bailey similarly led a unit of Friendly Creeks. Documents concerning efforts to gain compensation for damages suffered during the war, and gain clear land title after the Ft. Jackson treaty provide evidence of a number of communal efforts to influence white institutions to provide relief. Besides efforts directed at the Federal government in the decade after the Ft. Jackson treaty, the community petitioned the Alabama General Assembly in 1832 to memorialize Congress for restitution for property losses suffered as a result of siding with the U.S. in 1814. Signers included Lynn McGhee, Semoice, William Hollinger, Lachlin Durant, George Stiggins, John Weatherford, David Moniac and eight others (General Assembly of Alabama 1832).

ESTABLISHMENT OF NEW INDIAN SETTLEMENTS AT HEAD OF PERDIDO AND NEARBY AREAS

Sometime between 1830 and 1850, most probably after 1840, a portion of the half-bloods living in the Alabama-Tensaw area moved inland about 15 to 20 miles east and settled

on lands along the upper course of the Little River and lands immediately south and east of it. Settlement was principally in township 3 north, range 6 east (T3N, R6E) and sections immediately south and west of it (see maps). The settlements eventually evolved, during the course of the 19th century, into the geographically concentrated, closely intermarried, kinship-based communities which form the base of the contemporary Poarch Band of Creeks. During the course of the 19th century, these settlements came to form a socially segregated community, discriminated against as Indian by whites in the area. They gradually became separate from the half-blood community on the river, which did not survive until the turn of the century.

The area in which these families settled was one of heavy forest, with almost no previous settlers. A branch of the Federal Road from Montgomery to Stockton ran through it. The road ran from northeast to southwest, passing through the lands where one family, Jack and Polly Rolin, later settled and hence less than a mile from the northernmost of one of the two Lynn McGhee grant tracts (see below), in T3N, R6E. Running southwest, the road then passed through the Head of Perdido area in township 2 north, range 5 east, running about two miles west of the second McGhee grant area (La Tourette 1835). The latter area is the location of the most important Poarch Creek settlement today. The only settlement prior to the 1840's appears to have been stage stops, one in the area of the Polly Rolin lands. The area remained a remote, underpopulated area until close to the end of the 19th century. Transportation was limited, with no water routes.

The reasons for the move are unclear, although the families that moved were much poorer than their relatives near the river (see below), and they may have been unable to obtain lands there. Lynn McGhee, and perhaps others, may have been familiar with the area through stock-raising or hunting. McGhee was as much a stockman as farmer, and stock running in the open woods was a major economic activity in the Tensaw settlement. It was a major economic activity in the river area throughout the 19th century, and open range existed in the Poarch area as late as the 1920's. Livestock was as important a source of revenue as farming before 1880 (Jones 1881) and hunting in the extensive forest was an important source of support until the 1890's.

The largest concentration of Indian families when the area was first settled was in or near T3N, R6E, the more northerly of the sections discussed here. Records of land acquisition by Indian families show purchase in 1854 of lands in T3N, R6E by William Gibson and Sidney Lomax, and in T3N, R5E, a few miles west, just across Little River, by Alex Hollinger (General Land Office 1854).

After Lynn McGhee's death in 1849, his heirs, Richard, Nancy, Peggy and Jack (another son, William, was deceased) selected under the 1837 legislation 79.94 acres of land in section 15 of T3N, R6E. They also selected 239.97 acres in the Head of Perdido area, in T2N, R5E, about 10 miles southwest of the first area. The latter was by far the earliest formal acquisition of land title in that section. The balance of the 640 acres the family was entitled to was not taken up. Other families, shown on the 1850 census, also settled in the area but did not seek to acquire title to land for some years, i.e., lived on public land. This practice evidently remained common in this largely unsettled region, most of which was public lands, until the 1880's, when the growth of timbering brought increased settlement and large scale acquisition of public lands by the timber companies. Polly Rolin's testimony in 1893, when she homesteaded land, indicated she had probably settled on the land in the 1840's. Her land was immediately adjacent to the northern McGhee tract, an area later known as "Red Hill."

Even those who legally selected land were settled there some years earlier. Besides Polly Rolin, discussed above, McGhee, Hollinger and Lomax are on the 1850 census, i.e., before they purchased their land in 1854. The exact dates of settlement are uncertain. The 1830 census shows many of these families apparently resident next to Indian families known to have remained on the Alabama River. Thus in 1830 Lynn McGhee is next to, and probably resident on, Margaret Tate's plantation. The 1840 census for this area is alphabetical, preventing any inferences on specific locations of households.

Discussion of locations in this and succeeding sections of this report are based on inference from relative location of households on the census schedules, i.e., consecutive or near consecutive household numbering. These were compared with locations known from land and other records, later testimony such as homestead applications, and other data. In most cases, consistent patterns over long periods of time were evident, corresponding to historically known settlements. Comparison with other documents indicates that the listings of households on the census were generally incomplete, i.e., some family members or households were not enumerated. It was not determined how many "missing" families were due to census error and how many were due to residence elsewhere. Only Baldwin, Monroe and Escambia County census schedules were checked, and in some cases, not all portions of these schedules.

No specific place-name is known for the general area, which is now in northwest Escambia County, where the half-blood families from the Tensaw-Alabama River area settled. The area where most of the families initially settled, to the north (in T3N, R6E), is known now, loosely, as the "Huxford" area. Within this, the specific areas of the Rolin and McGhee land was known in the late 19th and early 20th centuries as "Red Hill," with post offices known as Local and Steadham nearby. "Head of Perdido" has been consistently applied to the T2N, R5E area, including the southern of the two Lynn McGhee land grants but not limited to that immediate land.

The 1850 Federal census for Baldwin County indicates a settlement of Indian families which is evidently in the T3N, R6E area. Shown in the area are Jefferson Hollinger, A. Mc. Weatherford, Richard McGhee (son of Lynn), Nancy McGhee (daughter of Lynn), Peggy McGhee (daughter of Lynn), Matilda Moniac Lomax (niece of Sam Moniac, Jr.) and husband Sidney Lomax (an Indian countryman), Jack McGhee (son of Lynn), and Peggy Moniac Gibson (niece of Sam Moniac, Jr.) and husband William D. "Bart" Gibson. About 50 people are represented in these households. Some important families, indicated by other evidence to have been in the area were not shown on the schedules, i.e., those of Sam Moniac Jr., Polly Rolin, and William Colbert.

William McGhee, Lynn's son, was elsewhere in Baldwin County, at Montgomery Hill, and thus apparently never lived inland. As far as could be determined from the censuses, no one was initially resident on the Head of Perdido lands, although later Indian testimony indicates some were.

Major concentrations of half-blood families remained along the river, as noted, in Baldwin and Monroe County just to their north. In close proximity in Baldwin County were Edward Steadham, Wm. Sizemore, Mary Sizemore, Amelia Stiggins, Elisha Tarvin, J.D. Dreisbach, Margaret Tate, and several Earles. In Monroe County were William Hollinger, Charles and John Weatherford, and several Hathcocks and Taylors. These were all in the same general area, though less concentrated, with more non-Indians, than those in Baldwin County.

The Indian families settled inland were very poor and for the most part remained so throughout the 19th century and well into the 20th century. These families were far

poorer than those remaining on the river. Thus in the river area William Sizemore is shown, on the 1850 census, with 1357 acres under cultivation, property worth \$4736, and with 47 slaves, Margaret Tate is shown with 350 acres, \$4800 in property and 22 slaves. Most of the half-bloods on the river are shown as slaveholders with property holdings above \$1000. In contrast, inland, Jefferson Hollinger had 15 acres under cultivation (no slaves, no valuation listed), Richard McGhee (son of Lynn) had 25 acres, no slaves, no valuation, and the others similarly. Even these figures for the McGhees are higher than in the 1890's, when their homestead papers indicated usually less than 10 cultivated acres. Lynn McGhee's estate in 1849 was valued at \$300, with no land holdings indicated.

ESCAMBIA COUNTY CREEK SETTLEMENTS AND ECONOMIC PATTERNS FROM 1860 TO 1910

The following section discusses the basic information concerning the settlements of Creeks in what is now northwestern Escambia County, up to around 1910. The description here focuses on what is known from land, census and other documentary records, and relates the changes to changes in the economic forces and other influences from the surrounding non-Indian society. A separate analysis follows, examining in detail the intermarriage patterns and identification of the group in these decades, which are crucial ones in which the community becomes more tightly interwoven and distinguished from surrounding Indian descendants and non-Indian families. Subsequent sections will also describe in more detail churches, education and other aspects of the local Creek society in these decades.

The 1860 Federal census for Baldwin County reflects the continuation of the localized settlement of Indian families which was established before 1850. There are some additional families listed and two settlements are indicated by the clusters of households listed on the census. In general, the same families appear to be resident near each other and the composition is similar, with some additions. Thus Sam Moniac, Jr., not shown in 1850, is shown somewhere near his nieces, Polly Rolin and Matilda Lomax. The overall character is of small hamlets of the half-blood Indians, part of the population closely related families, e.g., the children and grandchildren of Lynn McGhee, the rest with some kin relationship but not as closely related, e.g., Hollinger, Horsford and Moniac. The first cluster of households on the census, with Polly Rolin and Jack McGhee, is tentatively identified as corresponding to the northern McGhee grant plus the neighboring lands known from later documents to have been occupied by the Rolins. The second cluster may correspond with the Head of Perdido McGhee grant.

Households listed in sequence in what appears to be township 3N range 6E were those of Sidney Lomax, Claiborne Hosford Jack McGhee (son of Lynn), Frances and Richard Coon (believed to be Rolin), Jack and Polly Coon (believed to be Rolin). This cluster is very similar to one appearing in 1850. The Coons are identified as Rolin on the basis of correspondence of names, ages and family relationships to Rolin on later documents (e.g., the 1866 state census) plus their statements to Guion Miller in 1906 that "Coon" was their Indian name (indicating it as a family name). A few listings away are David and Catherine Moniac, Simon Hadley and William Colbert, Jr.

Another cluster of Indian households, a few household numbers on the census from the first, consisted of Peggy McGhee and William Adams (her son), Sam Moniac Jr. (including a Jefferson Hollinger, 15 and Wesley Dewires, 11 in his household), R. L. Taylor (a close relative of William Colbert), Nancy McGhee (Lynn's daughter) with her daughter Mary Steadham and several small Steadham children (John V. Steadham was not listed), Carmen, John F., and Richard McGhee and other children of Lynn McGhee's son Richard, listed

in one household, and W.P. Hathcock and another Hathcock, a Bordan, a DeWire and a Taylor, all in one household. Close to them were several Hadley's.

Missing from the census of this area, but shown on the Conecuh County schedules, a few houses apart, are William Colbert, Sr. and his family and William D. (Bart) Gibson. It was not determined how far this area was from the two clusters. It may have been close to T3N, R6E, since the Conecuh County line is only a few miles from there. Colbert's son, married to Sam Moniac's niece, is one addition to the T3N, R6E area in 1860. He is the founder of one of the main Poarch family lines.

The occupations of the Creek families in this area were all farmer or day laborer (meaning farm worker but not a farm owner), except William Adams, who was a blacksmith. Most remained poor. The only Creek individuals who had any significant property were Samuel Moniac, Jr., with \$350 real and \$1650 personal property and Nancy McGhee (mother-in-law of John V. Steadham) with \$1200 real and \$500 personal property. Few non-Indians in the area had any wealth either, with the exceptions of Gilbert Cruit \$2100 real and \$8600 personal property and a railroad contractor with \$11,000 in "personal property." A railroad agent as well as some railroad laborers are listed elsewhere in the immediate area, suggesting that they were part of the 1861 extension of the railroad line through the Williams Station area.

Clusters of Indian households near the river are still quite evident. One in Baldwin County has Tunstall, Padget, Stiggins, Sizemore, Moniac, Miles, Tarvin, Steadham and Earle. Most of these had substantial or very large property interests. Close together in Monroe County, probably near Little River and near the "Huxford" area were Charles Weatherford, the adult children of John Semoice, George Sizemore, a Hathcock and a Freeman family.

There were two state censuses, one in 1855 and one in 1866, both of limited value. They do indicate a few individuals in these areas who do not show on the 1850 and 1860 Federal censuses. In particular, the 1855 census shows Sam Moniac, Jr. in the same general section as the Coons (Rolins) and two of Lynn McGhee's children, Jack and Nancy. This indicates he may have moved to the T3N, R6E area before 1860. The 1866 census shows additional Rolins not shown on the Federal censuses, but shown in other, later, records.

A number of men from the local Indian settlements served in the Confederate Army. The most prominent of these in terms of the Poarch group's history may be Richard McGhee, son of Richard McGhee, who later played a leadership role in a timber trespass suit (after 1900) and the formation of a Sunday school at Head of Perdido in 1891. McGhee, wounded in the war, evidently received a pension the rest of his life. Among the others from the local Indian families who served were Richard Rolin, Lynn McGhee, (a grandson of the original Lynn), James L. McGhee, William W. Adams, William M. Deas, William Gibson, William Colbert, John Hinson and Adam Hollinger. There were a few troop movements through the area during the war, mostly towards the last year or two. There is some reflection of this in oral history. One Union movement was along the rail line through Williams Station (see below).

The decades immediately after the Civil War brought a number of important changes in the social organization of the Creek community as well as the changes in the forces affecting them. Between about 1870 and 1890, some of the Indian families, which had increased greatly in size, became very closely intermarried with each other, so that a distinct group emerged. This group, which became the Poarch Band, was distinguished from whites and the other descendants of Creeks in the area and in later years

discriminated against by them. The settlements continued to be very tightly clustered geographically and became more strongly based on the network of close kinship ties built up by the intermarriage between local family lines. Two new Indian settlements were formed during this period. In this same period, organized churches and the first public schools were introduced. There was also the beginning of economic changes, with the growth of lumbering and the building of several railroad lines.

It is difficult past this point, i.e., the 1870's, to trace continued relationships with the Creek families who remained in the general Alabama River area, i.e., elsewhere in Baldwin and Monroe Counties. The earlier evident clusterings of families there gradually disappeared. In any event, their relationships with the Escambia County Creeks, i.e., the nineteenth century communities which became the Poarch Band, appear to have diminished greatly in this era, as the Escambia County group became very insular and isolated in its relationships. Some marriages outside the area are known for the 1860's and early 1870's. After this point, the marriages of the Escambia County group became very localized, i.e., drawn solely from the immediate area. The history of the Creek descendant families elsewhere in Baldwin and Monroe Counties was not examined past this point. Although their ties with the Escambia County group diminished, oral history indicates that some knowledge of them and relationships continued, at a low level, into the 20th century.

The intense intermarriage patterns mentioned above are discussed separately in a later section. They, along with the common settlement areas and land holdings, indicate the closely knit community that existed at the time. Another indication of this is found in marriage records, which show many marriages took place at homesteads, within the settlements, and were witnessed by other community members. Thus in 1861, Adam Hollinger married Virginia McGhee, with Richard Rolin as witness. In 1883, Sam Rolin and Frances McGhee Walker were married at W.H. Gibson's (in the then-new Bell Creek settlement). Affidavits made in 1906 by community members at the Eastern Cherokee enrollment stated that they had known other community members, depending on age, as long as 35 to 45 years, i.e., well back into this era (see below).

In discussing the Escambia County settlements, which evolved into the Poarch Creek Band, the term "core" families will be used for those which were part of the closely intermarried group which became strongly identified and distinguished as Indian. The term "peripheral" lines will refer to local families like Hollinger, Hadley, Hathcock, Dees and Hosford, identified at the time as Indian and initially part of the Indian settlements, but which later had only limited intermarriage with the "core" families and came to no longer be identified as Indian. Also included with these will be lines from the "core" families which "went with the whites" i.e., married outside the group and came to not be distinguished as Indian, e.g., especially, the Lomax branch of the Moniac family, and the Steadham branch of the McGhees. There were also other Indian descendant families which had some Creek ancestry from the Alabama-Tensaw community which were relative latecomers to the Escambia settlements and not identified as Indian there or intermarried with the "core" families.

Escambia County was formed in 1868, principally from Baldwin County, as well as parts of Conecuh County (Brewer 1872). Brewer's history of Alabama noted Escambia as the "least agricultural of all counties" but stated that the "splendid pine forests" were now yielding a considerable revenue. The population in 1870 according to Brewer, was 3047 whites, 951 blacks and "Forty-three of the 98 Indians in the state live in Escambia," evidently a reference to the census figures (Brewer 1872).

As Brewer's history indicates, the major force for economic change in Escambia County came through the growth of lumbering. The first lumbering on a large scale began well to the east of the Poarch-Atmore area, around Brewton. Jones in 1881 speaks of the great change taking place in the previously thinly settled South Alabama area, with the growth of lumber mills and settlement. The lumbering from the beginning has been done by large companies, often from outside the area. In the Poarch area, the first impact was felt in the 1870's. The first mill in Atmore was built in early 1870's and the first large mill, by W.M. Carney in 1876. Land records show that most of the public lands in townships 1, 2 and 3 north, ranges 5 and 6 east were taken up by large interests by the early 1880's. A few of the Creeks are shown as mill or railroad hands even on the 1870 census. The 1880 census shows the first big local population increase. However, it is not until around 1900 that the Creeks are shown to be working in any large degree in the lumbering and associated industries, apparently remaining largely small farmers until then.

The first railroad in the immediate area was the Mobile and Great Northern, built in 1861, which ran east to west through the southern part of the county (Waters 1972). On this line was Williams Station, later Williams, and now Atmore, about 8 miles from Head of Perdido and about 15 from the "Huxford" area, where most of the Creeks at the time were living. A second line, date of construction unknown, was the Escambia Railroad (no longer in existence), shown on a 1892 map as passing just west of Head of Perdido, thence through the Jack Springs and Huxford areas (Rand McNally 1892).

The organized church history in the area is of some note because preachers who served as pastors for some local churches are known to have preached among the Indians and are frequently shown as ministers for marriages performed within an Indian settlement. It is probable that initially some of the core families participated in the organized churches, in the era when the local population was largely Indian and before the strong distinction between the "core" lines and families that became socially non-Indian had fully developed.

The first known organized church in the area was the Mars Hill Baptist church organized at Jack Springs in 1869. John V. Steadham reputedly provided the land for it. The first pastor was A.J. Lambert, from 1869 to 1874, and again from at least 1885 to 1889. Lambert, like several other preachers at this church, was in these years preaching at a number of churches throughout Baldwin, Monroe and Escambia Counties, and sometimes western Florida. Lambert was followed by John David Beck, an important figure in local Creek history for the next several decades. Beck is listed in one source as pastor for 1875 and 1876, but elsewhere is shown as having preached there for 10 years (Lasher 1899). S.W. Jones was pastor for a number of years, beginning in 1881 (Bethlehem Baptist Association 1846-99).

There were few churches in under populated Escambia County initially, and probably none in the Poarch area until the Mars Hill church was established. Accounts of Baptist missionaries in the 1870's and 1880's speak of the isolated character of the area and of organizing churches and Sunday schools among populations which had none. The "frontier" character of this is suggested by the reference of Lambert (1878) to his work in "this dark corner of Southern Alabama."

Beck by all accounts was much more involved than the other ministers with the Creeks, both in the Poarch area and elsewhere in Baldwin and Monroe counties. One community member stated that he was "the first Baptist preacher after this here church (reference unclear)" and he "come out here to Bell Creek and preach for us 25 years" (Paredes 1972-74). Beck's interest and knowledge of the Creeks was indicated by his 1875

obituary of Peggy McGhee, which refers to her homestead "granted under the Red Jacket Treaty." His involvement was actually longer than 25 years, since he was writing Washington on behalf of the Creeks at least as late as 1907, 32 years after the McGhee obituary. Beck "knew about this Indian war we was in, that they'd taken that land (Paredes 1972-4)."

Public schools have existed in the area since at least 1870. Records show a white school in township 3 north, range 6 east in 1870 taught by Mrs. E. Tarvin of Jack Springs, with an enrollment of 40 students and one in township 2 north, range 6 east by a Mr. Hansel, also from Jack Springs. In 1879, a white school in township 3 north, range 6 east was taught by Martha M. Lomax, grandniece of Sam Moniac, Jr. Her receipt for pay was signed by John V. Steadham. Lomax is also shown as teaching a white school, no location indicated, in 1882 (Alabama Department of Education 1866-1911). This accords with other evidence that children of the Steadham and Lomax families were much more literate and educated than the "core" families.

There appears to be some indication that in the earlier decades a few of the core Creeks had gotten some education. Thus the 1850 census shows John F. McGhee and some of his siblings attending school, possibly with one of the schoolmasters shown in the households of Jefferson Hollinger or Alexander McGhee Weatherford in the same settlement. The 1860 to 1880 censuses show no Creek children as attending school. The available evidence indicates that besides John F. McGhee and his brother Richard, perhaps a few other older generation individuals had some degree of schooling.

Beck, Jones and Lambert are shown in records of Indian marriages at times more or less corresponding to the approximate dates of their ministries at Mars Hill, but Beck is shown for other years as well. Lambert is shown as marrying three Creek couples in Monroe County in the 1860's, probably through other churches he pastored there, for Qualls-Dees in 1869, Hollinger-Taylor in 1870, and also Weatherford-Shomo 1890. Jones in 1881 and 1884, years when he was pastor at Mars Hill, married a variety of individuals from both core and peripheral families (see below). In 1881 he married H. Colbert and A. Taylor, at William Colbert's house (all Indians) and John Steadham and M.O. Boon, peripheral to the later Indian community, at a T. Lindsey's house. In 1884, he married William Roland and Eliza McGhee, at William Adams' house (all Indians), and Frank McCawley and Emma Steadham at J.N. Steadham's house.

Beck's recorded marriages in this era show a similar pattern. In 1876, at the time when he was pastor at Mars Hill, he reported to the Alabama Baptist that he had married "at my January appointment at Lomax" William Adams and Alice Gibson, Adam Hollinger and Elizabeth Lomax, and Thomas Lindsay and Mary Boon. The former two couples were individuals who were part of the local Indian community. He is also shown as the minister in marriages between Indians at the Huxford area in 1883 and 1884 and again in 1907 and 1908 (Escambia County n.d.).

During the late 1870's and early 1880's, census and land records show significant shifts in the Indian settlements and in the character of the area in general. This was presumably stimulated by economic changes brought by the advent of the railroad and the beginning of the timber industry, which also brought with it a sharp increase in white population. In this era, therefore, the Indian settlements began to be less isolated than before. In this era there is the beginning of a trend of movement of the Indian population towards the south part of the area, i.e., to the Head of Perdido grant and lands not far from it. One of these was a new settlement area, established by the Gibson family, later known as Bell Creek. The Indian population in these clusters was

139 in 1880 (Paredes 1981). The white population of the county went from 3047 in 1870 to 4106 in 1880 (Paredes 1975).

On the 1880 census schedules, the "Huxford" (T3N, R6E) area shows a similar composition to that in 1870, less migrants to the Head of Perdido area. Almost all of the Indian households are shown with consecutive household numbers. The Red Hill area appears to consist of three Rolin households, Francis, her mother Polly, and her brother John, married to Rody Taylor, a Colbert. Also there are Alex McGhee, one of Jack McGhee's sons, and Mariah Adams McGhee, Jack's widow, plus seven children. Next came Adam Hollinger (married to a Lomax), Matilda Moniac Lomax, and households of her children, one married to a Boon and one to a Keller. William Colbert, Jr. and his family are also in this cluster. Indicated within a few houses are Clairborne Horsford, M. M. Taylor, John Hadley and Westly DeWires.

Indicated on the census to be at Head of Perdido was William Adams, married to Alice Gibson (plus several Walkers, cousins of Adams). The next household, with Lallie McGhee Dees, also included her brother Richard McGhee and two of her adult children, but not her husband William Dees (Semoice family). The next household was John Hinson, married to Elizabeth. Hinson is believed part of the same Creek Hinson family intermarried elsewhere in the Escambia group (see below). His wife could not be positively identified. Then came John F. McGhee and his wife Polly Louisa Gibson, and Alex Roland and his wife Mary Hatcock. Head of Perdido at this point had increased greatly in size, with an influx from Huxford, and was much more diverse in terms of families, with McGhees, Roland, Hatcock, Hinson, as well as two Gibson's married in. The 1870 census showed that DeWire and part of Richard McGhee's family had already moved to Head of Perdido. Added in 1880 were Alec Roland, who according to later homestead papers, moved there around 1877 and was followed by his brothers Sam and William around 1882 and 1884. The homestead papers, from 1891-3 (General Land Office 1890-94), indicate that the Indians were not living solely on the Head of Perdido grant, since when Alec Roland settled in 1877 on land just south of the grant, he bought improvements already made by John F. McGhee, who evidently had occupied it without title.

A major move was that of the by now large Gibson family, formerly on land near Red Hill, who settled around 1877 on Bell Creek, in township 2 north, range 5 east, about three miles northeast of Head of Perdido (see map). They did not actually homestead the land, i.e., start to acquire title, until 1891. The census in 1880 shows three households, William Gibson and his wife Margaret Moniac along with three adult children, Bennety, Drucilla, and Gideon, plus at least one grandchild, son William Henry Gibson and his wife Elizabeth Hinson, and William McGhee and his wife Julia McGhee. Elizabeth Hinson was the grandniece of the Betty Hinson who married Lynn McGhee's son Richard and also derived from the Horsford family. William and Julia McGhee were children respectively of Lynn McGhee's sons Richard and Jack. Their presence indicates that the Bell Creek settlement was as much an expansion of the Indian community as a movement of one family.

Land records show numerous attempts by the Indians to acquire title to additional lands in this period. The Colbert family purchased a land tract in section 16 of T3N, R6E in 1880, just west of Red Hill, probably the section they had already been living on. Purchase was not completed until 1889. Homestead applications were filed in the 1870's by John F. McGhee, Richard McGhee, William Adams, and in contiguous areas, Sam Adams and Richard McGhee. These were evidently cancelled, as the land areas involved were later homesteaded and patented by others, non-Indians, in the 1890's wave of homesteads (Escambia County n.d.). Similar applications by Mary McGhee Steadham and a non-Indian were also not completed. The reason for this large-scale failure to grant

these homesteads was not clear. Members of the group filed homestead applications again in between 1890 and 1894 and were more successful.

Occupations of Indians on this census were all either farmer or laborer. Property valuation data was not analyzed for the 1880 census.

No longer shown at "Huxford" in 1880 is Sam Moniac Jr., who is now shown in a cluster of Indian households in Monroe County, location uncertain. This cluster also includes Sam's son James, James Hathcock, Charles Weatherford, Alec Sizemore, Sam's daughter Liza, married to John Madison, and two households from the Semoice family. Not too far in terms of household numbers were Dolph Reed, two Quarles families and some Freemans.

Statistical reports of the 1890 U.S. census show 173 Indians in Escambia County. Three hundred eighty-four additional Indians were shown on special Indian schedules, not identified by county, which may include some areas of Escambia County (Bureau of the Census 1937). Individual census schedules for this area were destroyed in the 1920's and hence were not available for examination.

Information about the Creek hamlet at Head of Perdido, and its involvement in churches, is found in an account of the founding of the Judson Baptist Church as a Sunday school in 1891 (Sims n.d.). The church is located on land just to the northeast of the Lynn McGhee grant and was founded as a Sunday school in 1891 by Reverend A.T. Sims. It became a regular church the next year. Sims account of the founding of the Sunday school states that "I got a good congregation, some of them Indians, to meet with me . . ." "Bro. Dick McGhee, an Indian who had lived all of his life on the very grounds where we were holding the services, kept a good lightwood fire burning during the services . . ." This refers to Richard McGhee, brother of John F. McGhee, who is discussed below in reference to a timber trespass suit. W.T. Ficklin, a white who lived adjacent to the area, was made "Superintendent" and was a church officer in succeeding years.

This account identifies the existence of a body of Indians at Head of Perdido. There seemed to be no question about the involvement of the Indians in the new Sunday school. Later records and oral history, however, do not indicate a long term involvement with this church, not even as much as there was at Mars Hill. A separate Indian church at Head of Perdido was built around 1910. The Judson church cemetery, however, indicates the existence of a major social distinction, since it is divided into Indian and white sections. Those headstones in the Indian section for which individual names could be identified show Indian burials from 1911 to as late as 1955, drawn from a wide range of core Poarch families (McFarland, et.al. n.d.).

In 1893, Reverend John Beck sought assistance from the Federal government for the Alabama Creeks. Beck is believed to have been preaching in the Indian settlements in Escambia County in this period, although not shown as affiliated with an organized church there. Beck wrote to the Secretary of the Interior, "by the request of many of the Creek Indians to whom I have preached for the past twenty years in the counties of Baldwin and Monroe..." He inquired as to the rights in the lands in Indian Territory "to be divided in severality," an apparent reference to allotment of Creek lands under the act creating the Dawes Commission. The Indian Office replied that they would have to be admitted to citizenship in the Creek Nation to be able to share in any land rights, and referred him to W. C. Perryman, the Principal Chief. Beck's omission of Escambia County in the letter appears inadvertent, in view of his involvement with the Creeks there and his extensive work with them a few years later in applying under the

Eastern Creek claim (Guion Miller 1906-09). A number of Poarch families indicated on the Eastern Creek applications that they had applied for Creek benefits in 1893. Although only two actual applications for Creek citizenship have been found, there is record of Beck assisting with at least one citizenship application from Monroe County, suggesting he probably worked with the Escambia County families as well (Miller 1906-9).

By 1900, there had been further movement to the south end of the general Poarch area by the core families. The population of the Head of Perdido settlement had increased, and an additional hamlet had been established, known as Hog Fork. A number of homestead applications were filed between 1890 and 1894, on lands settled by the Indians in the previous two decades. Most of the surrounding lands were by this time owned by timber companies or other large holders. Settlement dates discussed are based on statements in the homestead applications and are approximate.

The 1900 census shows eight households at Head of Perdido, some with multiple families in them, representing over 40 people. Three of the households were children of Richard McGhee, Lynn McGhee's son. These were the Lutrece Walker family, Richard's son Richard McGhee in a household with several nieces and nephews, and William McGhee, married to Julia Adams, granddaughter of Peggy McGhee. Also there were children of Lynn's son Jack, who were formerly resident in the Red Hill area. These were Alexander McGhee and his wife Betsy, plus in one household, Alexander's adult siblings Betsy, Dick and Mary. A third group were Rolins, originally from Red Hill. These were Alec Rolin, his brother Samuel, and what are probably the children or other descendants of their brother Richard. These households were probably on the lands the Rolins had homesteaded immediately south of the Head of Perdido grant, which the homestead applications indicated were settled in 1877, 1882 and 1884 (General Land Office 1890-94).

Bell Creek in 1900 had expanded, according to the census. It was still centered on the William "Bart" Gibson family, whose now grown children formed an expanded number of separate households, seven of them, with 37 people. Notably, William Adams and his wife had moved over from Head of Perdido, where they were in 1880, and another household consisted of their daughter and her husband, a McGhee. Other spouses in the community were Hinson, Horsford and as various McGhees. Thus the settlement, though based somewhat on the large Gibson extended family, contained a diversity of families.

A new settlement, known as Hog Fork, was established around 1886, by John F. McGhee. The date is based on his 1893 homestead application. The land was about four miles east of the Head of Perdido community and two or three miles southeast of the Bell Creek community (see map). The 1900 census shows three households, two of them with several adult children of John McGhee, and their families. One household was John and his wife Polly Gibson, who were formerly resident at Head of Perdido, plus nine children and four grandchildren. The second household was John's son Lee, his wife, Ida Rolin, and their children. The third household included John's son Charles and his wife, Jerusha Rolin, and John's son Frazier and his wife, Emina.

The 1900 census for the "Huxford" (T3N, R6E) area shows few of the Indian families and may be somewhat incomplete. The Colbert settlement is evident on the census, consisting of three households, with multiple families in them, totalling 22 people. These households were Will Colbert, Jr. with his wife and quite a few adult children, Will's son James and his wife, Florence Walker, and Will Colbert's sister, Verbenia. Also listed were several boarders, all from Indian families. The land for the settlement consisted now of the original Will Colbert tract, purchased in 1880 and a nearby parcel

which his son James had settled on about 1889, and subsequently homesteaded (General Land Office 1890-94).

After 1900, the isolation of the Creek families from the Escambia County settlements began to decrease, as members of the group changed from being almost exclusively small farmers and sought work in nearby areas. The hamlets continue up until the present day but the census and other documents (Guion Miller 1906-09) provide evidence, supported by oral history, for the growth of temporary residence away from the hamlets for work, particularly in lumbering, pulpwood and other forest-related industries. The 1910 Federal census reflects the importance of these new sources of work both in the settlements and outside, with occupations such as log team driver and the like listed. The oral history indicates that a number of men had their own teams or trucks and organized teams of Indian workers, i.e., were labor contractors (Paredes 1972-4, F. D.). Some of these, e.g., Will and Neal McGhee, were able to use this economic base to provide community leadership (see below).

The 1910 census, which is the last one available to the public, enumerated 163 Indians in Escambia County and 291 in Monroe County (Bureau of the Census 1937). In Huxford, Head of Perdido and nearby areas, the census was taken in such a way that the composition of the individual settlements cannot be reliably determined. Two "blocks" with a total 13 Indian households appear to correspond to Head of Perdido, Bell Creek and Hog Fork. The Huxford area shows at least six other Indian households, with some indication a few families had moved back to that area since 1900.

Census enumeration districts outside, but adjacent to the Poarch area, show a number of Indian families from the core families. This reflects the beginning, as noted, of work outside the immediate area of the hamlets. A couple of families are shown in enumeration districts just to the south, i.e., the town of Atmore (formerly Williams) or areas just east and west of it. In the Jeddo enumeration district of Monroe County, just north of the Escambia County line, were Adams, Colbert, Gibson, Woods, Hinson, McGhee and other Poarch families. The Guion Miller applications in 1906 reflected a similar pattern, with a number listing as their post office Lottie (a few miles west of Head of Perdido), Carney (two miles to the south), Perdido, Nokomis (just west of Atmore) and Jeddo. A number of families are known from oral history to have worked in West Florida, just below the Atmore area, beginning in this period.

COMMUNITY COHESION, DISTINCTION AND IDENTITY BEFORE 1910

Introduction

The post-1850 nineteenth century Creek community in northwest Escambia County was highly cohesive, and sharply distinguished socially from the surrounding non-Indian populations. The previous sections have discussed the origins of that community from the Creek Nation and the basic evolution of the settlements in Escambia County after 1850, including some of the economic and social forces affecting it. The community during this period evolved into several geographically concentrated, closely-knit, kinship-based hamlets. The Indian families of these hamlets became very tightly intermarried with each other and came to be socially distinguished from other local descendants of Creek families. The latter, referred to here as "peripheral" as opposed to the "core" families of the hamlets, became socially classed as whites. The "core" families continued to be identified as Indian, and, probably beginning in the 1890's, were formally discriminated against, having separate Indian churches and schools. This Indian community, which is now known as the Poarch Creeks, was very poor, largely uneducated, and importantly, was not just socially but probably somewhat culturally distinct initially

from surrounding non-Indians as well as from the "peripheral" Indian descendants. After about 1870, the local Indian community was no longer part of a larger half-blood community in southwestern Alabama, i.e., the larger group from which they had originated.

The following sections review in detail community cohesion, the pattern of in-marriage which helped shape the changes in the community, evidence for cultural differences, and the character of the local identification of the group as Indian. Later sections treat in more detail the social organization of the hamlets and the nature of political process within the group.

Community Cohesion and Distinction

The primary bases for community cohesion were the extensive network of kinship relationships reinforced by the continuing intermarriage within the community, plus the geographical closeness of families within the settlements. The settlements in turn were only a few miles from each other. Although the hamlets were distinct, kinship ties and social relations between them were extensive (see discussion below). Community efforts were the basis for organizing and maintaining the schools and churches within the settlement (see detailed discussion below). Oral history accounts describe community hunting and fishing expeditions in the 19th century.

A variety of records indicate in detail both a high level of social interaction of community members, and their familiarity with and support of each other, and also the distinction between them and non-members of the community, with whom there was less, and not as important, interaction. One such body of records are those of Indian marriages, showing they frequently took place in the household of a community member other than that of the immediate relatives, and that the witnesses were often other community members. The homestead applications of 1890-94 of community members show many of the witnesses were drawn from within the Indian community. Thus the application of Polly Rolin was witnessed by Alexander McGhee and William Colbert and the application of Sam Rolin was witnessed by John F. McGhee, William Rolin, Gid Gibson, and Richard McGhee, from a cross-section of families. Some non-Indian witnesses do appear on the Indian applications. In contrast, the application of Sidney Lomax, Jr., a "peripheral" family by that time, was witnessed only by non-Indians (General Land Office 1890-4).

A similar pattern is evident in the affidavits for the Guion Miller applications, in 1906 and 1907. Those making the affidavits testified to their acquaintance with the applying individual for a stated number of years, often for several decades before the application. A detailed study of a large number of these applications showed that the primary witnesses for the "core" families were from other families in their community, while the witnesses for the "peripheral" families, i.e., ones no longer part of the Indian community, were not drawn from the "core" families but were non-Indians or other Indian descendants. This reflects both the community cohesion and the social distinctions discussed here. This material is discussed in detail below, in connection with the overall Guion Miller application process.

A third body of evidence is found in the witness lists for Escambia County Court cases, which were available in part from 1876 to 1902. These lists are from cases of Indians who were tried, indicted only, or for whom an indictment was sought in connection with events such as fighting at a community gathering, or other crimes. The witnesses were either almost entirely or predominantly from within the Indian community, both for state and defense witnesses. Thus for an 1883 murder case, the state witnesses were William Adams, Joseph McGhee, Lallee Deas, Tracie Walker, Alice Adams, Joseph Rolin, and Richard McGhee, plus four non-Indians. An 1888 case had as witnesses

Cruisasy [sic] Walker, Dick McGhee, John McGhee, Wesley Dewires and Frazier McGhee (State of Alabama 1876-1902).

Analysis of Poarch Creek Marriage Patterns

A detailed analysis of marriage patterns was made as part of the overall analysis of the character of the community, changes in it, and the distinctions from surrounding populations. This analysis confirms the existence of a strong, closely intermarried community. The historical analysis shows the emergence from the larger community of a somewhat distinct group of families, very closely intermarried, which correspond to the population of the historically known hamlets. These families continue to form the basis of the current Poarch community. By around 1900, these are the only families still identified as Indian in the Poarch area. Thus the data on marriage patterns, settlement patterns, the interaction data discussed above, and on identification correlate closely with each other, as well as with other accounts of the Indian settlements.

Marriage patterns were examined by general historical eras rather than by generation, because of the frequent wide range in age between siblings. Some examination was made of all of the local population (before around 1910) thought to be of Indian descent, with a concentration on historical families linked with current Poarch families. The data on the "peripheral" (non-Poarch) lines was examined to validate the distinction in marriage patterns exhibited by different family lines. The description here is approximate, because of the complexity of the marriage patterns and because it was not possible for all of the populations to definitively establish all kin relations and marriage dates. The patterns which emerge, however, are very strong, as well as consistent, as noted, with other available social data.

Members of the half-blood community on the Alabama River were closely intermarried with each other (see discussion of that community). The marriages of the initial settlers that moved inland from the Alabama River, marriages which occurred before about 1845-50, reflect this. Thus Sam Moniac, Jr. was married to Susan Marlow, and Lynn McGhee to Hettie Semoice. Lynn McGhee's son Richard married a Hinson, probably a half-blood, Lynn's son and daughter Jack and Peggy married Adams', race unknown. Nancy McGhee's husband is unknown, and Lynn McGhee's other child, William, did not settle in the new area. Sam Moniac, Jr.'s brother Dixon was married in an earlier period. His children married Indian countrymen, i.e., Peggy to William "Bart" Gibson, Matilda to Sidney Lomax and Polly to Jack Rolin (possibly a half-blood).

Relatively few marriages occurred in the local population between approximately 1850 and 1870. Most appear to have been within one or another family line derived from the Alabama-Tensaw community. One of Sam Moniac Jr.'s daughters married William Colbert Jr., a half-blood related to Moniac and Sizemore. Colbert's niece, Matilda Taylor, married into the Rolins. In this era, one of Richard McGhee's daughters married a Hathcock, son of Elizabeth Marlow (a half-blood from the Tensaw settlement), while another daughter married a son of John Semoice. His son, John F. McGhee, married a Gibson. An Adam Hollinger married Virginia McGhee, daughter of Jack. Another of Jack's daughters married a non-Indian named Walker. Nancy McGhee's child Mary married John V. Steadham, a descendant of the half-blood Earle line. Some of the local descendants of earlier marriages with whites, such as Lomax and Madison, largely married non-Indians from here on, as did most of the descendants of John V. Steadham.

Indian marriages in this and following eras, whether to other Indians or to non-Indians, are localized, i.e., marriage partners are drawn from the immediate area. This reflects the isolation of the area. It also correlates with other indications that ties between

the Escambia County settlements and their relatives still on the river declined after about 1870.

In the succeeding era, between approximately 1870 and 1890, the character of marriages of some of those from the McGhee and the Moniac "lines" changed greatly. This refers to the Gibson, Colbert, Rolin and various McGhee families, descendants of marriages, as noted above, with a variety of half-bloods. In the previous era, there was only one marriage between any branches of the McGhee and Moniac families, and none within either of these two segments. Following this, what can only be called intense intermarriage occurred between these families. Of the children of John F. McGhee, six married Rolins, one married a Colbert, while one married back into one of the McGhee lines. John's brother William, married around 1875, married both a Rolin and a McGhee and his children married three from McGhee lines (including one Walker), two from Moniac lines, one from another Creek line and two married non-Indians. The Walker children married two McGhees, a Colbert and three non-Indians. Peggy McGhee's one child married a Gibson. Jack's children, those for whom marriages and descendants are known, married a Gibson, a Rolin, a McGhee, and a Hollinger, and one unknown. Some of the Hathcock descendants married back into these two lines.

Also in the 1870 to 1890 era, of families descended from Sam Moniac, Sr., William Colbert's children married one McGhee, one Walker, three other local Creek lines (Taylor, Qualls and Hinson) plus three non-Indians. One of Sam Moniac, Jr.'s daughters married a McGhee while two other children married non-Indians. Of the Rolins, besides the many McGhees already mentioned, one married a Taylor and one a Hathcock (descendants of local Indian marriages in the previous generation). Of the Gibsons, besides those already mentioned, three married other local Creeks, Hinson, Moniac and Horsford, and one a non-Indian. Most of the Lomax line children did not marry in and no descendants are represented now in the Poarch Band of Creeks.

In summary, between 1870 and 1890, there was intense intermarriage within and between the various McGhee lines and the Gibson, Colbert and Rolin branches of the Moniacs. Many of the other marriages of people in these families were with other families then classified as Indian, i.e., Hollinger, Deas, Taylor and Hinson.

The high intermarriage between these families begins in the era while the area is still very isolated and the population small and does not reflect initially a distinction from other Indian lines in the area, except that the latter married non-Indians somewhat more frequently. From all accounts, strong social discrimination against these closely intermarried families doesn't occur until the following era, 1890 to 1910. The marriage pattern is thus not the result of it, but may in part have stimulated it.

Beyond this era, intermarriages become overwhelming as the population increases. Rough counts indicate the next era of marriages, 1890 to 1910, continues the intense intermarriage between the main branches of the by now thoroughly intermixed lines. Samples of the children of a given person show six in- vs. two out-marriages, 11 and three, three and four, two and none, and so on. It is possible that intermarriage tended to reach the limits of available kinsmen who were not too close kin to marry.

Marriages with non-Indians in all periods frequently produced descendant lines which married back into the "core" as intensely as others—e.g., the Rackard, Walker and Presley families. While there was some tendency among children of Indian-white marriages to marry outside the community at a greater rate than those of Indian-Indian marriages, a majority of the children of Indian-white marriages appear to have married back into the community, indicating that despite the non-Indian spouse, the primary ties

were to the Indian side. There does not appear to have been a differential rate of males and females marrying out, and the children of marriages where the non-Indian was male or was female were both likely to marry back in. Some lines from Indian females, like Steadham and Lomax, primarily or entirely diverged from the Indians, while others like Walker and Presley did not.

Throughout this process of intermarriage, which was most intense between a portion of the local Indian families, a distinct group emerged from the original larger group of Indian families which had settled in the area. These marriages were also geographically very localized and after about 1870 no longer reflected contacts with half-blood families elsewhere in southern Alabama. The closely intermarried families clustered geographically around the Indian settlements, i.e., the lands at Red Hill and Head of Perdido, the Colbert lands, and eventually at the Bell Creek and Hog Fork areas. It is these families which by 1900 come to be essentially the only ones identified as Indian on the census and other documents. These constitute the "core" families whose communities became the Poarch Band of Creeks of today. Their ancestry includes McGhee, Moniac, Weatherford, Sizemore, Semoice, Marlow, Hathcock, Colbert, and other families from the earlier Creek Nation.

Survival of Cultural Differences

The half-blood community on the Alabama and Tensaw Rivers was quite culturally distinct from the non-Indian culture of the time, even though greatly changed from aboriginal Creek culture. Although the culture of the Poarch community has essentially been that of poor rural southerners since some time in the late nineteenth century, oral history indicates that some cultural differences survived until at least that time, and may help to explain some of the social distinctions and community changes discussed above. The oldest recollections (Paredes 1972-74), from individuals born between 1880 and 1900, is that the old people could still talk what one referred to as "that old crazy talk" but that her husband had referred to the "Indian talk" as "foolishness." It was reported that John F. McGhee had tried to teach his children the Indian language. Speck (1941) was told that Dick McGhee, John's brother, was the last one who had been able to speak the Indian language. Calvin Beale, in 1965, was told by then Chief Calvin McGhee that when he was a boy, some of the older Indians could still speak Creek, and did so when they didn't want the children to understand. Beale understood McGhee, who was born in 1902, to be referring to his grandparents, e.g., John F. McGhee. Paredes (1975) collected eight or ten items of Muskogean vocabulary which were still known in the community in 1972-74.

It would appear then that the generation born about 1840-60 was the last which commonly used the Creek language, i.e., grandchildren of Lynn McGhee, and that by 1880-90 its use was limited to older people. It is likely that the decline of cultural differences probably followed something like this time-line, thus still existing to some degree in the 1870-90 era at the same time that the strong intermarriage and distinction of core Poarch families was occurring.

Paredes (1975) describes a number of other "folk culture" items, such as funeral, curing practices, foods and others, some with parallels to Creek or Southeastern Indian practices. He notes, however, that many of these even though possibly of Indian origin, are shared by the non-Indian rural folk culture. One unambiguous item, still made until about the 1940's, was 'sofkee,' an Indian corn soup. Sofkee is derived from the Muskogean word for that soup although, curiously, community members did not identify it as an Indian word, regarding it as ordinary vocabulary.

Education

The educational experience of the Poarch Creeks reflects both the low economic and social position of the community in the latter nineteenth century, as well as much of the twentieth century, and also the social distinctions which were made and which became stronger in the last two decades of the nineteenth century. The core families in the nineteenth century for the most part received little or no education. More began to receive education in the 1890's. Some time around 1900, Indians were shifted to segregated, Indian-only schools in community-built halls in the hamlets.

Oral history accounts from the very oldest informants indicate clearly that before the turn of the century the few Indians that did receive schooling went to school with whites (Paredes 1972-4). Evidence of literacy derived from homestead applications and the like indicates, however, that few from the core families received much education. In contrast, the "peripheral" family lines like the Steadhams and Lomaxes appear to have been almost entirely literate in this era. It appears also that initially, before the Civil War, a few from what later became the core families did receive some education, e.g., John F. and Richard McGhee, but that after this, the level of education declined below its already low level, even though public schools were in operation in the area since at least 1870.

The 1910 census casts some additional light on the subject. It lists as able to read and write a large proportion of the young adults, ages 20 to 25, suggesting that they had been attending school around and just before the turn of the century. It also lists as literate some of the elder generation, such as John F. and Richard McGhee, ages 67 and 69, William Rolin, 54 and also James Colbert, 37. This tends to support the hypothesis that there is a period in which almost no Poarch Creeks received education, after the initial period in which a few did. It also supports the oral history of the oldest members that suggested some Indian children had gone to school before the turn of the century.

The scarcity of school records makes it impossible to determine exactly when the segregated, Indian-only, schools were established. The earliest available documentary record shows two in existence in 1908, when they were still funded by parent subscription (Escambia County 1908-25). The character of these settlement-based schools, and the subsequent evolution of the local schools for the Poarch Creeks is discussed in following sections. The Indian schools which were established were classed as a sub-category of the white schools, and their pupils reported in the statistics for the white schools.

Oral history suggests a historical process of tightening distinction against Indians. As prominent a man as J. V. Steadham is said to have had his children challenged and is reputed to have countered by establishing another school, which was attended by his children and by white children. The Colbert school may have been established in a similar fashion, as a result of children having problems in the existing schools. Neal McGhee, who was relatively well off, sent his children north to Blacksher school near Uriah. An attempt to exclude Indian children from the school there was reportedly blocked by Mr. Blacksher, a leading citizen of that area. Sentiment to exclude Indians from white schools seems to have been strongest in the Huxford and nearby McCullough areas, strong around Poarch, and relatively minimal elsewhere in the region except for Pensacola (F.D., Paredes 1972-4).

Identification as an Indian Group

Between its founding around 1850 and 1890, there is, because of the scarcity of records, only limited direct identification as Indian of the Escambia County Indian community. Identifications of race on the Federal censuses for the area between 1860 and 1910, however, clearly indicate the families of the Indian settlements there were identified as

a socially distinct population who were, with some fluctuation from census to census, identified as Indian.

The 1860 census identifies all of the later core families as Indian, and also identifies most of the other local families derived from the Alabama-Tensaw community as Indian. This identification is particularly significant in that the census that year did not make provision for enumeration of Indians as a distinct category. Thus it appears that the identification locally was quite strong, leading the enumerator to add a distinction not in his instructions. Provision for enumeration as Indian on the Federal census does not appear until 1870. The inclusion of non-core families as Indian in 1860 is consistent with the conclusions discussed earlier that the later distinctions between them and the core families had not yet developed in 1860.

The 1870 and 1880 censuses are less consistent, with some of the core and other lines being identified as Indian, and others as white or mulatto. The families so distinguished, however, are consistent with those labeled Indian in 1860, and those appearing as Indian in 1900 and 1910. This period correlates with the period discussed above, where there were changes in marriage patterns and distinctions between different Indian families. A significant reference in this era is that in Beck's 1875 obituary of Peggy McGhee, which refers to the granting of her "homestead at Head of Perdido [sic] under the Red Jacket [sic] Treaty." Given the context of Beck's extensive involvement with the local Indians, this indicates he identified them then as Creek Indians (see discussion of Guion Miller applications, below). Brewer's 1872 history of Alabama, in its write-up of Escambia County, noted that "forty-three of the 98 Indians in the State live in Escambia." This apparently had reference to census figures. Escambia is the only county for which Brewer made reference to the number of Indian residents.

The 1890 census statistics show that 173 Indians were returned on the census for Escambia County. The census schedules themselves, as discussed, are no longer in existence. Other kinds of materials from this decade, though, make a more specific identification of a group of Indians. Sims' account of the 1891 founding of the Sunday school at Head of Perdido is the clearest reference to a group of Indians in that area. His pamphlet refers to the inclusion of a number of Indians, by the context living immediately adjacent, on the Head of Perdido grant. One, Dick McGhee, is specifically named. Beck's 1893 letter asking assistance for the Creeks of Alabama inexplicably does not specifically mention Escambia County, even though Beck had provided the Peggy McGhee obituary in 1875, and worked extensively in 1906 to 1909 with the Poarch families, which he identified as Creek Indians and urged to apply for the Guion Miller enrollment.

There are two other 1890's identifications of note. The 1894 Census Bulletin for the Five Civilized Tribes in Indian Territory stated ". . . it is true that some Creek Indians are still residing in the states of Georgia and Alabama . . ." This probably reflects the applications for citizenship from Alabama Creeks (Ward 1894). Less specific is LaFargue's recollection in 1941 that he had attended "some forty-five years ago" a tribal meeting of Choctaws in St. Tammany Parish, Louisiana. LaFargue stated that they "had invited to their powwows representatives from the remnants of tribes in Mississippi and in Alabama."

A further piece of evidence is found in the statements of Thomas Ficklin, an aged white man resident in the area all of his life. Ficklin writing in 1924 in connection with timber rights at Head of Perdido stated that Richard Walker (who was born in the 1860's) was born on the land and had lived there all his life. Ficklin in 1911 clearly

referred to the Indians as living on the Head of Perdido land, and indicated his knowledge of them went back forty years, i.e., around 1871 (Chatterton 1911).

In 1900 and afterwards, identifications as Indian and as a group, and specifically as Creek, become sharper and increasingly frequent. The 1900 Federal census returns to consistent identification of the clustered families of the hamlets as Indian. All are identified as Indian except the Gibson family, whose members are listed as white. None of the peripheral families are listed as Indian at this point, which correlates with the social distinctions indicated by marriage patterns and patterns of indicated social association discussed earlier. The earliest school records, from 1908 (Escambia County 1908-25), list the Gibson and Poarch Indian schools, which were at the Bell Creek and Head of Perdido settlements, respectively. In a 1903 news article in the local paper concerning the pardon of John Rolin, who was convicted of murdering Will Colbert at a frolic, Rolin was referred to as "an old Indian of this county" (Standard Gauge 1903).

On the 1910 census, the Indian identifications correlate almost exactly with the families which were part of the Indian communities at the time, and with present-day Indian family lines. Only these families are listed as Indian.

The status of Indians was in some ways a subcategory of white in the biracial Alabama system of the time. The segregated Indian schools of the early 20th century were administratively white rather than colored schools. Indian marriages were recorded in the "white" marriage record books, but the individuals were often labeled as Indian, particularly in later records. Indian men appear on a 1912 jury list, many again labeled as Indian (Escambia County 1912). The Indians were not allowed, in the latter period, to go to the same churches and schools as whites, but could marry whites. A mid-nineteenth century account gives some idea of the Indian status. Featherstonhaugh (1844) commented that his Indian coachman, whom he considered socially beneath him, was invited by his white host to eat with them because, although dark skinned, "the blood was Indian not African and he was therefore one of the southern aristocracy." Featherstonhaugh's account refers to his travels in Monroe County in the 1830's.

The identifications for this period, except for Beck in 1893, do not specify Creek as the kind of Indian until after 1900. The historical presence of the Creeks in the area, and in particular famous figures such as William Weatherford and other individuals, was common knowledge in the area throughout this period, judging by the available local histories written at the time. This suggests that the identification was as Creek. The Guion Miller applications indicate a large body of individuals identifying as Creek with some specific knowledge about it (i.e., McGhee's grants), and known as Creek to at least a few non-Indian witnesses.

The 1910 census for areas near Poarch listed several families from the group on separate Indian census schedules, as Creek. The Jack Springs Beat schedules, which cover the area where all of the hamlets were, did not use the special schedule, but instead listed all the families on the general population schedules, as Indian. Families from the Poarch area were shown, for Jeddo Precinct in Monroe County, on the special Indian schedule, but were inexplicably listed as Choctaw, even individuals with famous Creek names such as Weatherford.

There is, overall, frequent identification on the census of a consistent body of families in the Poarch area as Indian, distinguished from other local families also of Creek ancestry, and geographically concentrated. Together with the limited direct identifications of the group of families as an Indian group and the strong evidence of social distinctions, particularly from the 1890's on, this indicates that the individual

identifications are based on identification of the group, with somewhat fluctuating boundaries, as Indian between 1860 and 1900. The census identifications as Indian are very strong in 1860 and again in 1900 and 1910 (and probably 1890), and make evident distinction of the group in 1870 and 1880 as well.

HISTORY 1900 TO 1941

Outlined below are a series of contacts with the Poarch Creeks from 1900 to 1941 by a variety of outside agencies and individuals. All of these provide clear identification of them as an Indian group. Several of these provided important information about the group and influenced the development of the group. This section provides background to the following two sections which outline the evolution of the group's community and political organization.

Participation in the Eastern Cherokee (Guion Miller) Applications (1906-9)

Reverend John Beck again pursued the interests of the Creeks with the Federal government in 1906. Beck actively worked to have the Creeks in the Poarch area and also elsewhere in southern Alabama sign up for the enrollment in the Eastern Cherokee claim which was begun in that year. This enrollment, under Special Commissioner Guion Miller, was authorized by Congress in 1906 as a result of Court of Claims decisions of May 18, 1905 and May 28, 1906 making an award for lands taken from the Eastern Cherokee. Beck, in the promotion of these applications, was clearly declaring the people to be Creeks, and it isn't clear why he thought this was an appropriate vehicle for the Creeks. Guion Miller's report (1909) noted that "some of these are recognized members of the Creek tribe, others while not recognized as members of the Creek tribe claim as descendants of some Creek ancestors." Most of them, Miller noted, so stated in their applications.

Beck signed his correspondence "Creek Indian agent and attorney" and evidently represented himself to some of the claimants as being authorized by Washington to conduct the enrollment (King 1907). He even submitted a "final report" of his work in enrolling people. In response to several inquiries, Guion Miller (1907) wrote that Beck was "never appointed or authorized by any department of the Government to act as a Government agent in the matter of the enrollment of the Eastern Cherokees." Beck from all evidence conducted several meetings in the Atmore and other Escambia and Monroe County locations at which claimants signed up. He then submitted the applications himself to Guion Miller, resulting in several large fairly long series of applications with consecutive serial numbers. He evidently also tried to keep track of the further correspondence of Miller with the applicants. Beck strongly promoted the applications among the Poarch families, whom he had known for 30 or more years, as well as other Creek descendants in that area and also in Monroe County. His efforts are well remembered in the oral history. One person stated that Beck "wrote us up for, I believe, it was a dollar and a half form [sic]."

The applications (Guion Miller 1906-9) provide some further evidence of the high degree of internal cohesion within the group of core families and the social distinctions which had arisen between them and other families of Creek descent in the area, even some of those fairly closely related to them. The applications contained an affidavit, usually signed by two witnesses, which stated that they were well-acquainted with the applicant and how long they had known him. An analysis was made of a sample of 71 applications drawn from a cross-section of families, core and otherwise. The primary witnesses for core families were, if not immediate relatives, almost always others from the Indian community and not from the other Creek descendant lines nor from whites who were long resident in the area and long acquainted with the Indians. An examination of the dates of the applications and what is known about who was evidently present at

the meetings indicates that the witnessing patterns are not the result of who was available to sign forms. The McGhees in the sample were primarily witnessed by, besides other McGhee's, Rolins, Colberts, Adam Hollinger and Origen Boon. The Rolins were primarily witnessed by other Rolins, Gibsons, McGhee, Adam Hollinger and Richard Padgett. The primary Gibson witnesses were McGhees and Adam Hollinger. The Colberts, based on a limited sample, did not fit the pattern, being witnessed by Weatherford, Taylor, and Hollinger. The peripheral lines, on the other hand, like the Steadhams and Boons, were not witnessed by any of the core families. They were witnessed by Weatherford, Sizemore, Allen, and Adam Hollinger. Applications for Creek descendants outside the local area were witnessed by altogether different sets of people than the local Atmore area families.

Certain individuals are more common than others among the witnesses, possibly indicating some of organized role on their part in the application process. Of particular note is John F. McGhee, one of the few literate members of the group. His application is one of the most detailed, and was the first processed by Guion Miller, indicating Beck probably submitted it as the first application. Other common witnesses are McGhee's wife Polly Louisa Gibson, Drucilla Gibson McGhee, Dave Gibson, Adam Hollinger, Josephine Hollinger, Richard Pagett, William Dees and Lige(?) Boon. Only Boon and Padgett seem to fall clearly outside the pattern of witnesses with long-standing relationships within the group.

An examination of four sets of consecutive applications, which comprise most of those found, shows that Beck's efforts seem to have started in the Poarch area and among the Indian community's families. The first batch of 24, all signed October 15, 1906, were all from the immediate Atmore area and essentially all were from core families. A second set of 127, mostly signed between November 7 to 14, 1906, were again almost all from the Atmore area and largely from core families, but now including some others from an apparent meeting in Jeddo, Monroe County. Two further sets, of 64 and 41, signed mostly from December 7 to 15, 1906 and March 7 to 12, 1907 respectively, show a progressive "scattering," with fewer and fewer Poarch families and coming from a wider span of areas, reaching into West Florida and more widely in Alabama. This may indicate that the process started with the clearly distinguished Indian community at Poarch, and interest then spread to other Creek descendants, many of which Beck was familiar with from preaching around the region. There were evidently some newspaper accounts also.

The forms are a rich source of information on genealogy of the Poarch families. They also cast some historical light on how they saw themselves. A standard phrase under "remarks" was "The Red Jacket Treaty . . . gave to Linn McGhee to live upon a section of U.S. government land known as Head of Perdido (Tatevill) [sic] and one known as Red Hill . . ." A variant said McGhee had a permit to live on the land "in perpetuity without cost or damages in the Red Jacket Treaty."

Presumably as part of this effort, Beck evidently also wrote to the President. His letter was not found, but a reply was found which indicates he had pled for "executive clemency for the part of the Indian tribes that remain in southern Alabama." His letter was evidently accompanied by one from Charles Weatherford. The Acting Commissioner of Indian Affairs (Larrabee 1906) replied that he knew of no band of Indians located in southern Alabama and that any that might be found were descendants of Indians choosing to remain after Removal and therefore not entitled to rights to share in the lands and funds of the Creek Nation in Indian Territory. Beck (1907) replied, "on behalf of the Indians in Southern Alabama," that there was nothing in the treaty the Commissioner cited that indicated any surrender of rights.

Contacts from 1910 to 1941

In 1911 a Federal government timber cruiser filed a report of trespass on the Head of Perdido Indian lands by the Carney Mill Company, for allegedly cutting timber on the lands over the protests of the Indians and without authorization to cut on Government lands.(Chatterton 1911) The trespass allegedly took place in 1904. The affidavits in connection with the complaint indicated that Richard (Dick) McGhee protested to the company at the time, on the grounds that it was government land. The company stated that the timber rights had been bought from one of the heirs, Emma Steadham McCawley, who apparently was resident on the land at the time, and was paying taxes on a portion of it. The Federal district attorney filed suit, and testimony was taken from witnesses, but the case was settled before going to trial, with a judgment entered in 1915 for \$2,000.

The testimony in the case offers some useful information about the group. T. W. Ficklin, a white living adjacent to Head of Perdido stated that he had passed by and through the land for 40 years and it was occupied all of that time by the McGhees. Richard McGhee himself stated he was born there (in 1845), and had been living on it and cultivating it ever since, and noted other McGhee descendants living on it as well (Chatterton 1911). A letter from the lumber company's lawyer (Stevens 1913) refers to his acquaintance with "the Indians living in the locality in question" and "with different members of the tribe." Thus he is clearly identifying a group of Indians.

Although the timber trespass suit was settled, the McGhee grant lands both at Head of Perdido and Huxford were taken out of trust in 1924, with fee simple patents issued. The Department of the Interior had earlier, during the suit, taken the position that the acts authorizing the McGhee grant did not provide for granting fee simple title and subsequent acts had not modified this (Jones 1915). Ficklin (1924) and some of the heirs had written, seeking authority to sell some of the timber on the land, in order to provide better homes for the Indians. No explanation was located for the Department's change in position on the patentability of the land, but it advised in 1924 (Parrett) that the Department had decided that the heirs were entitled by virtue of the 1817 Act implementing the Treaty of Fort Jackson to have a patent in fee. It is not clear which heirs actually got title to the land.

Two other identifications of the group appear in 1921 and 1922. An interesting identification of the community appears in a 1922 publication of the Alabama Anthropological Society. In a note regarding some maps and materials on Creek history provided by John Swanton of the Bureau of American Ethnology, it was noted that a person, evidently studying the materials, "visited the community locally known as the 'Indian section' in the western part of Escambia...there are nearly one thousand listed by the Census as Indians." He stated that there were on a few full-bloods among them (Brannon 1922). Owen's 1921 history of Alabama notes that near the town of Atmore, "is a small Indian reservation on which there are still about 45 Indians."

In 1929, the Episcopal church sent a missionary couple, Reverend Edgar Van Edwards and his wife, to work with the Indian community at Poarch. Edwards worked there from 1929 to 1943. For the first two years, he was assisted by a medical missionary, Dr. Macy, and his wife. Mrs. Macy continued to work in the community for a number of years. Edwards worked diligently to improve conditions in the community, seeking the help of the Bureau of Indian Affairs and local agencies to improve health and educational conditions. The mission was very successful among the Indians, converting much of the Head of Perdido and Poarch Switch communities especially, and gaining the support of Fred Walker, the most important leader. The mission materials provide extensive identification of the group as Indian over the following decades, and also considerable information about its social organization and political leadership. This

material is discussed in the subsequent section on community social organization and political organization.

Letters from missionary Edwards to the Bureau of Indian Affairs led to a visit to the community in 1934 by a representative of the Bureau, S. H. Thompson. Edwards originally wrote in 1931, saying he was interested in "a small tribe of Indians located near here . . ." and requested help for them from the Indian Bureau. He referred to 200 acres of land the government had given them. Thompson's (1934) short report stated that the group of Indians there regarded Will McGhee as their leader. Thompson located the 1924 land patent. He also noted four Indian schools as enrolling 130 to 140 students.

In 1941, anthropologist Frank Speck of the University of Pennsylvania visited the community and wrote a brief article reporting on it. Speck's visit was on behalf of the Bureau of Indian Affairs (Zimmerman 1941) and was one of a number of visits by him or his students to unrecognized Indian groups in the east in the 1930's. The Bureau in this era was making an effort to determine what it could or should do for such groups, focusing particularly on economic and education needs. Speck's article (1947) indicates this was the purpose of his visit. The request presumably grew out of the earlier visit by the Bureau Indian Affairs agent in 1934. A response, if any, to Speck's report, was not found. The tone of this report is that local institutions, specifically the schools and the Episcopal church, had matters well in hand. This in part explains the lack of further action.

COMMUNITY ORGANIZATION AND SETTLEMENTS

The Poarch Creeks have lived since their first settlement in what is now northwestern Escambia County in small settlements or "hamlets" of closely clustered houses. Each hamlet was a collection of families closely interrelated by kinship ties, although each settlement had a distinct character. The settlements had varying kinds of land bases, some on grant lands, some on homesteaded or purchased lands. There continue to be several hamlets up until the present day, in which a significant portion of the population lives.

The evolution of these settlements in the nineteenth century was described in the first section of this report. This section will describe in more detail what is known about the social organization of these settlements and the social ties between them, based on oral, ethnographic, and documentary data. The initial focus of settlement was in the T3N, R3E area, more recently referred to as "up around Huxford" or just "Huxford." The initial settlement areas here were in the "Red Hill" section, consisting of the McGhee reserve in that area and the adjacent lands where the Polly Rolin and related families lived (see map). Nearby were lands of the Gibsons and Moniacs. A little later, around 1860, the Colbert's moved into the area, near the other families, in an area which came to be known as the "Colbert settlement." The records indicate initially at most a few people were actually resident on the grant land at Head of Perdido, latter testimony (cf. above) notwithstanding. Beginning around 1870, there was a trend for the Indian population to move toward the south end of the local area. An additional hamlet, at Bell Creek, a few miles south of Huxford, was founded around 1877 when the Gibson family and some related families moved down. The Hog Fork settlement, a few miles southeast of Bell Creek, was founded around 1886, and centered around the extended family of John F. McGhee. In roughly the same years, the population at Head of Perdido was increasing and also becoming more diverse in terms of families, with the Rolins from Huxford moving in and Gibsons and others marrying in. The Huxford area settlements were greatly reduced in population by the turn of the century, although

some families were still living there in the 1930's and a few still live there today. The grant land there is still held by one of the Neal McGhee family.

In the 1920's and 30's, the Hog Fork area expanded, with the growth of the families there, aided by the availability of cheap, timbered-off land and also sharecropping work. A new Indian community developed in the 1920's at Poarch Switch, attracted by sharecropping work and work at the railroad switch yard at that location. The new hamlet was a composite of families from the older ones. At roughly the same time, the Bell Creek hamlet gradually dwindled in size and was abandoned, many of its members moving to Poarch Switch, which is a mile or two south.

Each of the hamlets had a distinct identity and were seen by the Indians as being somewhat different in character, even though there were lots of kin ties and inter-marriages between and movement between them. Thus there was a sense that "up around Huxford" was somehow a little more distinct, and different kind of people than elsewhere, and that those at Bell Creek perhaps thought themselves a little better than the others, while the Poarch Switch community was considered to be a little "lesser" than the others, perhaps because it was poorer. This differentiation remains a feature of the group's social organization. In the past decade or so, with the development of a formalized council dealing with community-wide issues, leaders have tried to respond to a sensitivity on the part of particular hamlets as to how well they are represented on the council and whether they are "getting their share."

Hamlets generally had a fairly well defined social life. Each at one time or another had a community building, built cooperatively by members of the community, which generally doubled as church and school. Social life included "frolics," which meant a dance or party. These church meetings and other cooperative events such as log rollings and quiltings attracted Indians from the other communities (Paredes 1975). Some evidence suggests common economic activities, such as hunting and fishing expeditions, the latter probably limited to the pre-1900 era.

The interhamlet ties were and are many. When a "frolic" was held at a house in one community, families from the others were invited. A church in one hamlet might hold a "fifth Sunday" meeting, and this would be attended by members of the churches in the other settlements. Summer revival meetings, running a week long, would bring together families from different hamlets. These meetings were reportedly only attended by Indian families, i.e., brought together the Indian community (F.D.).

Speck's (1947) report, although quite limited and containing some errors, does provide a view of the group in 1941. He reported a population of 500, living in a "scattered community." He was told of the tradition that the grant land compensation to Lynn McGhee for his services and that of "his band of friendly Creeks." He was told 220 acres remained in the possession of the Indians, and was "free land available for use and residence by the members of the band." This indicates the land, while technically individually owned at that time, was in practice viewed somewhat communally. The "bond of family kinship" was reported as strong as that formerly in Creek clans. Speck also noted dances in private homes (probably frolics), as a source of social cohesion. A complete lack of contacts with other southeast Indians was noted.

The land bases of the different settlements were, as noted, somewhat different, two being partially the McGhee grant lands, others having been purchased or homesteaded by various families. The Red Hill and Head of Perdido lands were combinations of the grant lands there and neighboring homesteads and private lands. Particularly before the 20th century, some households were almost certainly squatting on nearby public

lands. Accounts from oral history suggest that even in the early 20th century, the hamlets were quite isolated from non-Indians in the area, as the country was relatively sparsely populated. Great blocks of land, further, were in forest, held by the timber companies, and thus otherwise unused except for hunting and running cattle.

Speck in 1941 understood the Head of Perdido lands to be communal, indicating that even though individually owned, there they were in practice usable by the entire community settled there. The mechanics of how community land was handled and how decisions were made about this are not entirely clear. Kinship relations and the authority of heads of families appears to have accounted for part of this process. There was a lot of swapping and selling of land between community members in the different hamlets.

A description of the Colbert settlement suggests that there the family members, or the family head, simply decided among themselves where housing was to be built, as younger family members set up new homes. Bell Creek may have been similar, even though the several tracts there were legally held by particular family members who had homesteaded them. Poarch Switch represents a different situation, since it is based on a large number of small tracts of land purchased from the timber companies from the 1920's onward. Despite the individual land ownership, Poarch Switch developed as a neighborhood of Indian-owned houses, not intermixed with those of non-Indians. Hog Fork is somewhat similar, even though starting with John F. McGhee's homestead, as this was parceled out among family members and many of the younger generation purchased housing plots and sections to farm.

The Head of Perdido lands were the subject of some intra-group conflict, partly revolving around the timber suit and the patenting of the land. As near as can be determined, although families are described as being free to build where they wanted, specific sections and areas within the grant were regarded as in some sense "belonging" to particular families. Thus "Richard McGhee's place" is referred to both in the timber suit documents and oral history. Earlier, William Adams appears to have been the primary user of a section, probably the northwest end of the grant. One oral account records a conflict with Will McGhee over timber rights on the land.

Although there were organized Baptist churches in the Poarch area at least as early as 1869, it is unclear to what extent the members of the core families attended them and up until what point. The oral history indicates that, at least in the latter decades of the nineteenth century, they largely attended exclusively Indian churches located in the individual settlements, reflecting the increasing discrimination against the core families in that era. Though probably not having formally organized churches, the communities had services by various ministers who preached in different locations in south Alabama and west Florida from the 1870's on. John Beck, who also preached at the Mars Hill church in the Poarch area, is perhaps the best known of those who preached in the settlements.

Available church records and marriage records for the organized churches are limited. While they show some of the lay church officers, they do not allow determination of the overall membership of these churches. No records of the settlement churches exist.

Lists of church officials at Mars Hill, such as clerk and delegate, show a few part-Indians, such as James, John and Alex Boon. In the 1890's, J.V. Steadham and his children, including Emma McCawley, as well as D. Bryars and W.T. and W.H. Gibson are shown (Bethlehem Baptist Association 1846-99, Elim Baptist Association 1895-1914).

These, except the Gibson's, who tend to have relatively high status, are not families of Creek descent who were, in this period, from the Indian community.

It appears that the Creeks in the area had been Baptists for a long period. One community member, born in 1884, stated that he "had never heard the old people talk of a time when there was no church in (the settlements)." He further stated that "there was a whole lot of old 'forehead' people [i.e. elders] brought up under the Missionary Baptist church" (Faredes 1972-4). The obituary for Peggy McGhee which appeared in the Alabama Baptist in 1875, indicated she had been a Christian and had been converted, presumably to the Baptist faith, possibly by a minister named Boyles who is known to have died in 1858. Paredes (1975) states there were no memories of pre-Christian religious practices.

The building of one community church is reported in the local Atmore paper in 1910, which describes the building of a Free Will Baptist church at the "McGhee settlement," i.e., Head of Perdido (Browning 1910). Will McGhee is recorded in the oral history as having organized the men of the settlement to build a church building at Head of Perdido, on the location where the Episcopal church was later built. This may refer to the 1910 church.

The 1920's brought major shifts away from the Baptists. Missionaries from the "Holiness" church, a non-formalized, fundamentalist "redemptive" movement had at first been resisted, but sometime in the 1920's, gained a strong body of followers. Very different in character than the Episcopalians, the two movements seem to have appeared at roughly the same time, the Holiness movement probably predating by a few years the Episcopalians, who came in 1929. The Episcopalians were strongest at Head of Perdido, though initially with a somewhat larger following which included Poarch Switch. The Holiness movement was initially strongest in the Hog Fork area. A key family in that movement was that of Lee McGhee at Hog Fork, whose son Mace McGhee became and still is a Holiness preacher with an Indian church. The advent and success of these two very different movements in the community corresponds to an era of seeking economic improvement and better conditions, and is believed in the community to mark something of an end to the era of the lowest economic and social conditions for the group.

More recently, the church composition of the community has increasingly fragmented, to the regret of community members. There are few Episcopalians left, and the Holiness church has divided. Important churches, still largely or entirely Indian, include a Pentecostal church, a Baptist church and the Poarch community church, an outgrowth of a Mennonite church. The latter is centered at Head of Perdido and seems to be the successor to the Episcopal Church.

The Indian schools based in the hamlets may have been established as early as just before the turn of the century. These schools were initially of a "subscriber" form, i.e., parents paid a dollar or so a month per child, and hired the teacher. Initiative for these very local schools seems to have come from within the settlements. After about 1910, teachers were provided by the county, but the schools otherwise remained the same, e.g., the community provided the building. Community individuals, apparently the organizers, probably men who were informal settlement heads, often served as school trustees and "enumerators." Indian schools existed at one time or another at Bell Creek (Gibson school), Poarch Switch (Rollin school), Colbert settlement, Neal McGhee's settlement and of course at Head of Perdido. The individual settlement schools continued until 1939, when a consolidated Indian school was established at Head of Perdido, as a result of the efforts of the Episcopal missionaries.

The economic progression of the community went from the isolated farming of the 19th century, to logging, pulpwood and related work beginning in the early twentieth century. Added in the 1920's was sharecropping, which developed as land cleared from timber was put into agriculture. Much of this employment was in regions outside of, but near Poarch, i.e., neighboring Monroe and Baldwin Counties, Alabama and Escambia County, Florida. Migrant work throughout the east became important after World War II.

Despite these changes, there was and still is a population of several hundred Indians in the hamlets and elsewhere in the immediate area such as in Atmore itself. A survey by the Episcopal church in 1932 showed about 450 individuals in 106 households, in five hamlets, with 119 at Head of Perdido, 173 at Poarch Switch and Hog Fork combined, 68 still at Bell Creek, and 93 at Huxford (Macy 1931-6). A 1973-74 survey showed 369 individuals in 89 households, in three hamlets, 159 at Head of Perdido, 148 at Poarch Switch and 62 at Hog Fork (Paredes 1981).

Although the name for the overall group, "Poarch Band of Creeks," is a relatively late one, there was a clear sense of common identity among the interlinked Indian settlements, based on their common origins, shared kinship ties and common distinction from non-Indians in the area. The focus of identity as Indian in the Poarch community has historically been very localized, i.e., phrased in terms of local kinship relationships and the somewhat special local distinctions made between Indians and whites. Thus it appears that they thought of themselves mainly as "the Indians" or the "Indian families," with the knowledge that they were Creek and the awareness of the two land grants as having been given to "old man Lynn McGhee (Paredes 1981)." The reasons for McGhee being granted the land were known in terms of a reward for some kind of service to Andrew Jackson in the Creek War, and as a result of a treaty.

Even presently, after years of effort on Creek claims and the contact with and reading about other Indians, the focus of group identity is still primarily local. The two issues most commonly spoken of, and still with great feeling, are the local discrimination against Indians in the past, especially in the area of education, and the McGhee grant land and its "loss." Community focus is still very much in terms of particular family affiliations and which hamlet a person's family is derived from. This is consistent with the character of the group as basically a "social isolate (Paredes 1976)," in which kinship sentiments are the primary day-to-day social element and are even today as important as ethnic ones. This of course is characteristic even of recognized Indian tribes with long experience dealing as a strongly defined legal unit with outsiders, that social cohesion is a combination of kinship and locality. There was essentially no contact with or knowledge of other Indian groups until after World War II — thus identity was not phrased in relation to other tribes.

POLITICAL PROCESS IN THE POARCH BAND

Political Process Before 1947

There was no formal political organization among the Indian settlements in the nineteenth century nor in much of the 20th century, in the sense of an established, named leadership position or regular body such as a council. There were, however, identifiable leaders and other evidence of political processes for the period for which some records are available and for which there is an oral history, i.e., after about 1880. There is also evidence from which to infer leadership in the several decades before that, the most isolated period, after the Escambia County settlements were established. Leaders existed in the sense that there were individuals recognized within the group (and often outside it) who had strong respect and influence and were looked to to see to community needs

and who had the ability to shape the actions and decisions of community members. These leaders, with the possible exception of Fred Walker, tended to be most influential and clearly identifiable in specific kinds of situations, while having some degree of more general influence. Their ability to function in these situations occurred in a context of quite isolated, small communities, in which there was exceptionally strong social cohesion and in which there were intensive ties of kinship within which political influence must have operated.

Types of situations for which leaders were identifiable were as "peace-makers," settling disputes and muting physical conflict, economic leaders, looked to in matters of economic security, religious leaders, settlement heads, and leaders in circumstances dealing with external institutions such as schools. Examples of communal, cooperative actions were also found, e.g., building the communal hall in a settlement.

The most important leader and the one with the most general influence, most widely respected in the different settlements, was Fred Walker, who played at least some leadership role from as early as the 1880's until his death around 1943. An illustrative example, widely cited in the community, is the experience of the Episcopal missionary Edwards when he came in 1929 to establish a mission among the Indians. He reported that he visited around and made the announcement that he would preach at the schoolhouse at Head of Perdido, but nobody came. He was told to get the permission of Fred Walker, which he did, and the next day, his service was full. Walker's influence led the Episcopal missionaries to identify him as younger or assistant chief, and Allec Rolin, then almost 100 years old, as chief (Edwards n.d.). It does not appear that the term chief was used among the group before then.

Walker genuinely appears to have been a man of broad influence. Edwards stated, ". . . the Indians were hard to approach, they seemed to trust no one until Chief Walker came to our side." Oral accounts of this approach legend. Walker, who had been a deacon in the Baptist church before then, evidently saw the missionaries as an opportunity to improve community conditions and worked extensively with them, mobilizing community men and resources to build the church at Head of Perdido and another, since gone, at Poarch Switch. One account stated, "we really appreciated that old man." "He was somebody we could just depend on" (Paredes, 1972-74). He is indicated as someone who maintained close contact with everyone in the community, who was very much present, and always found time for others.

Speck (1947), writing about his 1941 visit, reported Fred Walker as provisionally called chief, as having kept the group together for many years through prayer meeting, and as well liked and trusted by the people, through whose cooperation the church and its activities were built up. At the same time, he reported there was "no recognized leader possessing energy and experience" to represent the group and direct its efforts. This appears to reflect the non-formal nature of Walker's leadership, and the lack of anyone who might forcefully pull the group out of its depressed economic and social position. Speck also makes an obscure reference to an "Ellick McGhee" as the last formal leader. This may refer to Allec Rolin, since there is no indication the Allec McGhee of that generation was considered a leader. Also in the political realm, Speck noted corrective efforts arising within the group to reduce drunkenness and other social problems.

Walker is a leader who appears prominently in another aspect of political process, discussed by Paredes (1975), which was particularly important before the 1920's. Paredes refers to the use of physical force as a means of social control and the settlement of disputes. The Indians then by their own account were regarded as a "rough bunch," in

part a reflection of the fact that fights, often with knives, were a common occurrence. According to the Indians, the whites were afraid of them. One source said that even the prison guards from the nearby State prison, pursuing an escaped prisoner, wouldn't enter an Indian community without first getting permission from them. It was said, "Back in them days, you don't never bother the Indians . . . (Paredes 1972-4)." A frequent scene of fights, evidently, were the "frolics."

Fred Walker and Frazier McGhee are recalled as two who apparently exercised some restraint on fights, i.e., had a kind of "peace-maker" role. According to one account, "Frazier and Fred Walker wouldn't let them use a knife or like that." Walker would only ". . . let them fight with their fists and best man whip." One of the ostensible causes of fights was foul language in front of women. Court records from 1876 to 1902 show a number of indictments and some trials of Poarch Creeks which bear out the self-characterization that they were a "rough bunch" but also suggest that Fred Walker and Frazier McGhee did in fact play some kind of restraining role on the rougher behavior.

The court records, from 1876 to 1902 (State of Alabama), list a large number of cases involving Indians, most frequently obscene language, disturbing the peace and adultery. Those indicted seem to represent a limited number of individuals, some of whom appear repeatedly. Fred Walker only appears once in the role of someone charged with an offense. He and many others from the community are listed in 1897 in connection with a "large affray," involving one "Slick" Seal, a non-Indian. This is almost certainly the same event carried in oral history where Seal attacked Walker and others and was "cut like a hog." Frazier McGhee was also involved in this incident. Neither Walker nor McGhee were convicted.

Fred Walker, and to a slightly lesser degree, Frazier McGhee, appear frequently in these records as state witnesses against Indians charged with various crimes. An examination of the state witness lists in various phases of court proceedings for a variety of cases shows that Walker and McGhee were consistently called as state witnesses, sometimes as the only ones. The other state witnesses were almost always from within the Indian community, but otherwise varied from case to case. This pattern suggests, given the character of the offenses, the "peacekeeper" role may have actually been a wider one of attempting to provide a means of social control and maintenance of "proper" standards of behavior in the community. This is consistent with Walker's role as a church leader, although this latter position could not be dated this far back with certainty. Being called as a state witness implies some recognition of his community position on the part of the local court authorities.

The most well known examples of "economic" leaders were Will McGhee, based at Head of Perdido and Neal McGhee, in the Red Hill area. The leadership of both seems to have been based on the economic success, Will McGhee as a pulpwood hauler and labor contractor and Neal McGhee as a farmer and also in pulpwooding. Both were highly aggressive and therefore also somewhat resented for some of their actions. In particular, both managed to dominate portions of the original land grants, Will McGhee at Head of Perdido and Neal at Red Hill. This in turn formed part of the basis for their economic success and therefore their influence.

Will McGhee was noted for having kept many of the men in the Indian community employed in hard times, having had as many as six trucks hauling pulpwood under contract. Will also is remembered for having lead the move to have a school at Head of Perdido, bringing in a teacher, Roberta Stewart, who also boarded at his house

(Paredes 1972-4). The BIA report in 1934 (Thompson) stated that "they regard Will Maghee . . . as their leader." He, together with Fred Walker, organized the building of a community church at Head of Perdido before the Episcopalians came. Will McGhee also provided some support for the Episcopal missionary, stating that no one before had helped the Indians like that. Will McGhee was quite visible to non-Indians as a leader. A non-Indian recalled recently, "Old man Will was the leader when he was among them. When Will McGhee spoke, people listened" (F.D.).

Neal McGhee if anything had even greater respect than Will in the non-Indian community. One Indian said, "Back in them days . . . he was the onliest Indian that had anything, that made anything." "They didn't push him at all around there." (Paredes 1972-4) McGhee reportedly maintained a small settlement on his land, with a school and a church. He had enough land to have sharecroppers on it when most Indians were more likely to be sharecroppers, and also was a contractor with the big logging companies. His leadership is still remembered among whites in the area. One local white said, "Neal McGhee was known as the Indian chief. What he said, they done. When he was among the Indians, they did what he said. If they had a party and a ruckus started and he said stop, they did" (F.D.).

Alec Rolin was evidently identified as "chief" by the Episcopal missionaries because he was the oldest man in the community, and perceived by them as of importance therefore. There was little other information available from oral accounts or other written accounts to indicate he was influential. Rolin died soon after the missionaries came, but was baptized by them before he died.

There is some evidence that Richard (Dick) McGhee (son of Richard McGhee, grandson of Lynn) played somewhat of a leadership role. Richard McGhee was active in an earlier period than Will and Neal McGhee. It appears he took some initiative in the timber trespass case, protesting to those cutting the timber. Among the documents in the case is a somewhat grudging comment that (at least in the eyes of local whites) he was accorded a position somewhat above the rest of his family because he was a Confederate veteran (Stevens 1913). His household does, in the oral history, play a central role, with quite a few references indicating that it was the frequent location of social gatherings and also a number of references to Head of Perdido as the "Dick McGhee" grant. McGhee also appears in Reverend Sims' account of the 1891 founding of the Sunday school which became Judson Church, aiding Sims in preparing for the meeting. McGhee was the only Indian named in the account.

One characteristic of most of the leaders cited is that they are "located" in the "center" of the most intense part of the network of intermarriage that developed in the latter part of the nineteenth century. That is, they are in the family lines of the children of Richard McGhee, closely married with the Rolins (see earlier discussion). Thus they had a wide base of kinship ties on which to draw for influence.

Other, less influential or less widely influential leaders also existed. For example Lee McGhee was a leader of the Baptist church in the early decades of the century. John F. McGhee appears as possibly playing an influential role in certain contexts, perhaps because of his literacy. He may have played some role in the Guion Miller enrollment process, since he is one of the most frequent witnesses and apparently helped several of the people fill out the forms. He also saw to it that his brother, Richard McGhee, who was absent, had an application made out. He also appears with some frequency in the homestead applications. From these and other documents he appears to have been one of the more effectively literate individuals in the community.

Another kind of leadership role, known as early as around 1900, was that of "settlement heads," like Dave Colbert, Bill (William H.) Gibson, who served as school enumerators and trustees, organizing the effort for a school with the community, and maintaining relations with the county school authorities. Oral history accounts also recall figures such as these organizing local men to perform road work, i.e., playing some kind of role as road "overseer" in the system whereby local roads were maintained by required labor by local men. This system went out of operation around the turn of the century.

The leaders discussed above functioned as early as the 1880's, in the case of Fred Walker and Frazier McGhee, and possibly a bit earlier, to the 1870's if Richard McGhee, born in 1845, was influential immediately after his return from the Civil War. In the same general era as Walker and Frazier McGhee are Dave Colbert and Will Gibson, (born about 1864 and 1859 respectively) who were settlement heads. Neal and Will McGhee, born about 1874 and 1879, respectively, represent a somewhat later generation.

For the earliest era for the Escambia County settlements, approximately 1850 to the 1870's, when the figures discussed above begin, there is limited evidence in the documentary record for figures who played a leadership role. (Escambia County 1868-1900, Baldwin County 1860). These are Indians named in the county commissioner's records between 1860 and 1885 for duties in connection with overseeing and organizing work on county roads in the local area. In the later decades such men were relatively prominent and played something of an intermediary role for the Indian community with outside institutions, e.g., Dave Colbert and Bill Gibson (see above). Those named in the earlier era, who may have played a similar role, are Adam Hollinger, William "Bart" Gibson, William Colbert and Alexander McGhee Weatherford. Weatherford in 1861 was an inspector for the general election. Gibson, though a non-Indian, was a good candidate for an influential role because he lived in and was part of the Indian community and was a senior kinsman to a large portion of it. Colbert and Gibson were the fathers of Dave Colbert and Bill (William H.) Gibson, respectively.

Political Organization After World War II

In the late 1940's, community discontent with the segregated Indian schools proved a stimulus to several community actions and the formation of an organization which was to evolve into a formal government. World War II brought isolated people into much broader contact with the outside world, through army service and work in defense plants. These experiences underlined to many community members the disadvantages of the poor education they had received. Some reportedly were refused army induction and certain kinds of jobs because they were so poorly educated.

Calvin McGhee, son of Lee McGhee, an early church leader at Hog Fork and grandson of John F. McGhee, emerged in this period as the important community leader, and a much stronger one than any previous. Paredes (1981) describes him as "charismatic" and it appears a valid characterization of his effect on the community members and also on non-Indians he dealt with. The imprint of his personality on this era is so strong that it is difficult to elicit much discussion of the nitty-gritty of political process in the community, because community members mostly talked about Calvin, and how Calvin had really raised the Indians up and brought their cause to the attention of the government (F.D.). Calvin's focus in fact was on improvement of the status of the Indians, focusing strongly on improving education, recognition of their claims—i.e., clearly grows out of the post-war attitudes and concerns of the Poarch community.

Community resentment was with the quality of the Indian school and the fact that they were effectively prevented from attending junior high and high school because the schools were in Atmore and McCullough, but the school bus would not pick up the

Indian children. The Poarch Consolidated School was the same one built by the Episcopal Church on land at Head of Perdido in 1939—i.e., the county provided teachers only.

Regarding the school busing, two kinds of actions were taken. At one point, Jack Daughtry blocked the road and forced the school bus to take on his children. Although a single action, it greatly stirred up feeling in the Indian community, and is still remembered as the symbol of community actions at the time. Around the same time, 1947, Calvin McGhee brought suit against the school board to force it to pick up the Indian children. McGhee also gathered several of the leading men of the community and confronted the superintendent of schools and also presented his grievance to then-Governor Folsom. McGhee's suit was handled in part by C. Lenoir Thompson and Hugh Rozelle, lawyers who subsequently worked on the Creek land claim.

A third community action concerned the quality of the teachers and the lack of an adequate school building at Poarch. The exact timing of this in relation to the actions discussed above is unclear, but appears to have been at essentially the same time. Concerned about what they felt was the very low quality of the teachers provided at the Poarch Indian school, parents in the community organized a boycott of the school, keeping their children out of school for a month (Paredes 1972-74). The concern was with both the quality of the education and, apparently, a lack of discipline.

According to one of the leaders, Roberta Sells, "We all got together and decided that we wouldn't send our children to school. We felt that we didn't have to have the teachers we had (Paredes 1972-74)." Eventually the school superintendent, Weaver, met with them at the school and promised new teachers. He also promised a new, county-built school building. McGhee's suit, or at least his protest, appears also to have involved the request for the new building. New teachers were evidently provided almost immediately. By 1949, the school system had built a new school building and agreed to provide busing for the Indian children.

In 1950, an organization known as the Perdido Band of Friendly Creek Indians of Alabama and Northwest Florida was formed, to pursue the Creek claim before the Indian Claims Commission. The name reflects the local community, centered at Head of Perdido. The organizational meeting at the (Head of) Perdido Episcopal church, October 14, 1950, was to "form a band to take care of the Creek Indian Affairs (CNEM 1966)." About 300 to 400 people attended, "mostly just right around in the community with the different settlements from Huxford and Hog Fork and Poarch (Paredes 1972-4)." What was strictly a local impetus from the Poarch community quickly grew to a wider movement of Creek descendants throughout Alabama, Florida and Georgia, i.e., well beyond the community and beyond members of Poarch families living and working outside the local area.

Calvin McGhee was chosen chief because "he had a good personality and he believed in fighting for what he wanted. They just looked to him and he made them be that way because of the way he acted and how he worked after he became chief (Paredes 1972-4)." It does not appear that McGhee played much of a leadership role before the school protest, but came to the fore at that time.

A process of enrollment began almost immediately. Initially just a list in a register, it evolved into a much more complex process. There was a good deal of confusion on the part of many individuals signing up concerning whether they were there for the claims, or merely joining the organization.

The council that was set up had, on the advice of one of the lawyers advising them, Judge Ware, individuals from a broader base than the Poarch community itself. Ware

advised them they should have members from different families, and carrying different names. This was evidently intended to make them as broadly based as possible for the claim. The initial council consisted of the following from the Poarch community: Roberta Walker Sells, Leola Manac, Brooks Rolin, Claude Colbert, Kinzie McGhee and Dave Presley, as well as Calvin McGhee. Also elected were Ruby Weatherford from Bay Minette, Tom Weatherford, John Williams and Arthur Reed from Uriah, John Phillips from Robertsdale, and Julius Webb from Mobile. Arthur Reed, although not from a Poarch area family, was married to a local McGhee. Reed and Weatherford and perhaps others were known to Calvin McGhee and others at Poarch because of contacts in the 30's when various Poarch families were working in Monroe County. The new council included several of the leaders active in the school question just before, i.e., besides Calvin McGhee, Roberta Sells and Brooks Rolin.

Council members after the initial meeting were elected by the council when replacements were needed. Council membership required a strong commitment of time, use of vehicle, and, reportedly, expenditure of a lot of personal funds.

The organization and the Creek claim fit well into McGhee's drive for greater recognition for the Indians. He apparently saw it as one way of building up a base of support and recognition. One of his themes was seeking recognition that there was still a group of eastern Creeks, i.e., that they had not all gone to Oklahoma. The organization was not formed through any contact with the wider Indian world, but because a new teacher in the Indian school had heard about the claims process. One local lawyer working with the group had previously assisted the Choctaws in Mississippi and another had some Congressional experience relating to Indian matters.

In July 1951, on the advice of one of their lawyers, C. Lenoir Thompson, the name of the group was changed to the Creek Nation East of the Mississippi. The minutes record that it was changed "to our historical name to alleviate any confusions to our identity...(CNEM 1950-83)." This appears to refer to the issue of seeking recognition that there were still eastern Creeks.

A lot of McGhee's activity focused on influencing non-Indian opinion and governmental officials at all levels, building up a base of political support outside the community. This reverses the previous almost complete isolation of the community and established a "tradition" continued today. Several of the current leadership have worked extensively to maintain political relationships with other Indian groups and also to maintain links with Alabama politicians.

The broad enrollment in the organization created what Paredes (1976) has called a "dual constituency" i.e., the Poarch community, and the wider body of Creek descendants (as many as 7,000 eventually applied to the BIA for payment as eastern Creeks). The dual character of the organization created a kind of strain which became clear after McGhee died in 1970 and the claims were paid. There had already been a feeling that the council was too focused on the land claims question. This led the leaders from the Poarch community to gradually develop the council into a governing body for that community.

Local political processes were not at this point carried out by the council, but by McGhee and also others on the council who were from the local community, acting outside the council. Calvin Beale, reporting on his 1965 visit to the community, noted that "The chief of the group is Calvin W. McGhee. He is easily the dominant political and community leader of the Escambia County group, and has been so far many years."

One of the outgrowths of the kind of positive image and the personal relationships McGhee built up and was that he was able to "do things" for community members in need, i.e., intervene with the sheriff if needed, find a scholarship, etc. Beale noted several health and education programs from local agencies in operation in the community, evidently as a result of McGhee's actions. He also noted that around 1947 McGhee and others sought to have a sale of Indian land nullified. McGhee and several others were made trustees of the Indian school.

In 1966 and 1967, toward the end of the "claims" period, Calvin McGhee sought to bring younger generation members onto the council, reportedly with an eye to changes in what the council activities would be in the following period and transferring responsibilities. Added in 1966 and 1967 were Buford Rolin and Edward Leon Tullis, who have been major leaders of the group since at least 1970. Also added was Houston McGhee, Calvin's son, designated as successor to his father.

According to one member of the council at the time (Paredes 1972-4) land claims had been the sole purpose of the organization for 15 to 20 years. The older members of the council were tired of the work and used to looking to Calvin for leadership. With the death of Calvin McGhee in 1970 and the payment of the first Creek claim in 1972, there was a change in the philosophy of the council, who felt they could and should assume responsibility for things if they were to account themselves a representative body. The younger members only agreed to join with the agreement of McGhee that the organization ought to expand its goals to serve the community in a larger variety of ways (F.D.).

In 1971, CNEM was incorporated as a non-profit organization. The incorporation provided a vehicle for grants. It also provided for a process of election of members of the council as a board of directors. The stated aims in the articles of incorporation are provision of assistance in preserving culture, furtherance of education and, in connection with this, to develop a central meeting place all for the Creek Indians East of the Mississippi. In this same year, the council established an annual Thanksgiving Pow-wow or homecoming, at which an annual membership meeting was held. This has developed gradually into a major cultural event, attended by Indians from different parts of the country as well as many whites. It is a major fund-raising event for the group. It reportedly was started in response to the creation of a similar event by a rival group representing eastern Creek descendants, the Principal Creek Nation East of the Mississippi, at Florala (Paredes 1981). This post-1970 era also saw the founding of a variety of other organizations of Creek descendants in Florida, Alabama and Georgia. These were to some degree seen as rival to CNEM.

The philosophy at this point of the CNEM leadership, which was dominated by Poarch individuals, was to provide service to Creeks, no clear demarcation being made between providing services to the many Poarch families in Pensacola and other nearby areas, and the many other Creek descendants or claimants in these areas. Some kinds of grants and programs did not make such a distinction possible.

Strains from the dual constituency, and some differences of opinion among members of the council, became evident as the council's functions and programs expanded. The existence of the distinction between the Poarch community and the others was made clear, and the problems of the dual constituency were strongly underlined to council leaders from Poarch, in a 1973 meeting to decide the disposition of money from a second Creek claim, Docket 275. The conflict was over pooling the money for education and other group projects or making a per capita payment as had been done with Docket 21. Buford Rolin and other council leaders at the meeting were pushing for its use in such community projects (CNEM 1973).

Rolin said the fund should be set aside for "educational, social and other things we need in this area here in the community, and for Creeks all over..." It was clear that Poarch was seen by them as a center for maintaining Indian culture. Houston McGhee, then chief, said "this community right here in this school house has made suppers up for the money [the effort to win the claims] but I don't see too many of these faces out when supper was made to fight the case." This is a reference to the fund-raising efforts at Poarch to fund Calvin McGhee's many trips to Washington to push the claims case. Rolin said at one point, "we've yet to hear someone come forward from this community."

In the end the vote was for individual payments, but the experience reportedly caused a shift in the thinking of the Poarch leaders. Council composition had always had a majority from Poarch and apparently a larger effective majority because they were more geographically concentrated. In 1972, the ratio was still 9 Poarch to 5 other. In 1973 it was at least 13 to 4. By 1977, the entire council were from Poarch families, and almost all resident in the immediate area (CNEM n.d.). Reportedly, there was a conscious policy to replace retiring council members with people from Poarch families. A quick examination of the only available voting list, from an annual meeting, 1977, at which 213 voted, shows that at least 80 percent were from Poarch families, and predominantly resident in the Poarch area (CNEM 1977).

After 1971, the council gradually came to be seen in the community as a governing organization. One sign of this was objections from one or another of the hamlets that they weren't well represented and weren't getting their share, something that was raised as early as 1972. The council in this era included a number of different individuals with influence within all or part of the community, and it sought to enlist such as council members. Calvin McGhee had clearly and emotionally been the local group's leader, along with his wider roles. Gradually, after his death, the council as an organization took on that role.

Thus the CNEM council gradually and consciously narrowed itself down to the Poarch community and non-resident members derived from those families. It was not until 1979, however, that specific membership criteria were established and a roll created which defined who was eligible to vote.

Parallel to the "narrowing" of the council to Poarch and its gradual acceptance as a governing body, the organization evolved into one with a broader set of functions. A series of grants was awarded, beginning in 1971, which have continued to be the major source of income for the organization. The primary focus was on education, vocational training and other community services. By 1973, the council had a fairly elaborate structure of committees and programs, and a large staff, funded under a CETA program. In 1974, the council began efforts to gain eligibility for Federal services. In 1975, the council petitioned the Federal government for recognition of the Poarch Band of Creeks. It based its claim on the former trust land, i.e., the McGhee grants and an offer by the State of Alabama of the former school site as land to be taken in trust. Around 1978, the council began to use the dual names, Poarch Band of Creeks for the community and Creek Nation East of the Mississippi for the corporation, which is now viewed as the administrative arm of the band.

GENEALOGICAL REPORT ON THE POARCH BAND OF CREEKS

GENERAL CONCLUSIONS

The members of the Poarch Band of Creeks (hereinafter, PBC) descend from ancestors who were identified as Creek Indians. Identification has been in Federal, state, and local records and because the descendants of these early Creek ancestors have continued to live in the area surrounding modern Atmore for more than 150 years, their lives can be traced and documented in the official records of Baldwin, Escambia, and Monroe Counties in Alabama. Intermarriage between family lines has occurred to such an extent over the years that most members can trace their Indian ancestry to more than one of several early Creek ancestors.

The petitioner has submitted a governing document which describes its membership criteria and the procedures through which it currently governs its affairs and its members. The tribal council of the PBC, for administrative and legal purposes, is referred to under the name Creek Nation East of the Mississippi (hereinafter, CNEM). Although the council utilizes the CNEM name when acting for the PBC, it is nonetheless composed of enrolled PBC members who meet the eligibility requirements of descent and blood degree and have been duly elected by the tribe's members.

Members of the PBC are not enrolled in other North American Indian tribes and the PBC has not been the subject of legislation which has terminated or forbidden the Federal relationship. Based on the above conclusions, the Poarch Band of Creeks meets the requirements under Sections 83.7(d) through (g) of Title 25 of the Code of Federal Regulations.

83.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

The petitioner is currently operating and governing its members under bylaws adopted in November of 1982. Two sets of bylaws were available for review, however: one dated November 8, 1979 (CNEM(PBC) 1979); the other, which are the current bylaws, was adopted November 14, 1982 (CNEM(PBC) 1982). The tribal council of the Poarch Band of Creeks is identified, for administrative and legal purposes, under the name of Creek Nation East of the Mississippi, Inc. Eligibility for election to the tribal council is limited to enrolled members of the Poarch Band of Creeks who are 18 years of age or older.

The petitioner was incorporated as a non-profit corporation under the laws of the State of Alabama on August 27, 1971. Incorporation was under the administrative and legal name of the tribal council, i.e., CNEM (CNEM 1971).

The 1979 bylaws, submitted with the initial documented petition, were revised in 1982 to create the more restrictive bylaws under which they now operate. The significant differences which exist between these two documents are found in the area of eligibility requirements. Under the 1979 bylaws, there was no blood degree requirement and eligibility for membership was limited to persons who were identified as Indian on the source documents, or whom the tribal council knew to be Indian, and their direct descendants. The source documents identified were the Escambia County general

schedules and/or the Monroe County special Indian schedules of the 1900 Alabama Federal population census (Bureau of the Census 1900).

The 1982 revision of the bylaws instituted the following changes. It established a blood degree requirement for the first time. Second, it identified a third source document for use in determining eligibility—the general schedules of the 1870 Escambia County, Alabama, Federal population census (Bureau of Census 1870). Persons identified as Indian on any one of the three source documents were declared to be full-bloods. Living descendants of these individuals must be of 1/4 or more Creek Indian blood to be eligible for membership. The third and final change was the inclusion of a statement prohibiting dual enrollment, i.e., concurrent membership in more than one tribe.

Conclusion

The PBC has provided a current governing document which describes its membership criteria and the procedures by which it governs its affairs and its members. The Poarch Band of Creeks meets Section 83.7(d) of the regulations.

83.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

Membership Rolls - Past and Present

Two rolls of the PBC membership were available for review: the current roll, prepared as of October 25, 1982 (PBC 1982); and one former roll, dated June 1, 1979 (PBC/CNEM 1979), which is the basis of the 1982 roll.

The earlier roll (hereinafter, 1979 roll) was submitted with the initial petition. This roll contained the names of 1,298 members whose eligibility was based on the 1979 bylaws. Eligibility for membership at that time was contingent upon identification of the individual as Indian—or whom the tribal council knew to be Indian—on the Escambia County general schedules or the Monroe County special Indian schedules of the 1900 Alabama Federal population census and their direct descendants. The 1979 roll was officially closed to new members on June 1, 1979.

By the summer of 1982, over 700 active, pending applications had accumulated. Some applications were new, though others represented individuals who had previously applied but been unable to document their ancestry satisfactorily in time to be included in the 1979 roll. In August of 1982, a special meeting of the tribal council was called to review the 1979 membership criteria and discuss the possibility of reopening the tribal roll. Specific questions considered relating to membership included whether a blood degree requirement should be established and how to implement such a requirement; how to handle births and deaths on the roll; and whether dual membership (i.e., concurrent membership in more than one tribe) would be permitted. (CNEM Minutes 1950-1982)

The outcome of the special meeting was a tribal membership resolution which redefined the group's membership criteria (PBC(CNEM) 1982). This resolution ultimately became Article III (set forth below) of the revised bylaws adopted November 14, 1982 (CNEM (PBC) 1982).

ARTICLE III

Membership Criteria

Section 1. Eligibility.

Tribal membership of the Poarch Band of Creek Indians shall consist of:

- (a) All persons enumerated as Indian on the following official documents:
 - (1) 1870 U.S. Census of Escambia County, Alabama.
 - (2) 1900 U.S. Census of Escambia County, Alabama
 - (3) 1900 U.S. Special Indian Census of Monroe County, Alabama.

NOTE: For the purpose of computing blood quantum of their descendants (blood relatives) all Indians eligible under Section 1(a) are hereby declared as Full-Blood (4/4) Creek Indians.

- (b) All living descendants of those eligible under Section 1(a) of at least one-fourth (1/4) degree Creek blood, provided they are not enrolled as members of any other tribe, group or band of Indians.
- (c) All children of at least one-fourth (1/4) degree Creek Indian blood born to an enrolled member of the Poarch Band of Creek Indians.

Section 2. Adoption

The Tribal Council shall have the power to pass resolutions or ordinances governing future membership, adoptions or loss of membership.

Section 3. Requirements

- (a) All qualified Creek membership applicants shall submit a completed official enrollment application to the Tribal Council on a prescribed form titled "Application for Tribal Membership in the Poarch Band of Creek Indians," AND that such form be filed with the Tribal Council within the time specified by the governing body.
- (b) Applicant must provide the Tribal Council a completed genealogy (pedigree) chart with support documentation (birth certificates, marriage records, wills, affidavits, or other substantiating evidence of direct descendancy as claimed).
- (c) The Review Committee appointed by the Tribal Council shall review each membership application and support documentation to determine membership eligibility in accordance with established requirements. All evidence will be retained by the Poarch Band of Creek Indians.
- (d) Tribal membership shall become effective upon an affirmative vote of the majority of the Tribal Council. Any rejected applicant may appeal to a Grievance Committee which shall be appointed by the Tribal Chairman.
- (e) All applicants determined eligible for membership in the Poarch Band of Creek Indians shall be included on the tribal roll and shall be accorded all rights, privileges, and responsibilities prescribed in existing By-Laws of Creek Nation East of the Mississippi, Inc., administrative arm of the Poarch Band of Creek Indians.

The most significant change instituted by the resolution was the establishment of a 1/4 or more Creek Indian blood degree requirement for all living descendants of persons who were identified as Indian on one of the three official source documents. The official documents to be used as the basis for determining an individual's eligibility and calculating the required blood degree were those cited in the 1979 bylaws plus a third document, the 1870 Escambia County, Alabama, Federal population census. Concurrent enrollment in another "tribe, group, or band" was officially prohibited.

In conjunction with the adoption of the new membership resolution, the council directed the staff to publish notices in the local newspaper defining the newly adopted criteria and indicating that the PBC roll would be reopened and new applications accepted until October 1, 1982. All qualified Creek applicants were urged to apply by completing an official membership application on the prescribed form within the time specified. Each applicant was required to provide a completed ancestry chart and such supporting documentation (birth certificates, marriage records, wills, affidavits, and other substantiating evidence) as was needed to establish their descendancy from the Creek ancestor being claimed. (CNEM Minutes 1950-82)

A review committee was appointed to screen the applications of all persons on the PBC's 1979 roll plus all active, pending applications (approximately 700) received since June 1, 1979, which had been the cut-off date for the 1979 roll. The eight-member committee included six PBC members (the CNEM chairman, vice chairman, treasurer, two council members, and the genealogist/archivist) and two non-members from the CNEM staff (the executive director and the tribal planner). The CNEM's vice chairman was designated to serve as chairman of the review committee. The committee was charged with applying the newly adopted criteria equally to each applicant and maintaining the confidentiality of the files. The committee was directed to meet each evening until every file had been reviewed and report on actions taken at the November 14 council meeting. (CNEM Minutes 1950-82)

The committee's review produced the second and current roll of the PBC, dated "as of October 25, 1982" (hereinafter, 1982 roll). This roll is essentially the 1979 roll from which 273 members were deleted and 445 new members were added to bring the total current membership for acknowledgment purposes to 1,470.

The new members added were relatives of existing family lines already present in the PBC membership and represented persons who had not provided the necessary documentation in 1979. The 273 names removed from the 1979 roll included 249 members who were determined to have less than 1/4 degree Creek Indian blood and/or could not satisfactorily document their ancestry; six members who had requested removal; one who held membership in a recognized tribe; and 17 who were deceased (Drew 1982).

No correlation could be found between persons removed or added and their addresses. Of the persons removed from the 1979 roll, 80 percent were from Alabama and Florida with virtually all from Escambia County, Alabama, (in which Atmore is located) and adjacent or nearby counties in Alabama (Monroe, Baldwin, Mobile) and Florida (Escambia, Santa Rosa, Okaloosa). Seventy-six percent of the total members added were from Escambia and the same adjoining or nearby counties in Alabama and Florida.

Persons added appear to be immediate relations of existing members who previously had not provided the necessary documentation to establish their eligibility or had not formally applied for membership. This supports a conclusion that the 1982 revisions were in fact

a result of the reevaluation under new criteria and not part of a larger process to expand the membership beyond the bounds of the present community.

A geographical analysis of member addresses shows the group's membership as a whole to be largely concentrated in Atmore and the surrounding or nearby counties in Alabama and Florida.

Distribution of PBC Membership

Alabama & Florida		87%
AL	(Counties of Escambia*, Baldwin, and Monroe)	65%
	Elsewhere in Alabama	2
FL	(Counties of Escambia, Okaloosa, and Santa Rosa)	19
	Elsewhere in Florida	1
Other than Alabama & Florida		12
Addresses unknown		<u>1</u>
		100%

* 51% reside in Atmore (Escambia) AL

In response to a question regarding potential additions to the tribal roll, the chairman stated:

Those individuals not on the Tribal Roll of the Poarch Band of Creek Indians, but who may be eligible if an application was submitted will not exceed 200 persons. (Emphasis added)

Further, a breakdown of this estimated 200 individuals is as follows: (1) An approximate 90 persons are known Creek Indians and eligible in accordance with established criteria, but who have not submitted an application; and (2) An estimated 110 Creeks may be eligible within the tribal service area (50-mile radius) but for various reasons have not submitted an application. (Tullis 1983)

In at least one case, an active member of the PBC community did apply and qualify but was inadvertently omitted when the 1982 roll was prepared.

Evaluation under their Membership Criteria

Membership criteria, adopted in November 1982, state that the tribal membership of the PBC shall consist of all persons who were identified as Indian on one of the three official source documents and their living, direct descendants (blood relations) who are of 1/4 or more Creek Indian blood. The official documents to be used are Federal population census schedules of Alabama, specifically the 1870 and 1900 general schedules of Escambia County, and the 1900 special Indian schedules of Monroe County. For the

purposes of computing the degree of Indian blood, all persons listed as Indian on these source documents are determined to be full-bloods.

The members and ancestors of the PBC have lived in the area surrounding modern Atmore for approximately 150 years. Their lives and the lives of their ancestors are well documented in Federal, state, and local records. Family lines which are present in the current community are lines that have been there for generations. These families can be readily identified in the census records being used as source documents as well as in other census records which are extant for the counties of Baldwin (formed in 1809), Monroe (formed in 1815), and Escambia (formed in 1868 from Baldwin and Conecuh Counties) from 1850 through 1910. (Note: The 1850 census was the first schedule to list all members of a household by name. The 1880 census was the first to include the individual's relationship to the head of the household. The identification of individual families is necessarily less accurate and not as reliable prior to 1850 since only the head of the household was listed with numbers of males and females living in the household. (Bureau of Census 1979))

In most cases, individual members and/or their direct line ancestors can be readily identified as Indian on the designated source documents. In a few instances where the ancestor was not identified as Indian on the source document (census schedule), the council appears to have exercised its prior authority to declare the individual a full-blood based on other substantiating evidence. The authority to confer full-blood status on persons not identified as Indian on the source documents (i.e., "...who the Tribal Council knows to be Indian...") was spelled out in the 1979 bylaws, but was omitted from the 1982 revision. The council appears nonetheless to have taken great care to document these cases thoroughly with other existing evidence.

One such example of the council's action concerns a family whose children (born between 1848 and approximately 1870) were identified variously as Indian and non-Indian. In the 1870 source document the children appear as non-Indians and their mother as Indian. In the 1880 census—not a source document—both the children and their mother show up as non-Indians (Bureau of the Census 1880). In the 1900 source document, all female children (then adults) were enumerated as Indian, while the males show up as non-Indians. In 1910—again not a source document—the only male located was enumerated as Indian (Bureau of the Census 1910). "Indian" as a racial category was not listed as an alternative in the instructions published for census enumerators until 1870 (Bureau of the Census 1979). In the case discussed above, the tribal council credited the male children of the family with full-blood status based on information taken from other census schedules that were not source documents and on corroborating evidence of their sibling relationships to the females who had been identified as Indian on the 1900 census source document.

The establishment of a blood degree requirement in 1982 necessitated a reevaluation of the 1979 roll under the new criteria. This reevaluation ultimately led to the removal of 273 previous members: 249 who were determined to be of less than 1/4 Creek Indian blood and/or could not document their ancestry satisfactorily; six who requested removal; one who was an enrolled member in another recognized tribe; and 17 who were deceased. As was reported earlier, no correlation could be found between persons removed and their addresses. The reevaluation under the new criteria and the reopening of the roll also provided the council with an opportunity to review the more than 700 active, pending applications on file and, from that number, to add 445 new members.

In spite of the 1982 additions and deletions, the composition of the membership is essentially the same as it was in 1979. All of the same basic family lines are still

present and the geographical distribution of the membership as a whole is virtually unchanged. This is not unexpected, however, since more than 1,000 of the group's members appear on both the 1979 and the 1982 rolls.

The bylaws require the individual applicant to document thoroughly his descent from one of the three source documents. Based on BFA's review of materials contained in the PBC archives, it is clear that careful attention has been paid to documentation and the evaluation of it as evidence. Available documentation of a member's ancestry is likely to include photocopies of birth, death and/or marriage records, wills, deeds, church and/or school records, funeral records, citations to census records, newspaper clippings, as well as other published and unpublished materials which can be used to verify and corroborate information found on the individual's ancestry chart.

Independent research was also conducted by the BFA genealogist in the appropriate Federal and local repositories. This research produced no genealogical evidence to the contrary thus substantiating earlier findings based on a review of tribal archives.

In an effort to verify blood degree information provided on the 1982 PBC roll, the BFA calculated and compared blood degrees at random. BFA calculations were made using the same presumption used by the tribe (i.e., that persons identified as Indian on the source documents were full-bloods) and were based simply on the presence of a member's ancestor(s) on one or the other of the source documents and not on specific evidence provided by the members. Where calculations did not agree with blood degrees reported, BFA calculations usually showed a higher degree of Indian blood. This was generally due to the specific member's failure to provide the council with the additional evidence needed to credit the member with Indian blood from more than one ancestor. In a few instances it was simply a miscalculation. While many of the PBC members can trace to more than one ancestor on the designated source documents, the membership criteria do not require them to do so unless it's necessary for blood degree computation purposes.

An analysis was made of the blood degree information reported on the 1982 PBC membership roll with the following result:

Membership by Degree of Indian Blood

<u>Degree of Indian Blood</u>	<u>Percent of PBC Membership</u>	
Full-blood (4/4)	6%	} 45% have 1/2 or higher blood degree
3/4, but less than 4/4	14	
1/2, but less than 3/4	25	} 98% meet minimum 1/4 blood degree requirement
1/4, but less than 1/2	53	
Less than 1/4	2	
	<u>100%</u>	

Evidence of Creek Indian Ancestry

The source documents cited in the bylaws do not in themselves identify persons enumerated as Indian by tribe; therefore, some discussion must be given to what evidence is available to establish their ancestry as Creek.

Relief Acts and Depredation Claims

Virtually all of the members of the PBC can trace their Creek Indian ancestry to one or more of several early Federal sources recognized as being Creek:

- 1) Claims of Friendly Creek Indians paid under the act of March 3, 1817 (H.R. Doc. 200, 20:1, 1828);
- 2) An Act for the Relief of Samuel Smith, Lynn MacGhee, and Semoice, friendly Creek Indians, July 2, 1836 (6 Stat. 677);
- 3) An Act for the Relief of Susan Marlow, July 2, 1836 (6 Stat. 678);
- 4) An Act to amend an act approved the second of July, 1836, for the relief of Samuel Smith, Linn McGhee, and Semoice, Creek Indians; and, also, an act passed the second July, 1836, for the relief of Susan Marlow, March 2, 1837 (6 Stat. 689); or,
- 5) An Act for the Relief of the Heirs of Semoice, a friendly Creek Indian, August 16, 1852 (10 Stat. 735).

Depending on their age, current members are as close as three generations and as far as seven and possibly eight generations from the Creeks identified in items 1 through 5, above.

Intermarriage between family lines present within the group has occurred to such an extent over the last 150 years that familial relationships within the community today are extremely intertwined. It is impossible to estimate the number of members who can trace to each family line or to each early Creek ancestor.

Fourteen family tree charts were developed by the staff in order to understand and visualize the interrelationships between individual families present in the 1920's. Each tree chart was labeled by one or more of the primary (recurring) surnames common to Poarch Creek families found on the chart: McGhee, Rolin, Walker, Presley, Gibson, Daughtry, Colbert/Sizemore, Jackson, Madison/Deas/Semoice, Woods, Hathcock/Hollinger, Steadham, Rackard, Moniac. Twenty-four surnames that occur frequently throughout the group's history were identified including, in addition to the surnames used on the charts noted above, the names Sells, Hinson, Horsford, Adams, Weatherford, and Marlow. Surnames suggest the complexity of the problem and the degree to which intermarriage has occurred. A rough and very conservative estimate of the degree to which family lines have intermarried by the 1920's can be seen by simply counting different surnames when they first marry into the family line tree chart. Seven of the 14 family tree charts include at least 7 of the 24 different surnames common to Poarch families. Although one chart showed that 16 other surnames had intermarried, the average number of initial intermarriages ranged between 6 and 7.

The above estimates are very conservative for several reasons:

- 1) The surname was counted only once (the first time it married in) though several individuals by the same surname from within the community may have married into that particular chart; and,
- 2) When a female married in, only her maiden surname was counted representing her father's side of the family. No effort was made to identify or count her mother's maiden name which might well have represented another and different surname. If grandparents had been included the numbers would have expanded even further. The extent to which these families have intermarried and continue to do so, from a genealogical point of view, indicates a high degree of social contact has existed and continues to this day.

Descendancy Rolls

Two other more recent Federal sources are available which identify PBC members as eastern Creek descendants, namely two descendancy rolls prepared by the Bureau of Indian Affairs to distribute judgment funds awarded to Creeks under Indian Claims Commission (ICC) Dockets 21 and 275.

The earliest award, made under Docket 21 (Department of the Interior n.d.), was to Creeks, and/or their lineal descendants, who were members of the Creek Nation as it existed in 1814, who were alive on the date of the Act, September 21, 1968 (82 Stat. 855). Of the 41,478 persons who shared, 34,216 were Oklahoma Creek descendants; 7,262 were descendants of Creeks who remained in the East. Eighty-one percent of the eastern Creek descendants on this roll traced their ancestry to the claims of friendly Creeks; 17 percent to census and other records. (Department of the Interior 1972)

The second roll, which is still in draft form pending the resolution of appeals, was prepared under the Act of October 19, 1973 (87 Stat. 466) to distribute additional funds awarded under Docket 275 (Department of the Interior 1983). This roll contains the names of the 12,454 Creek descendants (Oklahoma and eastern) who were alive on June 15, 1978. The roll includes persons who were listed on the 1968 roll and persons who filed timely applications and established that they were the children of persons who appeared on the 1968 roll and were not enrolled at that time although they met the requirements for enrollment. Children of persons who were eligible but not enrolled under Docket 21 were also eligible to be enrolled under Docket 275.

In order to share in these ICC awards, the individual had to establish that his name or the name of this lineal (i.e., direct line) ancestor appeared on any of the available census rolls or other records acceptable to the Secretary. These records had to identify the person as a Creek Indian. Records which were acceptable included documents or records in the archives of the states or counties or in the courthouses thereof. Examples of acceptable records included the following:

- 1) Claims of Friendly Creek Indians paid under the act of March 3, 1817 (H.R. Doc. 200, 20:1, 1828);
- 2) Census of the Creek Nation, 1833, made pursuant to article 2 of the treaty concluded March 24, 1832 (Senate Doc. 512, 1835, Emigration Correspondence, 1831-33, pp. 239-395);
- 3) Land Location Registers of Creek Indian Lands, made pursuant to the treaty of March 25, 1932;
- 4) Any emigration or Muster Rolls of Creek Indians;
- 5) Any lists of Self-emigrant Creek Claimants (including those contained in Senate Ex. Doc. 198, 50:1, 1888, and H.R. Ex. Doc. 238; 51:2, 1891).

The burden of proof rested with the applicant filing the claim. Documentary evidence such as birth certificates, baptismal records, marriage records, death certificates, copies of probate findings or affidavits were required to support an applicant's claim for enrollment. (Office of the Federal Register 1976 and 1983)

Seventy-two percent of the PBC's 1,470 members shared or will share in the judgment distributions made under Dockets 21 and 275. Four percent of the group's members were not yet born by the most recent cutoff date (June 15, 1978 for Dkt. 275) and,

therefore, were not eligible to share. Eighteen percent, who were alive on the June 1978 date, could not be identified on the judgment rolls. These people may not have applied, may have applied and been rejected, or may possibly have been accepted under another surname. The balance (6 percent) of the PBC membership were rejected. No effort was made to determine why they were rejected.

Other Evidence of Descent

Guion Miller Eastern Cherokee Applications, 1906/07

Another Federal source frequently cited as documentation of descent was the enrollment applications submitted for an Eastern Cherokee judgment awarded by the U.S. Court of Claims (Miller 1906-09). These applications were submitted to the Guion Miller Commission in 1906 and -07 by persons wishing to share in the claims award to be paid. All of the applications cited by the PBC were ones which had been rejected by the Commission because they were not Cherokee and, therefore, were not eligible to share in the award. Many of the rejected applications were filed by current members and ancestors of the PBC who were, by and large, residing in Atmore or surrounding areas at that time.

The rejected applications utilized had been identified as "Eastern Creek" by the Commission based on statements made by the applicant that his Indian name was Hollinger or McGhee (Creek names) but not on proof that the individual was Creek. The Commission's decision to reject the application, therefore, was based on the fact that the applicant was not Cherokee—not that he was Creek (Miller 1909). For this reason, the Eastern Cherokee applications have been utilized and relied upon by the BFA genealogist to verify familial relationships but not for the purpose of establishing Creek ancestry.

U.S. Federal Population Censuses

Federal population schedules for Baldwin and Monroe Counties, Alabama, for the years 1850 through 1910 and for 1870 through 1910 for Escambia County (which was formed from parts of Baldwin and Conecuh in 1868) were particularly useful in verifying relationships set forth on individual ancestry charts. Although identification of Indians as a separate race in the Federal schedules did not officially begin until 1870, the enumerators in Baldwin and Monroe Counties had enumerated some ancestors of the PBC as Indian as early as 1860. Ancestors of the current group can be traced for several generations using these census schedules. The PBC uses only three of these schedules (1870 and 1900 general schedules of Escambia County, Alabama, and the 1900 special Indian schedules of Monroe County, Alabama) as source documents for establishing membership eligibility and computing blood degrees. Individuals who are identified as Indian on these schedules are considered to be full-bloods. Persons who can establish a valid sibling relationship to the full-blood on the source document may be given credit as a full-blood by the council.

Although the petitioner has selected only three of the available Federal census schedules covering the late 1800's community, other schedules do exist which can be used to corroborate familial relationships and Indian ancestry. Some of the progenitors of these early families appear to be present in the area as heads of households in years prior to 1850. An entirely reliable identification, however, cannot be made since 1850 was the first year in which all persons living in a household were enumerated by name and 1880 was the first year in which relationships within the household were identified.

Church Records

Church registers of the St. Anna's Indian Mission at Poarch (St. Anna's Indian Mission 1929-50), a mission church of the Trinity Episcopal Church in Atmore, provide a valuable

record of the baptism of children born to members of the Indian community. In addition to the date baptized, the record also includes the date of birth, and the names of parents and sponsors. Notations of individuals as "Indian" appeared into the mid 1930's.

Indian Survey

A survey of the Indians of the Poarch community was taken in the early 1930's by Anna E. Macy for St. Anna's Indian Mission. This survey lists individuals present in each household with an approximate age and often some indication of relationships to other members of the Indian community, i.e., "Richard Walker's dau.," "died '35," "Will's son," "Unmarried," etc. The survey is divided into several communities under the headings of St. Anna's Poarch, Perdido Hills; St. John's-in-the-Wilderness, Poarch Switch; Bell Creek (Old Baptist Congregation); Huxford; Nokomis; and a final category entitled "Scattered" which includes scattered households in Alabama and Florida. (Macy 1931-36)

Local Records

Numerous other local records were utilized in the genealogical research process and were particularly valuable in establishing familial relationships. The pre-1900 marriage records, as well as the probate and land records of the counties of Baldwin (formed in 1809), Monroe (1815), and Escambia (1868 from Baldwin and Conecuh), Alabama, contain a wealth of evidence since PBC members and their ancestors have lived in Atmore and nearby communities for approximately 150 years. Many of the early ancestors of the PBC obtained land in the 1800's. Land transactions and probate records involving the distribution of these lands and other properties have created much documentation. In many instances other members of the Indian community can be identified as witnesses to acts being recorded.

Conclusion

The Poarch Band of Creeks meets its established membership criteria for the following reasons:

- 1) The lineal ancestors (direct line, blood relations) of the current PBC membership can be identified as Indian on the group's cited source documents or can be established as Indian through the use of other valid evidence of sibling relationships to someone who is identified as Indian.
- 2) Based on BFA research, applications accepted by the tribal council for enrollment in the PBC appear to be documented thoroughly by valid evidence of descent.
- 3) Virtually all of the current members can trace their ancestry to one or more ancestors who have been identified as Creek in official records which are acceptable to the Secretary.
- 4) Seventy-two percent of the PBC membership have shared in judgment awards made to Eastern Creek Indians under ICC Dockets 21 and 275 and can be found on judgment distribution rolls prepared by the Bureau of Indian Affairs based on documentary evidence of their descent. (An additional four percent were not eligible to share in either award based on their date of birth.)
- 5) Ninety-eight percent of the PBC members, according to the stringent blood degree computations of the tribal council, appear to meet the group's 1/4 Creek Indian blood degree requirement.
- 6) BFA's independent genealogical research in Federal and local repositories turned up no evidence to conflict with information provided by the petitioner.

Therefore, the Poarch Band of Creeks meets Section 83.7(e) of the regulations.

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

Under current bylaws, adopted in November 1982, persons who are enrolled "members of any other tribe, group or band of Indians" are not eligible for enrollment in the Poarch Band of Creek Indians. Although this prohibition is a recent addition to their bylaws, it does not appear to have ever been a significant problem. When the 1979 roll was reevaluated under the 1982 criteria, only one previous member is known to have been removed because of dual enrollment, i.e., concurrent enrollment in another tribe.

Membership in the Muscogee (Creek) Nation of Oklahoma has not been an option which was open to members of the PBC since membership in the Oklahoma tribe is limited to Muscogee Creek Indians who appear on the final rolls or their lineal descendants. The final rolls being those rolls of Creeks who emigrated to Oklahoma in the mid-1800's and which were approved by an Act of Congress on April 26, 1906 (34 Stat. 137). (Muscogee (Creek) Nation 1979)

The petitioner states that the PBC is a separate entity from the Creek Nation of Oklahoma and that "all of the current members of the PBC are descendants of the original Creek Nation who remained in Oklahoma after the 'Removal Era'...(Pet., p. 96)" Similarly the Muscogee (Creek) Nation of Oklahoma has supported the PBC petition for Federal acknowledgment recognizing that the PBC is "a distinct and separate band of Muscogee (Creek) Indians" and has been "since on or about March 24, 1832" (Muscogee (Creek) Nation, Ordinance NCA 83-31, 1983). Under the Oklahoma tribe's 1979 constitution, PBC members are not entitled to enroll or receive benefits as citizens of the Muscogee Nation. The Muscogee Nation formally established a government-to-government relationship with the Poarch Band of Creek Indians in Atmore by a resolution of the Muscogee (Creek) National Council on July 30, 1983 (Muscogee (Creek) Nation, Ordinance NCA 83-32, 1983).

There appears to be some overlap, though minimal, between the membership of the PBC and other unacknowledged Eastern Creek petitioners.

Conclusion

The Poarch Band of Creeks meets Section 83.7(f) of the regulations.

83.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The Poarch Band of Creeks does not appear on the current list of "Indian Tribes Terminated from Federal Supervision" prepared by the Bureau of Indian Affairs under any of the names by which it may have been known. The PBC has not been the subject of Congressional legislation which has expressly terminated or forbidden a previous Federal relationship.

Conclusion

The Poarch Band of Creeks meets Section 83.7(g) of the regulations.

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Field Data (F.D.)

n.d. Research was conducted in the Poarch community and neighboring areas of Escambia and Monroe County, Alabama, and Pensacola, Florida between May 31 and June 9, 1983, for the purpose of verifying and adding to the information submitted in the petition.

