

THE CRUCIAL YEAR ON THE GEORGIA FRONTIER: 1763

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The year 1763 was crucial in shaping Georgia's colonial history because in that year the traders' frontier began to give way to the settlers' frontier. Ironically, the traders were instrumental in formulating the policies which made that change possible. Historians who have dealt with the Congress of Augusta in 1763 have not noticed the part the traders played in the negotiations.

Before 1763 the Augusta-based merchant-traders controlled the backcountry as if it were their fiefdom, drawing upon their heads the criticism of the superintendent of Indians, Edmond Atkin, and arousing the jealousy of the merchants of Savannah. These veterans of the trade were enormously influential as the link between the still powerful tribes of the west and the authorities who made British policy. The traders tutored a succession of South Carolina and Georgia governors in the complexities of Indian relations. Their warnings that the murder of two Indians by white trespassers near the Ogeechee River in 1756 brought a thousand troops to Charlestown. Their exaggerated description of the perils that would attend an overland invasion of the French forts in the Creek country discouraged the great William Pitt from undertaking such an adventure. Their influence helped preserve the loyalty of the Creeks during the terrible winter of 1759 and 1760 when the Cherokees took to the warpath. Finally, they brought the Creeks to the bargaining ground at Augusta in 1763.

Henry Ellis, Georgia's second royal governor, reflected the traders' viewpoint in his successful Indian policy. Given the reality of the comparative strength of the Creeks and the weakness of Georgia, Ellis regarded white trespassers as a threat to the peace. Because the Indians were satisfied with the conduct of the trade, Ellis opposed the interference of the officious superintendent, Edmond Atkin. After he left Georgia to become an adviser to Lord Egremont, secretary for the colonies, Ellis was in a position to influence royal policy. Two of his papers had a direct bearing on the Indian frontier and to Georgia's future. In one, Ellis recommended the establishment of a boundary between the Indian country and areas open to white settlement. In the other, he suggested holding an Indian conference at Augusta. The purpose of the meeting would be to inform the Indians that the French had been banished because of their deceitful lies about the English wanting to take their land. If the English decided to retain the French forts it would be for the Indians' protection, not oppression. All injuries would be forgiven and the trade would be preserved.¹

Both of Ellis's suggestions were adopted by Egremont. The first became the basis for the royal proclamation of October 7, 1763, forbidding settlement west of the Appalachian watershed. The second resulted in

instructions to the governors of Virginia, North Carolina and South Carolina, and to John Stuart, the superintendent, to hold a conference at Augusta for the purposes mentioned by Ellis. The governors did not know about the proclamation line as they made their way to Augusta.

For John Stuart, whose appointment as Indian superintendent dated from January 5, 1762, the Augusta meeting was the first major undertaking. It was his job to coordinate the conference and distribute the presents. Although he knew the Cherokees well, he was handicapped by a lack of familiarity with the Indians of the West, the Creeks, Chickasaws and Choctaws. However, he could count on the advice of the experienced Indian traders at Augusta. Stuart realized that the new situation would affect the Georgia trade. Georgia enjoyed primacy in the Creek trade because of the proximity to that nation. The profits to be made had attracted men of character and ability, men who were an asset to England in its contest with the French and Spanish. Now, with French Mobile and Spanish Pensacola in English hands, Augusta would have competition for control of the trade. There was the danger of a glut of traders and less reason for them to treat the Indians fairly. Stuart asked General Jeffery Amherst for authority to grant licenses and limit the number of traders.² The general's answer reflected a misguided idealism: "I have always considered everything of that kind as inconsistent with the freedom and liberty that ought to be indulged to every British subject."³ Unfortunately, with the two new provinces in Florida, there would be six southern governors in the licensing business, and Stuart would be helpless either to limit the number or to prevent abuses.

Considering the circumstances, it is surprising that the Augusta Congress took place at all. The French, with their American empire on the verge of dissolution, were still capable of bedeviling the English. Pontiac did their work in the north. An Upper Creek chief called The Mortar was their agent in the south. At least both the French and the English were convinced the Mortar was under the influence of the French, and perhaps he was. On April 5, 1763, he sent a strong "talk" to Governor James Wright stating that the Savannah River was the right and proper boundary between the English and the Indians. The whites, he stated, were trespassing upon the Creek hunting grounds and as a result there were no deer, bear, or buffalo to hunt. He demanded that the governor remove these intruders, whom he called "Virginians."⁴ The Mortar's warning was echoed by another powerful chief, the Gun Merchant, who told Governor Wright that he had heard that the English intended to take Indian lands and reminded the governor that "it made their hearts cross to see their Lands taken without their Liberty." They loved their land, he said, "the wood is our fire, and the grass is our bed."⁵

A more serious impediment was a sudden rash of killings. In October,

on the eve of the Augusta meeting, three traders were murdered. South Carolina Governor Thomas Boone favored stern retaliatory measures, but Georgia's James Wright preferred Ellis's earlier policy of blaming an errant few, not the whole Indian nation. The Mortar warned the other chiefs not to go to Augusta; the English would take them hostage as they had done to the Cherokees in the recent war. As a result, the principal headmen among the Upper Creeks stayed away from Augusta.⁶

The factionalism among the Indians had a counterpart in the bickering among the governors, who were as jealous of their prerogatives as any Indian chief. On October 4, 1763, Francis Fauquier of Virginia, Arthur Dobbs of North Carolina, and Thomas Boone of South Carolina met together in Charlestown and decided that they would rather not go to Augusta. Besides all the inconveniences of getting there, they could not put the Indians under guard in "so straggling and ill-settled a place as Augusta."⁷

Governor Wright took umbrage at this slight to Georgia's second town. Although not as elegant as Charlestown, Augusta "affords sufficient houses, plenty of provisions and accommodations of every kind," he said. Perhaps they had been misinformed about Augusta, answered the three governors. Even so, they did not want to go there. Besides, they argued, Wright was overly concerned about the Creeks. The governors doubted that the Creeks would dare show their faces at the conference. Wright's reply betrayed a growing testiness. He was concerned about the Creeks for the good and sufficient reason that Georgia would be devastated if they went on the warpath, a prospect the other governors did not face. Given the mood of the Creeks, Wright doubted that they could be made to go to Charlestown, and, if they would not, he would meet them in Augusta, even if he had to go there alone. The reluctant trio said that the Creeks might not like to follow orders, but they should not be indulged. The debate ended when John Stuart informed the governors that the Upper Creeks had indeed come to Augusta and they were adamant that they would not go one step farther. Their reason was that they much preferred a straggling town in which they were safe to a comfortable one in which they would be put under guard. The Indians were annoyed that the governors were not at Augusta and said they would give them ten days to get there.⁸

The governors had no choice but to go to Augusta. Although they had no reason to expect to gain anything by a conference, they did not want to be held responsible by London for causing a failure. They sent a conciliatory message to the Indians through John Stuart. He was to assure them that the governors had no thought of taking any land from them; "No such intention is harboured in the breast of any of us," they said.⁹

The Augusta traders acted as hosts to the Indian visitors. George Dalphin, who had lived for years at Coweta town, invited the Lower Creek

headmen to be guests at his plantation at Silver Bluff, on the Carolina side of the river below Augusta, while waiting for the Congress to start. On October 20, Governor Wright and a number of gentlemen left Savannah, escorted by Captain Lachlan McGillivray's mounted militia. They reached Augusta two days later. McGillivray was as influential among the Upper Creeks, having lived at Little Tallassee on the Coosa River, as Galphin was among the Lower Creeks. McGillivray maintained a trading house above Augusta where the Cherokee trail from the north met the Creek trail from the west and entertained his old friends there. The most important delegate, in the absence of the suspicious older chiefs, was Emistisiguo, a headman of McGillivray's former village, Little Tallassee. For Emistisiguo as for John Stuart, the Augusta Congress was a debut upon the stage of diplomacy. Because the laggard dignitaries did not reach Augusta until November 3, 1763, the traders had ten days to confer with the Indian visitors at Galphin's and McGillivray's. The most important business of the Augusta Congress was accomplished in these comfortable sessions marked by pipesmoking, rum drinking, and interminable talks of the sort that the Indians lived, the traders understood, and the governors found tedious.¹⁰

On November 3, 1763, when the three governors finally reached Augusta, there was a throng of nearly 900 Indians in town, of whom about 700 were men. With due solemnity and to the discharge of Fort Augusta's cannon, the governors announced that the talks would begin. They were astonished when the Upper Creeks asked for a delay of one day while they consulted with the Lower Creeks. The governors could not understand the Indians' actions since the latter were merely supposed to listen to a routine ritual of platitudes. Specifically, the governors did not realize that the traders and Indians had finished the real negotiations before the conference started.¹¹

John Stuart's opening talk on behalf of the governors on November 5 was rich with the usual rhetoric. The French and Spanish were bad people and had been made to leave the country. Past offenses were buried in oblivion, he said, thus giving away a negotiating point if he had negotiations in mind. The former French forts would be occupied only for the convenience of the Indians, not for oppressing them. Point by point, Stuart followed Egremont's suggestions. After the Chickasaws chief Paya Mataha made a modest request to limit the number of traders in his country, the Lower Creek chief Telletcher rose to speak. His announcement must have come as a surprise to the governors. He said that the Creeks were willing to give away a huge tract of their hunting ground. He then proceeded to describe in detail where the new boundaries would be: along the Little River, a specified line to the Ogeechee, down the Ogeechee and another line to the Altamaha. The boundary line at Pensacola would follow the tidewater. What did the Creeks want in return for their major concession? Only that past misdeeds would be forgiven and trade be conducted

as before. Stuart had already agreed to that, without a *quid pro quo*. The governors asked for a day off to consider the dramatic proposal.¹²

It is clear that the agreement was reached before the governors arrived and probably without John Stuart's mediation. The Indians were well briefed on the exact location of the convoluted boundary line. Stuart asked them twice if they knew where the line was to be drawn, and twice they assured him that they did. In fact, they knew in clear and accurate detail, thus the Indians did not negotiate with Stuart; they handed him a *fait accompli*. They had reached the agreement with white men whom they trusted and who knew the country in as accurate detail as they did themselves. The conclusion is inescapable that Lachlan McGillivray and George Galphin were the effective parties of the second part to the compact. Emistisiguo later referred to McGillivray's discussions of the boundary line at the Augusta meeting. When the line was actually marked, McGillivray and Galphin accompanied the surveying team in order to assure the Indians that the line ran true.¹³

The pedantry of the official language of the final treaty conceals the satisfaction the governors must have felt in being handed an unexpected bonus by the Creeks. Other boundaries were quickly agreed to by the Cherokees and Catawbas. The two nervous Choctaw delegates, uneasy among so many former enemies, were promised a supply of goods. The Chickasaws were told to keep unwelcome traders out of their country; the governors could not. The treaty was signed and the guns of the fort fired a salute of celebration.¹⁴

The satisfaction of the governors was tempered by a nagging doubt that the absent Upper Creeks would go along with the terms of the agreement. Emistisiguo and the Upper Creek chiefs present at Augusta had declined to sign until they secured the consent of their great men. After the governors left Augusta, John Stuart distributed presents to 312 Cherokees, 305 Creeks, 45 Upper Chickasaws, 113 Lower Chickasaws, 69 Catawbas, and two Choctaws for a total of 846. Among the goods distributed were strouds (a heavy wool cloth), duffles, vermilion, shirts, guns, powder, balls, calico, hoes, hatchets, brass pans, great coats, gun flints, belts, looking glasses, garters, trunks, gunlocks, saddles, bridles, stirrup leather, and cutlery. The Indians left Augusta "with all the marks of contentment and good humor," as Stuart put it.¹⁵

Some Creeks who had lived in the Cherokee country tried to spoil the treaty by attacking whites in the Long Cane region of South Carolina. Again Wright persuaded Boone of South Carolina to avoid retaliation.¹⁶ His patience was rewarded when the Upper Creeks held their conference on April 10, 1764, with British traders present. It was a mark of Emistisiguo's growing influence that he was the spokesman for the Nation and not The Mortar or the Gun Merchant. All the headmen were now present, said the Chief, and he wanted the governors to know that they would abide by the Augusta treaty "providing

you keep your slaves and your cattle within those bounds."¹⁷

Emistisiguo must be regarded as one of the major architects of the Augusta agreement. His influence increased because of his determination to abide by the treaty; the Mortar's influence declined with the removal of the French. Governor Wright and John Stuart played important roles at Augusta, the other three governors added little but dignity to the occasion. The intervention of the traders, especially Lachlan McGillivray and George Galphin, was of crucial importance in bringing the Creeks to terms.

Why did the traders use their influence to obtain a land cession? After all, it was in their interest to maintain an Indian preserve which would have sustained the trade. They must have felt that they could control the future. They knew that the Savannah River boundary was unrealistic and that a concession had to be made to the land hungry pioneers. The Ogeechee was only forty-some miles beyond the Savannah, not far enough to endanger Augusta's dominance in the trading business. Besides, the great white path to Augusta would remain open to their friends and clients, the Creeks and Chickasaws of the west.

The traders agreed with Governor Wright about the necessity to regulate the kind of people who migrated to Georgia. If not the better sort they would at least be the "middlin" class, certainly not the unmannerly crackers. Many of the traders, and Governor Wright himself, had acquired extensive land grants which would increase in value with the growth of population. In fact, Lachlan McGillivray, George Galphin and John Rae, three of the most prominent traders, became active colonizers. They sponsored a new township on the Ogeechee called Queensborough and brought over people from Ireland to settle there. Both the governors and the traders welcomed the Quaker-led, law abiding people who founded Wrightsborough on the Little River.¹⁸

However, neither the governor nor the magistrates at Augusta could control the swarm of frontier people who moved into the backcountry and squatted on the land. Inevitably these settlers crossed over the boundary line. Governor Wright made a futile effort to restrain the tide of newcomers by marking the line in 1768. George Galphin and Lachlan McGillivray accompanied the surveyors and reassured the wary Indian observers that the Augusta agreement was followed.¹⁹ However, the line could not hold for long. As the number of newcomers increased they formed a new political force with a different agenda than the governor and the traders. In their opinion, they needed the land for farming more than the Indians needed it for hunting.²⁰ When they made up their minds that the royal government catered too much to the interests of the Indian trade, they joined the revolutionary movement.

In backcountry Georgia, the Revolution was as much a war against Indians as it was against the King. Although Georgia stretched only to the

Ogeechee, its future was determined, and its attitudes set. In the new Georgia, there would be no place for Indians and Indian traders.

NOTES

¹The first historian who noticed Ellis's role in the proclamation of 1763 was Clarence W. Alford. Verner Crane published "Hints Relative to the Division and Government of the conquered and Newly Acquired Countries in America" in the *Mississippi Valley Historical Review* 8 (1922): 367-373. In a footnote, Alford wrote that Francis Maseres was convinced that Ellis wrote the proclamation of 1763 and asserted that William Grant of London saw that document in "Ellis's handwriting before it was published." Ibid., 368. For a more complete treatment of Ellis's involvement, see R. A. Humphreys, "Lord Shelburne and the Proclamation of 1763," *English Historical Review* 49 (April 1934): 241-258. Ellis's other paper is entitled "On the method to prevent giving any alarms to the Indians by taking possession of Florida and Louisiana," Shelburne Papers 60: 131, William L. Clements Library, Ann Arbor, Michigan. Henceforth WLCL.

²Stuart to Amherst, 15 March, 2 June 1763, Amherst Papers, WLCL.

³Amherst to Stuart, 16 April 1763, Amherst Papers, WLCL.

⁴The Mortar's talk, Georgia Council Minutes, 14 July 1763; Allan D. Candler, Lucian L. Knight, Kenneth Coleman and Milton Ready, eds., *The Colonial Records of the State of Georgia*, 30 vols. (Atlanta: various printers, 1904-16, 1979-82, vols. 29-39 are in typescript at the Georgia Department of Archives and History, Atlanta, 9: 70-77. Henceforth CRG.

⁵Gun Merchant's talk, Georgia Council Minutes, 14 July 1763, CRG 9: 70-77.

⁶Stuart to Egremont, 1 June 1763, British Public Record Office, Colonial Office, 5/65, hereafter cited as PRO CO.

⁷Boone, Dobbs, Fauquier and Stuart to Wright, 4 October 1763, *Journal of the Congress of the Four Southern Governors, and the Superintendent of That District, with the Five Nations of Indians at Augusta, 1763* (Charlestown: Peter Timothy, 1764).

⁸Wright to Gentlemen, 8 October 1763; Boone, Dobbs, Fauquier to Wright, 14 October 1763; Wright to Gentlemen, 11 October 1763; Boone, Dobbs, Fauquier to Wright, 15 October 1763, *Journal of the Congress*; Wright to Egremont, 10, 24 June 1763, CRG 37 pt. 1: 50-52, 57-60; Stuart to Boone, 15 October 1763; Lower Creeks' Talk, 16 September 1763, *Journal of the Congress*.

⁹Boone, Dobbs and Fauquier to Stuart, 18 October 1763, *Journal of the Congress*.

¹⁰Georgia Council Minutes, 11 October 1763, *CRG* 9:97-99; *Georgia Gazette*, 22 September 1763; Stuart to Gentlemen, 20, 23 October 1763, *Journal of the Congress*. John Alden in his history of John Stuart's superintendency did not notice Emistisiguo's participation. David Corkran identified the Upper Creek chief whose name was recorded as "Mustisikah" was Emistisiguo. Corkran, *The Creek Frontier*, 240. Emistisiguo referred to his part in the Augusta Congress on several subsequent occasions. See talk given at Okchoy, 1 May 1771, K. G. Davies, ed. *Documents of the American Revolution, 1770-1783*, 21 vols. (Shannon: Irish University Press, 1972-81), 3: 118-21.

¹¹*Journal of the Congress*.

¹²Talk by John Stuart, 5 November 1763; talk by Telletcher, 7 November 1763, *Journal of the Congress*.

¹³Emistisiguo's talk at Okchoy, 1 May 1771, Davies, *Documents*, 3: 118-21; *Georgia Gazette*, 14 December 1768; McGillivray to Stuart, 14 December 1768, PRO, CO 5/70.

¹⁴For the text of the treaty, see *Journal of the Congress*.

¹⁵Stuart to Amherst, 3 December 1763, Amherst Papers, WLCL; Stuart to Egremont, 5 December 1763, PRO, CO 5/65 pt. 3.

¹⁶Stuart to Gage, 28 December 1763, Gage Papers, WLCL; Georgia Council Minutes, 16 January 1764, *CRG* 9: 114-16; Wright to Stuart, 22 February Boone to Wright, 7 March Wright to Boone, 21 March 1764, *CRG* 9: 169-73.

¹⁷Emistisiguo's talk at Little Tallassee, 10 April 1764, in Stuart to Gage, 20 May 1764, Gage Papers, WLCL.

¹⁸Georgia Council Minutes, 1 January 1765, *CRG* 9: 269-70; Georgia House Minutes, *CRG* 14: 360, E. R. R. Green, "Queensborough Township," *William and Mary Quarterly*, 3rd series, 17 (1960): 189-96; Georgia Council Minutes, 9 December 1768, *CRG* 10: 271-72, 690; Robert Scott Davis, Jr. *Quaker Records in Georgia: Wrightsborough, 1772-1793, Friendsborough, 1776-1777* (Roswell, GA: W. H. Wolfe Associates, 1986), v, 10.

¹⁹Stuart to Hillsborough, 15 September 1768, PRO, CO 5/227; *Georgia Gazette*, 14 December 1768; McGillivray to Stuart, 14 December 1768; PRO, CO 5/70; the House of Assembly tendered thanks to McGillivray, Galphin, James McKay, and Edward Bernard for their "extraordinary care and trouble in seeing the Running of the Indian Line executed," House Minutes, 23 December 1768, *CRG* 14: 639.

²⁰A settler appropriately named Lawrence Rambo said that he wanted to horsewhip John Stuart, "as you are a giving to the damned Indians to kill the Back Woods people." Jacob Summerhall to John Stuart, 10 November 1768, PRO, CO 5/70.