



# Tribal Histories

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## Muscogee (Creek) Nation Research Report

May 2021

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## Introduction

The TxDOT Tribal Histories Project involves creating a set of geographic historical narratives of tribal presence in Texas through collaboration with participating Tribes. Taking a statewide approach, these histories will serve as resources to inform future statewide transportation planning, project development, tribal consultation activities, and public engagement by TxDOT.

This research report was designed to facilitate the extraction of geographic data, along with calendar and event information, to populate a GIS dataset for use by transportation planners and the Muscogee (Creek) Nation (Appendix). Information from the narrative and GIS dataset (to the extent permissible by the Muscogee [Creek] Nation) is also intended to be readily adapted for use in archeology reports and for educational outreach materials.

Ethnographic archival and documentary research for this broad overview focuses on providing background context and setting for Muscogee (Creek) peoples, tribes, and cultures associated with the region encompassing Texas. The following research report focuses on the physical locations and specific time periods during which the members of the Muscogee (Creek) Nation were or currently are present in Texas and is organized chronologically. This history reflects the Muscogee (Creek) Nation's perspectives because the historical (ethnohistories, linguistic studies, tribal history compendiums, oral history, and folklore from both historic and contemporary contexts) and archeological data sources used to construct it were recommended and approved by Cultural Technician Turner Hunt of the Muscogee (Creek) Nation's Historic and Cultural Preservation Department. Mr. Hunt and his colleagues also provided comments on the draft report that are addressed here in the final report.

One of the most important messages the staff wanted to convey was that Muscogee (Creek) people still reside in Texas or have interests in Texas, even if they now live in Oklahoma. Nearly 4,000 Muscogee (Creek) people currently live in Texas, about 5 percent of the 80,000 total Muscogee (Creek) population.

Three members of the research team, Mary Jo Galindo, Kelley Russell, and Jimmy Arterberry visited the Muscogee (Creek) Nation's Tribal headquarters in Okmulgee, Oklahoma on July 15, 2019. They toured the Tribe's headquarters facilities and interviewed Raelynn Butler, Director of the Cultural Resources Department, and her staff, including Hunt, Cultural Technician Geno Perez, and Librarians Mellissa Harjo-Moffar and Odette Freeman.

## Muscogee (Creek) Land Use in Texas

### *Pre-Contact*

The Muscogee (Creek) people are descendants of the Mississippian culture that, prior to A.D.1400, spanned the entire region of the present-day southeastern United States. The Muscogee (Creek) Nation has been abolished and/or gone through a reorganization of the tribal government resulting in new and different spellings for the tribe throughout its history. Modern usage includes: "The Muscogee (Creek) Nation" in reference to the tribe and "Mvskoke" in reference to the spoken language. Other languages belonging to the Muskogean family include the languages of the Chickasaw, Choctaw, and Seminole people.

The Mississippian ancestors of the Muscogee (Creek) constructed massive earthen mounds that were part of an elaborate ceremonial complex. The mounds served as platforms for

chiefdom buildings and burials. Mound building practices expanded regionally from the Macon Plateau near present-day Macon, Georgia. Archaeologists have corroborated that Ocmulgee Mounds (within present-day Ocmulgee National Historical Park) (**Figure 1**) was the site of an ancestral Muscogee (Creek) settlement (Hally 1994). Ocmulgee was the site of considerable precontact cornfields—circa A.D. 1000-1500—which were excavated in the 1930s in what is considered a landmark study in the history of field agricultural practices (Riley 1994). The study revealed their fields were planted using ridges and furrows, which was counter to the notion that all Native Americans grew corn in circular mounds. The largest archeological excavation ever conducted in the United States occurred at Ocmulgee between 1933 and 1936, using more than 800 men in Depression-era work programs supervised by the Smithsonian Institute. Contrary to modern practices, archaeologists from the Smithsonian Institute made no attempt to contact the descendant communities or to consult with the tribes in whose homeland they were excavating.

The Mississippian culture reorganized after A.D. 1400. There were certain climatic shifts that happened between around 1350 and 1450 that forced groups to shift away from larger singular population centers like Etowah and Moundville to smaller but more numerous polities. Ceremonial centers became a single mound that was shared among separate, but related or allied towns. The town of Coosa, in present-day northwestern Georgia, had been an influential chiefdom prior to a visit by the Hernando de Soto Expedition in the 1540s, but it was rapidly depopulated afterwards (Moore 1988). Other Spanish explorers who encountered the Muscogee (Creek) people included Tristan de Luna in 1559 and Juan del Pardo in 1567 (Hodge 1907:363).

The diseases introduced by the Spaniards killed an estimated 90 percent of the population in the Muscogee (Creek) towns, and their survivors coalesced as populations shifted. Survivors from Coosa moved downstream to present-day Alabama, where they merged with others while maintaining their continuity. The towns of Abika, Coosa, Coweta, and Tuckabatchee are today considered the four “mother towns” by the Muscogee (Creek) people. Coweta was actually the daughter town of Kasita, and Kasita was always more prominent than Coweta. However, after trade relations with Charles Town were established, Coweta took more a central role in Lower Creek politics and became heightened in importance based on its association with Coweta Chief William McIntosh (Hahn 2004).



**Figure 1.** Mound at Ocmulgee National Historical Park, Macon, Georgia (Photo by National Park Service).

### **Spanish Provinces of Texas and Nuevo Santander**

Throughout the period of contact with Europeans, most of the Muscogee (Creek) population was concentrated into two-geographical areas. The English settlers called the Muscogee (Creek) people in Tribal Towns on the Coosa and the Tallapoosa Rivers (present-day Alabama), “Upper Creeks,” and those to the southeast, on the Chattahoochee and Flint Rivers (present-day Georgia), the “Lower Creeks” (**Figure 2**).

The distinction was purely geographical. The Lower Towns were situated in closer proximity to the Spanish and English settlements and trade routes. They sought to incorporate new trade opportunities into their spheres of influence (Hahn 2004). In the Lower Towns, the preferred method of solidifying good relations was through inter-marriage. The Upper Towns remained less effected by European influences and continued to maintain distinctly traditional political and social institutions.

The Muscogee (Creek) people were a union of several tribes that maintained a low level of political cohesion (Hurt 2003:24). After Europeans began arriving in increasing numbers, they began to document what is now called the Creek Confederacy. The alliance reflected how Muscogee (Creek) people had learned to interact with other indigenous groups and immigrants prior to European contact. They relied on a mutually beneficial social organization that may have been on a smaller scale than the later Creek Confederacy, but their earlier alliances took advantage of the same underlying structure for cohesion.

The Creek Confederacy was comprised of 80 to 90 Tribal Towns, with a total population of more than 20,000 people who were all born in Tribal Towns. The confederacy consisted of a diverse group of peoples who spoke various Muskogean languages, but had a shared social organization that is represented in their clans, trade, and subsistence strategies (Hurt 2003:24). The confederacy was an association of separate, distinct, sovereign, and independent groups. It was a loose gathering of tribes that regulated trade, maintained peace between its constituents and provided both defensive security and the potential for allied offensive action (Green 1979:8). Trade was essential for the Muscogee (Creek) people. Some early treaties were solely about regulating trade practices. The Creek Confederacy embodied the tribes’ desires to put forth a united front and prevent trade depredations at the hands of Europeans.

The Muscogee (Creek) people were the dominant tribe of the confederacy, but all members eventually came to be known collectively as Creek Indians (Debo 1941). Most of the Muscogee (Creek) people descended from groups living in six towns: Cusseta, Coweta, Arbeka, Coosa, Thewathle, and Tuckabatchee, all within the confines of present-day Alabama and Georgia. Later, the Creeks established the practice of adopting other tribes and accepting refugees fleeing from English, French, and Spanish attacks. By these methods the Alabama, Coushatta, Hitchitee, Tuskegee, and Natchez Indians eventually became Muscogee (Creek) people (Debo 1941).

Within this political structure, each Tribal Town was led by a Mikko—or Town King—and maintained political autonomy and distinct territories. The confederacy was dynamic. New Tribal Towns were formed as populations increased. The confederacy also grew by adding the populations of tribes incorporated during war or by negotiation and allegiances. Within this Nation, the Mvskoke language and the culture of the founding Tribal Towns became dominant.



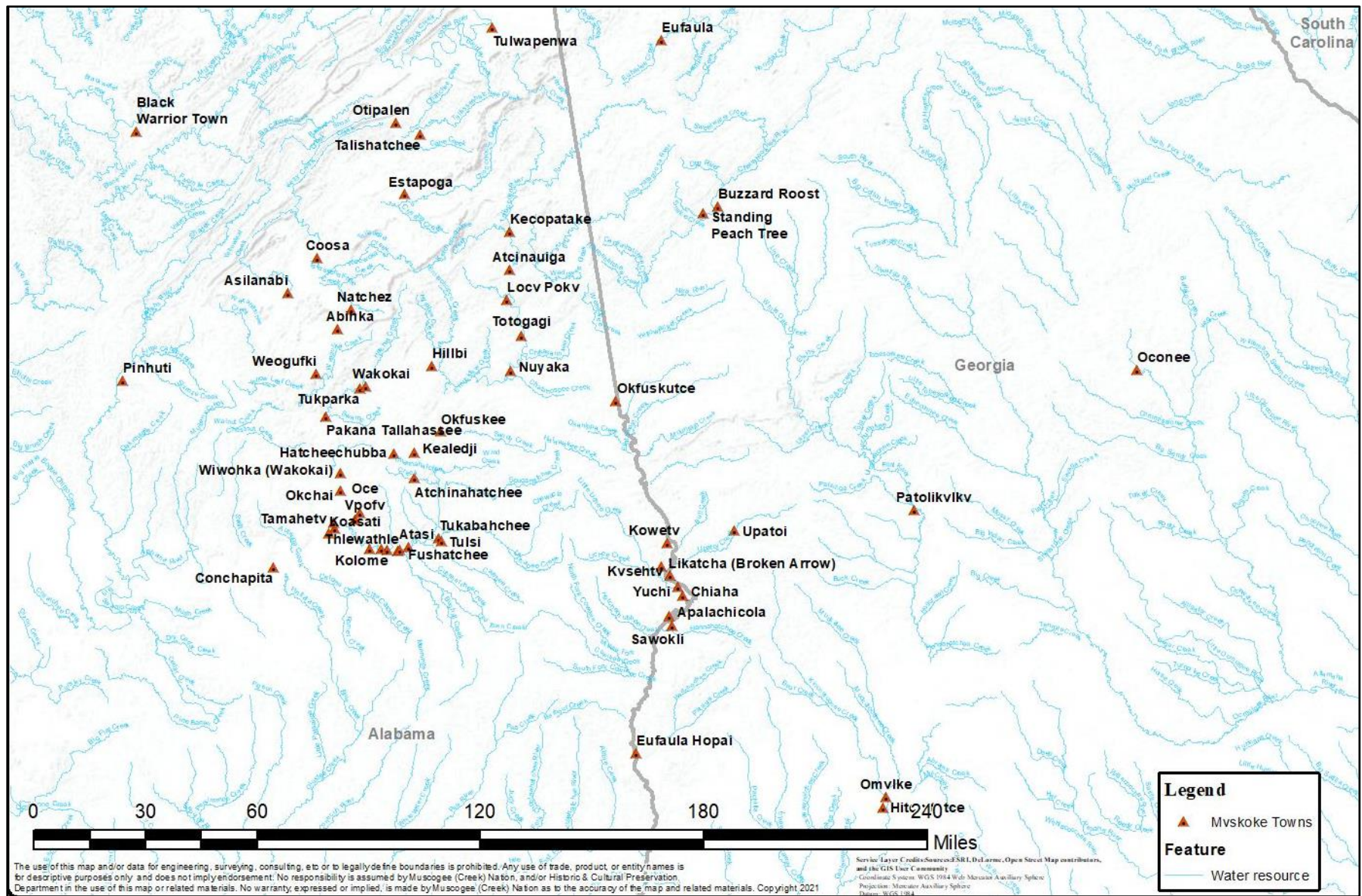


Figure 2. Upper and Lower Creek Tribal Towns circa 1800 in present-day Alabama and Georgia.

The Alabama-Coushatta Tribe of Texas were members of the Upper Creek Confederacy in present-day Alabama. The Koasate (Coushatta) resided in what became eastern Tennessee before moving south to be closer to the Alabamu (Alabama). Recognized as two separate tribes, the Alabama and Coushatta have been closely associated throughout their history. Prior to moving to Texas, both lived in adjacent areas along tributaries of the Alabama River (Figure 3), followed similar migration routes westward after 1763 due to encroachment by Europeans and other tribes, and settled in the same area of the Big Thicket in southeastern Texas (Figure 4). Alabama and Coushatta Traces, types of trails, connected their communities of Peach Tree Village, Fenced-In Village, and Cane Island Village. Their trails also connected them to Spanish settlements where they could trade.



**Figure 3.** Migration Route of the Alabama and Coushatta tribes to Texas. (Adapted from a map on display at the Alabama-Coushatta tribal administration building in Livingston, Texas with additional information from Bryant Celestine.)



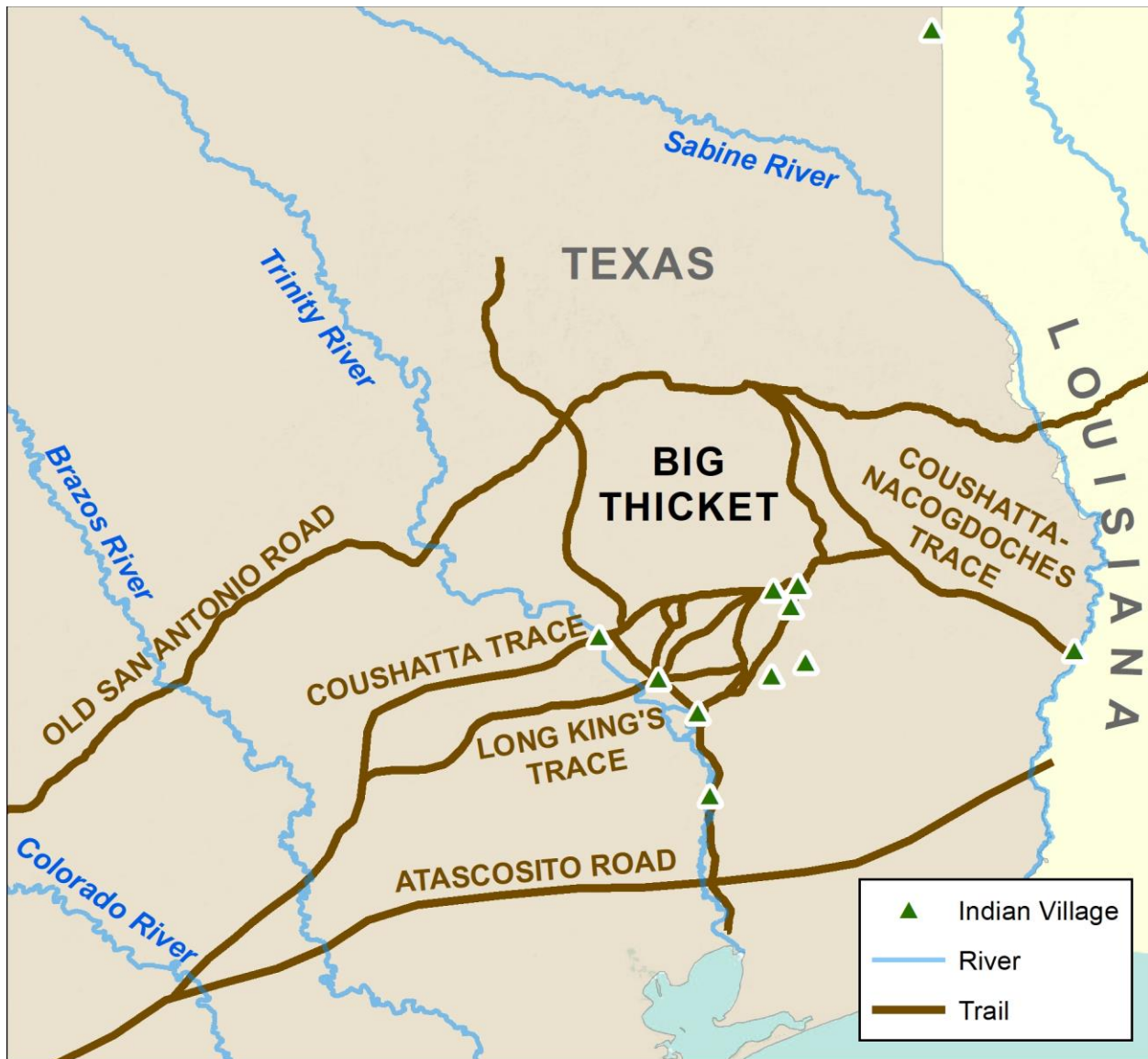


Figure 4. Big Thicket area in eastern Texas with Alabama and Couthatta villages and traces.

**Mexican Province of Coahuila y Texas (1824-1835)**

In 1821, William McIntosh of the Lower Creek signed the First Treaty of Indian Springs which ceded remaining Creek land east of the Flint River in Georgia to the United States. Following the treaty, the Muscogee (Creek) National Council was determined to not cede any further land.

In May 1824, the Creek leaders met in council at Tuckabatchee and jointly made a declaration that said in part, "...on no account whatever will we consent to sell one foot of our land, neither by exchange or otherwise." They rejected the European system of individual ownership, writing instead "that the land is to remain as it is, in common, and as it always has been." The text affirmed their commitment to the rule of law: "We are Creeks; we have a great many chiefs and headmen, but be they ever so great, they must all abide by our laws." The declaration was signed by Little Prince, Big Warrior and 12 other leading chiefs (Debo 1941:88).

Indian Agent John Crowell summoned the Creek chiefs to meet U.S. commissioners at Broken Arrow to make a new land cession. In response, the leading Creek chiefs first assembled at Pole Cat Springs and reenacted the law against unauthorized land sales. Their protest was signed by Little Prince, Big Warrior, and 15 others, including Opothle Yahola (also spelled/misspelled Opothleyahola, Opothle Yoholo, Opothleyoholo, Opothle Yohola, Hu-pui-hilth Yahola, Hopoeithyohola, and Hopere Yahvly) (**Figure 5**). Opothle Yahola's name, more correctly spelled Hoboihithli Yoholo, is best understood as a title. Creek men commonly received new names at various stages in their lives to commemorate achievements, denote changes in rank, and/or describe new responsibilities. The meaning of Opothle Yahola's name is not clear, but it was prestigious and honorific. Yoholo refers to the song of the officials who managed the important Black Drink Ceremony.

The commissioners continued to urge the Creeks to exchange their homeland for land in the West, calling a second meeting during March 1825 in Indian Springs, which was situated in the white-settled area of Georgia where William McIntosh owned a tavern. It was a full council meeting, and although Big Warrior was absent, he had sent Opothle Yahola to represent him (Debo 1941:89). Opothle Yahola held the rank of speaker for the Upper Towns and he argued eloquently in defense of Creek policy and sovereignty (Haveman 2009:36).

Commissioners presented a draft treaty at the Indian Springs meeting that provided for the sale of all the Creeks' land in Georgia and the northern two-thirds of Alabama in exchange for land out west. Near the end of the meeting, Opothle Yahola publicly warned McIntosh of his fate should he sign the treaty.

Commissioners then added an article to the treaty, promising McIntosh the protection of the United States. Along with 51 others, McIntosh signed this amended treaty and a supplemental one day later that awarded him \$25,000 for his residence and 1,640 acres (Debo 1941:89). Of the more than 50 Tribal Towns in the Creek Nation in 1825, the signers of this illegal treaty represented only eight of them (Haveman 2009:27). The Second Treaty of Indian Springs with the United States ceded all Lower Creek lands that remained from the cession in the First Treaty of Indian Springs. The Second Treaty also ceded a large tract of land in Alabama.

Creek leaders then held a council meeting and pronounced a death sentence against William McIntosh (**Figure 6**) and his conspirators for their role in treasonous acts against their nation (Swanton 1946:127). One hundred warriors surrounded his house before dawn. After allowing women, children, and white men (inadvertently including son Chilly McIntosh) to exit, the Creek warriors set fire to the house and then shot McIntosh as he emerged through the front door. Two of McIntosh's son-in-laws, Sam and Benjamin Hawkins, were also sentenced to death. Sam Hawkins was hanged in the square of a Lower Creek Town. His brother Benjamin Hawkins was shot and wounded but managed to escape and eventually settled with a band of Cherokee Indians in Texas. Chilly McIntosh and his father's allies fled to the area's white settlements for protection (Debo 1941:90). In 1825, the "McIntosh faction" of the Muscogee (Creek) people numbered only about 400 individuals in a nation of 20,690 (Haveman 2009:35).



**Figure 5.** Opothle Yahola circa 1837 (Library of Congress Prints and Photographs Division <http://hdl.loc.gov/loc.pnp/ds.03373>).

Chilly McIntosh subsequently went to Washington D.C. seeking money to cover their expenses for moving to the West. On January 24, 1826, the Second Treaty of Indian Springs was nullified by the U.S. Supreme Court marking the only time that a ratified treaty with an Indian nation was overturned. In return, Muscogee (Creek) leaders signed the Treaty of Washington with the United States, including Opothle Yahola. Although he never assumed the title of principal chief, Opothle Yahola became the prime minister or Chief Councilor of the Nation (Haveman 2009:104).

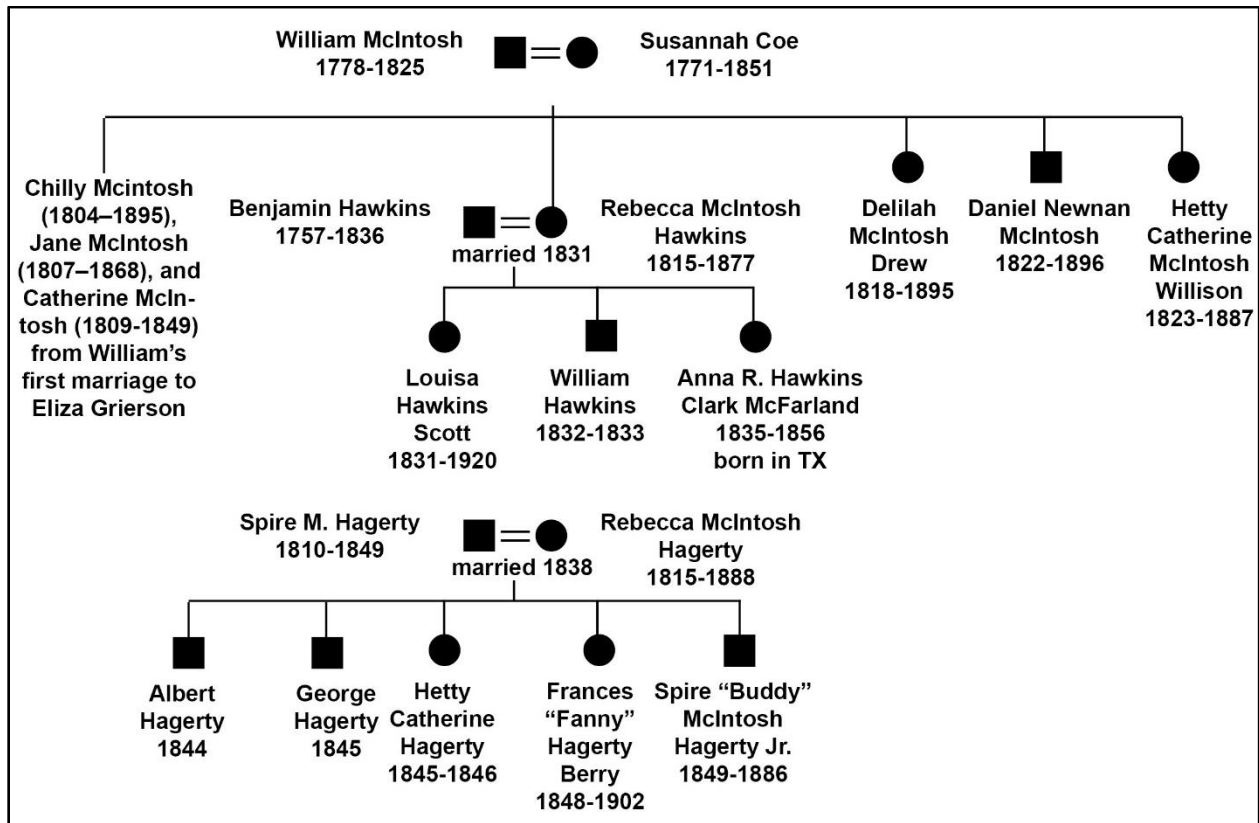


Figure 6. McIntosh-Hawkins-Hagerty family tree.

With no alternative but to agree to a land cession, Creek leaders surrendered all their land in Georgia—except a small tract north of the Chattahoochee River—for \$217,600 and a perpetual annuity of \$20,000. The United States agreed to finance the removal of the McIntosh faction separately and provide one year of subsistence, up to \$100,000, dependent on the number in their emigrating party. The state legislature would not ratify the treaty until the Creeks agreed to sell the lone remaining tract along the Chattahoochee for \$30,000. The western boundary of Georgia had never previously been surveyed, however, and when it was a small amount of land was left in Creek hands (Debo 1941:91).

In June 1827, Agent Crowell called the Creek leaders to council at Wetumka Town to receive their annuities. When they found out that Crowell had deducted \$25,000 from the payment to compensate the McIntosh party, they declined to touch the rest of the money. Crowell asked them to cede the small tract along the western boundary of Georgia and they refused. Instead, the Creek leaders “demanded control over their own finances;” the agent should “pay the money over to us in full council, and let the chiefs apply it to suit the nation....We cannot consider our money safe in his hands; and we particularly deny his authority to acknowledge claims against our nation” (Debo 1941:93).

The U.S. government tried again in November 1827, when Thomas McKenney was sent to Opothle Yahola, who was recognized as the real power in Creek government. Opothle Yahola called a council meeting, during which McKenney’s proposal to cede their remaining land in Georgia was rejected. However, after some negotiation with Little Prince and the addition of



some clauses to prevent Cherokee encroachment, the land was sold for cash and goods totaling \$42,491 (Debo 1941:94).

About 3,000 Lower Creeks of the McIntosh faction moved to Indian Territory (I.T.) (present-day Oklahoma) in 1827 after the signing of the Treaty of Washington. In 1830, President Andrew Jackson signed the Indian Removal Act. In the Removal Treaty of 1832, Muscogee (Creek) leadership exchanged the last of the cherished Muscogee (Creek) ancestral homelands for new lands in Indian Territory. This act led to the forced removal of more than 20,000 Muscogee (Creek) people from the southeastern United States to Indian Territory in 1836 and 1837.

#### Opothle Yahola

By 1831, Opothle Yahola was the recognized leader of the Creek nation and he eventually became convinced that removal was inevitable. A delegation of the Lower Creeks went to Washington D.C. to plead their case to stay in their homeland but were advised to prepare to emigrate. Opothle Yahola and other Upper Creek leaders signed the Removal Treaty in March 1832 (Debo 1941:98).

The pace of emigration to Indian Territory was stymied by land deals that emerged and were presented to the Creeks as alternative destinations. These were all speculative in nature and required an exchange for Creek land reserves or provided the seller with a handsome profit. In most cases, the sellers were themselves Creeks who understood the group's general opposition to emigrating to Indian Territory. The most elaborate scheme involved the Creeks purchasing land in the Mexican territory of Texas (Haveman 2009:179-180). Opothle Yahola considered Texas an attractive option because it was outside the jurisdiction of the United States, it appeared to be a healthier alternative to Indian Territory, and it was recommended by a number of tribes who had already emigrated there (Haveman 2009:181).

Benjamin Hawkins acted as an intermediary and convinced Opothle Yahola to purchase a 150-acre tract north of Nacogdoches. Hawkins and his partners, who owned stores and were large buyers of Indian land, met Opothle Yahola in Nacogdoches in 1834. After inspecting the property and visiting with the bands of Alabama, Coushatta, Seminole, and Cherokee people who had already relocated there, Opothle Yahola agreed to settle on the land. Hawkins and his partners intended to buy the property from a Mexican national for \$60,000 and sell it to Opothle Yahola for \$100,000 (Haveman 2009:180-181).

In 1835, Opothle Yahola traveled by steamboat to New Orleans with \$23,000 for a down payment (Gregory and Strickland 1995:150; Haveman 2009:180-182). He had borrowed the money from a speculator in exchange for a note signed by him and all the Upper Creek leaders for \$32,000. The balance owed for the Texas land, \$77,000, would have come from annuity payments or in exchange for sections of land. Opothle Yahola gave Benjamin Hawkins the down payment in New Orleans, but the transaction was never completed because it would have been illegal under an 1831 treaty between the United States and Mexico that prohibited Indians from either nation from crossing the border. Opothle Yahola and the Tuckabatchees never got their money back and quickly fell into debt (Haveman 2009:182). After the Texas land deal evaporated, Opothle Yahola finally consented to emigrate to the Indian Territory (Haveman 2009:189).

The U.S. government contracted with the JWA Sanford & Company for the removal of 5,000 Creek people at \$20 per person in 1835, with a minimum emigrating party size of 1,000 people (Haveman 2009:190-191). The switch to private contractors was offensive to the Creek people because the Sanford company leaders were the same land speculators who had been cheating them out of their homelands. No Creek people would sign up to emigrate because they believed the Sanford company would put profit above their welfare and abuse them along the way. Opothle Yahola and the other leaders wrote to President Jackson, “we believe the health, comfort, and interest of the Indian will never be consulted but that all their arrangements will be conducted for their own good and pecuniary benefit” (Haveman 2009:193). The Sanford company was able to enroll just 523 Creek people.

### McIntosh Family

The lifeways of the McIntosh faction are not representative of the Muscogee (Creek) people. The McIntosh family’s status and their relationships with non-natives gave them advantages over Creek people. The lifeways they adopted and the actions they took demonstrated a clear shift away from Creek social life.

Rebecca McIntosh was born in 1815 in Georgia, and was the daughter of the half-Scottish chief of the Lower Creek Nation (William McIntosh) and his second wife Susannah Coe (also Roe or Rowe), also a Creek Indian (Bagur 2014; McArthur 1986; 2019) (see Figure 6). Rebecca was 5 years old when Chief McIntosh was sentenced to death by members of the Upper Creek Council for negotiating an illegal cession of Creek lands to the United States without full Council approval. The Council issued and legally executed a death warrant for Chief McIntosh. After his death, \$25,000 worth of possessions were stolen or destroyed from William McIntosh’s estate, including more than 700 cattle; \$13,000 in cash; two houses; 400 tin cups; agricultural implements ( hoes, ploughs, and axes); and clothing (uniform coat, pantaloons, vest coats, shirts, and silk handkerchiefs). The Creeks also confiscated 74 of William McIntosh’s slaves (Haveman 2009:31).

Similarly, they confiscated or destroyed more than \$22,000 of Samuel Hawkins’ property, including a two-story house, 14 log cabins, clothes (gowns, shawls, and frocks); two large dutch ovens; 64 pounds of soap; 20 earrings, 40 silver broaches, six bunches of cut glass beads; more than 500 cattle, 200 hogs, 100 chickens; and 15 slaves worth almost \$7,000 (Haveman 2009:32).

Rebecca’s half-brother Chillicothe “Chilly” McIntosh and Roderick “Roley” McIntosh, a half-brother of the Chief, successfully petitioned the U.S. government for \$7,000 in compensation and by 1827 the family was seeking safe haven in Indian Territory (Culbertson 1976; Steger 2007).

When they left the Creek Nation for the west in November 1827, only about 700 Creeks and their slaves chose to emigrate. Many of those emigrants were friends, followers, or business partners of the late William McIntosh. Their departure from the Creek Nation was highly controversial, and the Creeks considered the McIntosh party to be traitors (Haveman 2009:65). Led by Roley and Chilly McIntosh, the family floated down the Alabama River to the Gulf, entered the Mississippi at New Orleans and took the Arkansas River up to Fort Gibson in Indian Territory. They arrived on barges with 780 aboard in early 1829, and settled at the forks of the Arkansas, Verdigris, and Grand (Neosho) Rivers (Steger 2007).

Rebecca McIntosh married Benjamin Hawkins in 1831 at Fort Gibson (**Figure 7**). Hawkins was an educated mixed-blood Creek, and a council member of the Creek Nation both in Georgia and Indian Territory (Steger 2007). Benjamin and Rebecca Hawkins settled near Nacogdoches in 1833 at the urging of Sam Houston, who had been Benjamin Hawkins' long-time business partner at the Wigwam Neosho near Fort Gibson (Gregory and Strickland 1995:149-150). Before that, Hawkins had served with Sam Houston at the Battle of Horseshoe Bend during the Redstick or Creek War (Steger 2007).



**Figure 7.** Route that Rebecca McIntosh Hawkins and family took to Texas in 1833 (adapted from Steger 2007:13).

At Houston's invitation, Benjamin Hawkins brought his family and Muscogee (Creek) Chief Opothle Yahola to Texas. They took the Texas Road from Fort Gibson to Boggy Depot, following the flood plain of Clear Boggy Creek and then Muddy Boggy Creek to the Red River. They crossed the Red River at Chowder's Ferry north of Paris, Texas and then traveled along several old roads to present-day Cass County (Steger 2007:13) (see **Figure 7**).

As mentioned, Benjamin Hawkins and Chief Opothle Yahola negotiated for a large tract of land north of Nacogdoches to relocate 5,000 members of the Creek Nation. A down payment of \$23,000 was made by September 1835 (Gregory and Strickland 1995:150; Haveman 2009:180-182), but the transaction was prohibited by treaty with Mexico and this same land had already been occupied since 1818 by Chief Duwali (or Chief Egg Bowles) and the Texas Cherokees. After the deal evaporated, Benjamin Hawkins did not return Chief Opothle Yahola's down payment. Cherokee Chief Duwali was Houston's strongest ally, but this friendship would not protect the Cherokees against Mirabeau B. Lamar's campaign to remove them from Texas in the 1840s (Gregory and Strickland 1995:152). After they were expelled, some of the area later formed Cherokee County.

#### Apalachicola Chief John Blount

Chief John Blount was the first Apalachicola Chief to agree to move West after the passage of the 1830 Indian Removal Act by the United States. The Apalachicola people had long been allied with the Muscogee (Creek) and were members of the Lower Creek Confederacy. Sam Houston, an old friend of Blount from the Creek Wars, encouraged Blount to bring his people to Texas. Chief Blount and his Second Chief, Davy or Osia Hadjo (Crazy Crow) took Houston's advice and signed the October 11, 1832, Blount Band of Apalachicola Creek Indian Removal Treaty with encouragement from President Andrew Jackson. Removal began in March 1834 and was orderly with each household packing into canoes and paddling in a tidy line down the Apalachicola River to the Port St Joe embarkation point. Delays at Port St Joe resulted in excessive deaths and desertions, which increased fears and stress among those awaiting passage to New Orleans. Finally, the reduced membership embarked on the steamship headed for the Port of New Orleans, where they received Treaty money.

After authorizing the payment of Treaty money with promises to make outstanding payments on arrival in Texas, Indian Agent Wiley Thompson and Interpreter Stephen Richards made their hasty departure, leaving Blount and Davy to negotiate for supplies using their limited English. Before they could begin shopping, they were arrested by the New Orleans Sheriff on false charges brought by a member of their former town attempting to defraud them of the Treaty money. On April 7, 1834, Blount and Davy were put in jail with a bond set well above the money in hand. To gain their freedom, Chief Blount surrendered two of his Negro slaves, Cujo and Bob, who were in their early thirties and more valuable than the total bail amount.

Now penniless, without supplies, and discouraged by the loss of members along the way, Blount and Davy led the small Band across Louisiana on foot and into Texas. In late April or early May 1834 about 40 Band members reached Vehlein's Colony near present-day Onalaska, Texas along the East Fork of the Trinity River (**Figure 8**).

#### Woodson D. and Lovina Hutton Henry

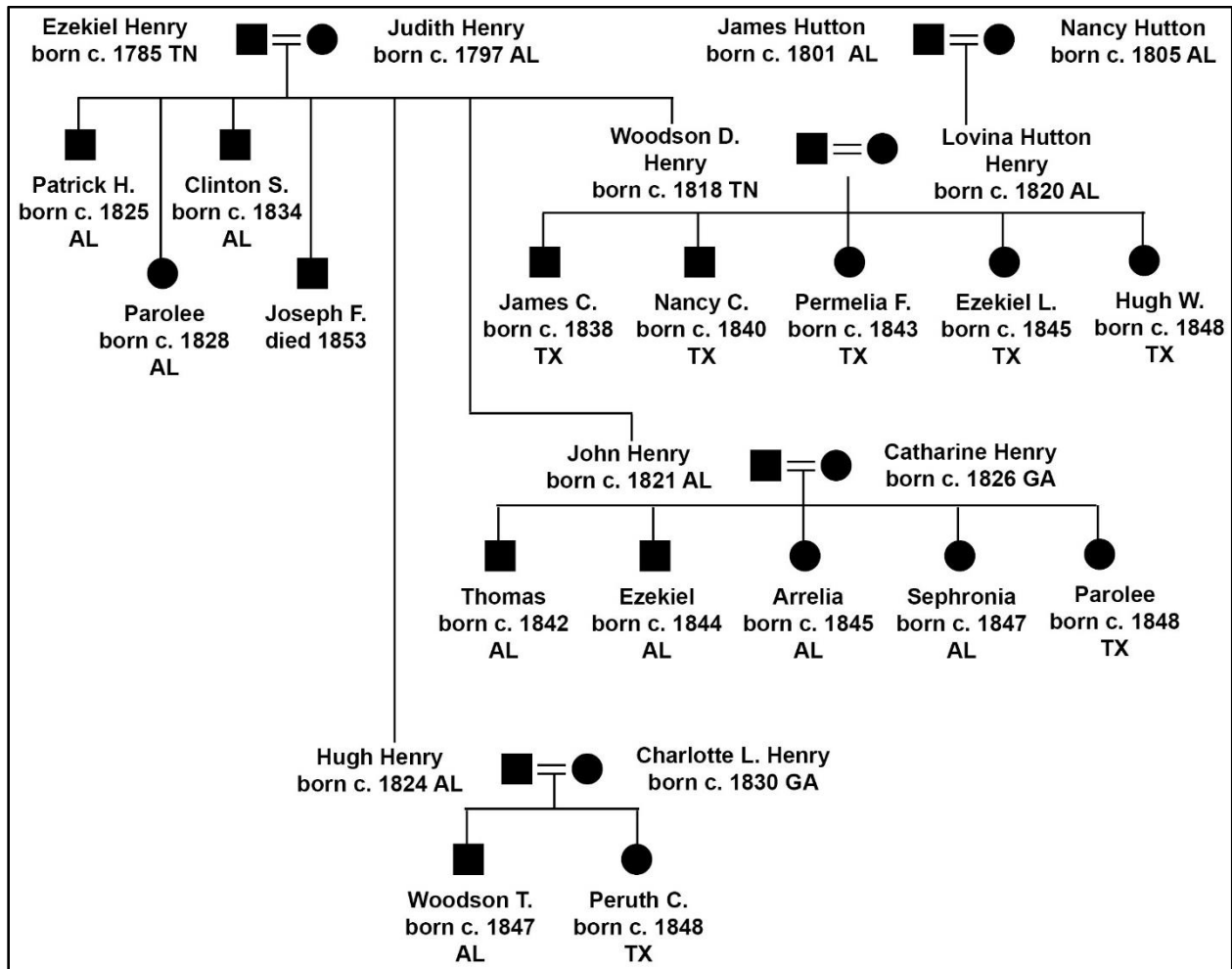
Woodson D. and Lovina Hutton Henry came to Texas between 1832 and 1837 with a group of 35 Muscogee (Creek) families from Chambers County, Alabama. Lovina's parents, James and Nancy Hutton, helped lead the group to Texas. After establishing land claims in Texas, Woodson D. Henry returned to Alabama in 1840 to recruit additional settlers to join him in Texas. His father, Ezekiel Henry, soon packed up his family and brought his two married sons and their families (**Figure 9**) to the area that would become Cherokee County, Texas. Cherokee Indians—for whom the county was named—were joined by Delaware, Shawnee, and Kickapoo people, who began settling in the area north of the El Camino Real de los Tejas (the Old San Antonio Road) around 1820. Cherokee Chief Duwali or Egg Bowles, Richard Fields, and John



Dunn Hunter were unable to obtain title to their land from the Mexican government. Anglo settlers began moving onto land claimed by Cherokees near Linwood in the late 1820s.



Figure 8. Vehlein Grant in East Texas.



**Figure 9.** Henry-Hutton family tree from the 1850 U.S. Census of Cherokee and Smith counties.

**Republic of Texas (1836-1845)**

As mentioned, a fourth treaty with the United States in 1832 ceded all land claims of the Muscogee (Creek) people in Georgia and Alabama. Despite treaty obligations of land reserves in the southeast, more than 20,000 Muscogee (Creek) people were forcibly moved from their homelands to Indian Territory in 1836-1837. All were marched along a Trail of Tears under harsh travel conditions via land and water to Fort Gibson. About 4,000 Creeks died along the way. Another 3,500 died within one year of their arrival (Green 1979:49).

A frontier hub of commerce and military activity, Fort Gibson was the first fort established in Indian Territory (present-day Oklahoma) in 1824 on the east bank of the Grand (Neosho) River just above its confluence with the Verdigris and Arkansas Rivers (see **Figure 7**). The fort was actively involved with the relocation of the Five Civilized Tribes (the Chickasaw, Cherokee, Muscogee [Creek], Choctaw, and Seminole) from the Southeast.

**Opothle Yahola**

Most Creek people wanted to stay on their homeland, but this became increasingly difficult as white people defrauded them out of their reserves or illegally squatted on their land. Sporadic violence against white intruders in 1835 became a full-blown war in 1836. President

Jackson used this war as an excuse to forcibly remove all Creeks from Alabama (Haveman 2009:204).

Opothle Yahola believed that the Second Creek War was the result of whiskey traders and “sand-shakers” (land speculators) (Haveman 2009:243-244). The Second Creek War was more than a simple uprising; it was a rage-induced race-war against white settlement in the American South (Haveman 2009:244). For example, an entire family with seven children were killed and beheaded. The homes of former Indian agents were burned, and their slaves confiscated. The U.S. government responded by declaring the end to voluntary Creek emigration and the beginning of forced Creek removal to be conducted as a military operation (Haveman 2009:245).

Mostly Lower Creek warriors were engaged in the war, although some Upper Creek warriors from Sougahatchee and Loachapoka participated. Many Upper Creek (and some Lower Creek) people supported the United States bringing an end to the hostilities. In fact, Opothle Yahola and Menawa who fought at Horseshoe Bend against Jackson were allied with the United States and prevented the Upper Creek people from joining the war (Haveman 2009:246). Opothle Yahola led a group of Creek volunteers against the Sougahatchee, capturing one of their headmen (Haveman 2009:247).

In August 1836, two detachments of Creek people were organized under Chief Opothle Yahola. The first group was comprised of 2,400 people, while the second had 3,142 people. They had 38 wagon teams and about 700 horses (Haveman 2009:270; 276). Three more detachments were organized for a grand total of about 12,800 Creek people who were forcibly removed to Fort Gibson in Indian Territory (Haveman 2009:270, 295).

Sickness and death plagued all detachments as the Creek people moved toward Memphis, with many of the dead being children. Much of this was a combination of fatigue, malnutrition, and the weather. Many were undernourished before they left Alabama because they had not been able to harvest their crops. There was also a scarcity of provisions along the route (Haveman 2009:290-291).

The Creek people had left their Alabama homeland in the heat of August and September, only to arrive in the Indian Territory in the middle of winter (**Figure 10**). They were forced to travel overland through the snow and ice with temperatures near zero wearing their summer clothes. Opothle Yahola and his people had been instructed to pack everything not necessary on the march into wagons, including blankets, winter clothing, and coats. More than 20 tons of their property was placed in a storehouse in Wetumpka before being shipped west. None of it was available to them along the route, and it was not waiting for them when they arrived, as had been promised (Haveman 2009:309).

The Creek emigrants arrived at Fort Gibson between November 1836 and January 1837. Opothle Yoholo’s detachment arrived first with 2,318 people and their slaves. His group had suffered the losses of 78 along the route. In all, 12,648 Creek people and their slaves arrived at Fort Gibson, after suffering 188 deaths and 18 births along the way (Haveman 2009:313). Opothle Yahola’s group mostly settled in the fertile valley at the confluence of the North and South Canadian rivers, about 70 miles distant from the McIntosh faction (Debo 1941:102; Haveman 2009:314).



**Figure 10:** Route of Opothle Yahola to Fort Gibson in 1836 (adapted from Haveman 2009:280).

Creek people continued to emigrate to the west long after the forced migrations of 1836 and 1837. For example, Karpitcher Fixico, a 65-year-old man from Hitchiti, emigrated from Alabama to the Indian territory in 1840. Some Creeks emigrated to Texas and later to the Indian Territory. Tusekiah Charte, a 50-year-old man from Okfuskee, emigrated to Texas from Alabama in 1839 and from Texas to the Indian Territory in 1842. Other Creeks emigrated from Alabama to other Indian nations before settling at Creek Nation, I.T. (Haveman 2009:365).

An estimated 3,000-4,000 Creeks remained in the southeast after 1837. Most of these were relatives of warriors who volunteered to fight the Seminoles in Florida. As an enticement for their service, the U.S. government promised that the family members of the Creek warriors could stay in central Alabama until their tour of duty was over. At least 235 of Opothle Yahola's warriors were mustered into service along with more than 500 others. Hundreds of Creek people were also hiding among the Cherokees, Chickasaws, or Seminoles, or in the swamps of Alabama (Haveman 2009:317, 319).



Adjusting to life in Indian Territory was extremely difficult. People had to find new land, construct new homes, and plant new fields. Disease plagued new immigrants, killing 3,500 within the first months of arrival. Opothle Yahola continued to advocate for a move to Texas (Haveman 2009:359).

Many Muscogee (Creek) people sought to maintain their traditional customs after this traumatic relocation experience. The Lower Creeks settled along the Verdigris and Arkansas rivers, while the Upper Creeks settled along the Canadian River. A small band of Creek Indians called the Pakana Muskogee accompanied their historical neighbors, the Alabama and Coushatta, and settled in present-day Polk County in East Texas (Gelo and Pate 2003:32).

The Muscogee (Creek) typically named their new Tribal Towns for former southeastern settlements and began shaping a new cultural landscape (Hurt 2003:26). As they left their homeland towns, they gathered embers from the town fires and brought them westward as a method of cultural continuation. Specially appointed individuals carried the embers in pots, cared for them, fed them, and kept them safe on what the Muscogee (Creek) people refer to as the Road of Misery, *Nene Estemerkv*.

Elders placed the burning coals from the southeastern towns at the new town ceremonial grounds, immediately bringing the new site into the sacred ceremonial world of the Muscogee (Creek) people. The new hearths formed the nucleus of new town squares. In Indian Territory, the traditional Creek created towns that resembled Muscogee (Creek) towns in the southeastern United States. They also settled in villages to preserve town rituals and sociopolitical organization (Bell 1990:333). Town organization was transferred to Indian Territory virtually intact because the population of a Tribal Town was often removed together, allowing the Muscogee (Creek) to achieve cultural continuity and remain emotionally connected to their former homes and history.

#### Celice Sylestine Henry

Celice Sylestine Henry (**Figure 11**) was born in Peach Tree Village, Tyler County, Texas around 1833. Near the Neches River, Peach Tree Village was two miles north of present-day Chester and was the largest and most prominent of the Alabama Indian villages. Celice Sylestine Henry was an accomplished basket maker and the daughter of Alabama Chief Sylestine. She used long-leaf pine needles and reed cane for her basketry, as do contemporary Alabama-Coushatta and Coushatta basket makers.



**Figure 11.** Alabama-Coushatta Indian Celice Sylestine Henry (Co-Che-Ish-Kas-Kah) with basketry she made, circa 1920s (National Anthropological Archives, Smithsonian Institution).

#### Pakana Muskogee Indians

By 1686 groups of Alabama and Coushatta Creek relatives, including the Pakana Muskogee, chose to move west near the junction of the Coosa and Tallapoosa Rivers near Montgomery, Alabama. There they were caught between the Spanish, French, and British who were contending for power in the region. However, like many southeastern Indians, the Pakana Muskogee formed alliances with Europeans for trade, protection, and help with their war against other Indians (May 2001:31). By the early 1700s, the Alabama, who were initially allied with the British, became allied with the French and allowed them to establish Fort Toulouse near present-day Montgomery. As of the late 1770s, the Coushatta had formed close contacts with the Spanish who sought them to provide a barrier between themselves, other Europeans, and native tribes (May 2001:32).

Subsequent to the French defeat by the British during the French and Indian War, the British took over Fort Toulouse in 1763. As a result, the French influence in the region ebbed, and the majority of Alabama, Coushatta, and Pakana Muscogee people chose to migrate westward with the French into Louisiana, which was held by Spain at the time (see **Figure 3**). Some travelled by land and others by water to avoid the territory of the Choctaw, one of their enemies (Martin 1977:xviii). By 1778, several Alabama towns were settled in Louisiana including one near the Caddo Indians in the northwest near Bayou Rapides and the other in south-central Louisiana near Opelousas. Another Alabama group was noted to have settled in southwestern Louisiana first along the Sabine River bordering Texas, then along the Calcasieu River. (May 2001:35).

The Coushatta followed a similar path west into Louisiana ahead of European encroachment and because a notable leader, Red Shoes, opposed some of the larger Creek policies including their proposed war with other native tribes (May 2001:36). Coushatta groups settled near several of the Alabama towns including near Opelousas and along the Sabine River about 80 miles south of Natchitoches. The Pakana Muscogee settled nearby along Calcasieu Bayou, 40 miles southwest of Natchitoches (Martin 2018). In 1834 a group of approximately 150 Pakana Muscogee travelled into Texas from their previous home on Calcasieu Bayou in Louisiana to a site on Penwau Slough two miles east of the Trinity River in Polk County (Gelo and Pate 2003:64; Martin 2010). They were initially led by Chief John Blount who died on the way to Texas. The new village was established on a hill along a narrow peninsula that extends into current Lake Livingston and is now referred to as Indian Hill. Subsequently, Frenchman John Burgess married a Pakana Muskogee woman and the tribe was invited to live on his 640 acres along Kickapoo Creek near present-day Onalaska, north of Indian Village (**Figure 12**).



**Figure 12.** John Burgess’ land grant superimposed on present-day Lake Livingston.

Texas Revolution

The Texas Revolution began with the battle of Gonzales in October 1835 and ended six months later. Victory against General Santa Anna was made possible through an important alliance between members of the Upper Creek Confederacy and early Texas settlers.

The Alamo had just fallen to General Santa Anna’s army during the struggle for Texas independence. Settlers across Texas were forced to leave quickly. They burned their homes and everything they could not carry. They did not want to leave anything that might help the Mexican army. Raging waters of the Trinity River threatened to block the escape of some settlers in the Big Thicket of eastern Texas (see **Figure 4**) where the Alabama and Coushatta Indians lived.

Luckily for the settlers, Coushatta Chief Kalita led the Coushatta Indians to their rescue. They removed the wheels and attached poles under the settlers’ wagons, then navigated the refugees across the river to safety. Afterwards, the Alabama and Coushatta tribes



provided food and shelter to the settlers. In this way, the Alabama and Coushatta tribes contributed to winning the Texas Revolution, and are an important part of Texas History. This legendary act of bravery is part of the Alabama-Coushatta's identity as tribes that now reside in Texas. Members of the Coushatta Tribe of Louisiana are also descendants of Chief Kalita.

#### Rebecca McIntosh Hagerty

In 1836, Benjamin Hawkins was murdered, apparently by local settlers who had formed a Vigilance Committee, for conspiring with Houston to introduce a large Creek settlement into Texas (McArthur 2019). Others blamed the Cherokees for Hawkins death (Gregory and Strickland 1995:150). Left a young widow with two small daughters, Rebecca Hawkins began to purchase land and slaves (Steger 2007). She would spend more than \$13,000 on land and slaves in the first few months of 1838 (McArthur 1986:23).

Benjamin Hawkins was a citizen of the Republic of Texas, leaving his heirs entitled to a league and labor of land. In 1841 and 1850, they received a total of 4,605 acres in what would become Cass (Abstract 451) and Marion (Abstract 183) counties (Steger 2007) (**Figure 13**). Cass County was created from Bowie County in 1846, while Marion County was formed from the southern portion of Cass County in 1860.

Rebecca married Spire Hagerty in 1838, two years after Hawkins' death (Bagur 2014). Spire was a planter, and together they owned thousands of acres (Harrison County Abstracts 359, 442, and 550) and a large estate near present-day Marshall called the Phoenix Plantation (**Figure 14**). The house at Phoenix Plantation (41HS849) had a wide hallway separating five rooms. Outside, the house was flanked by two large magnolia trees. There were five fireplaces throughout and a well on the back porch. The family cemetery was to the back of the house. After the house subsequently burned, only the chimneys were left standing.

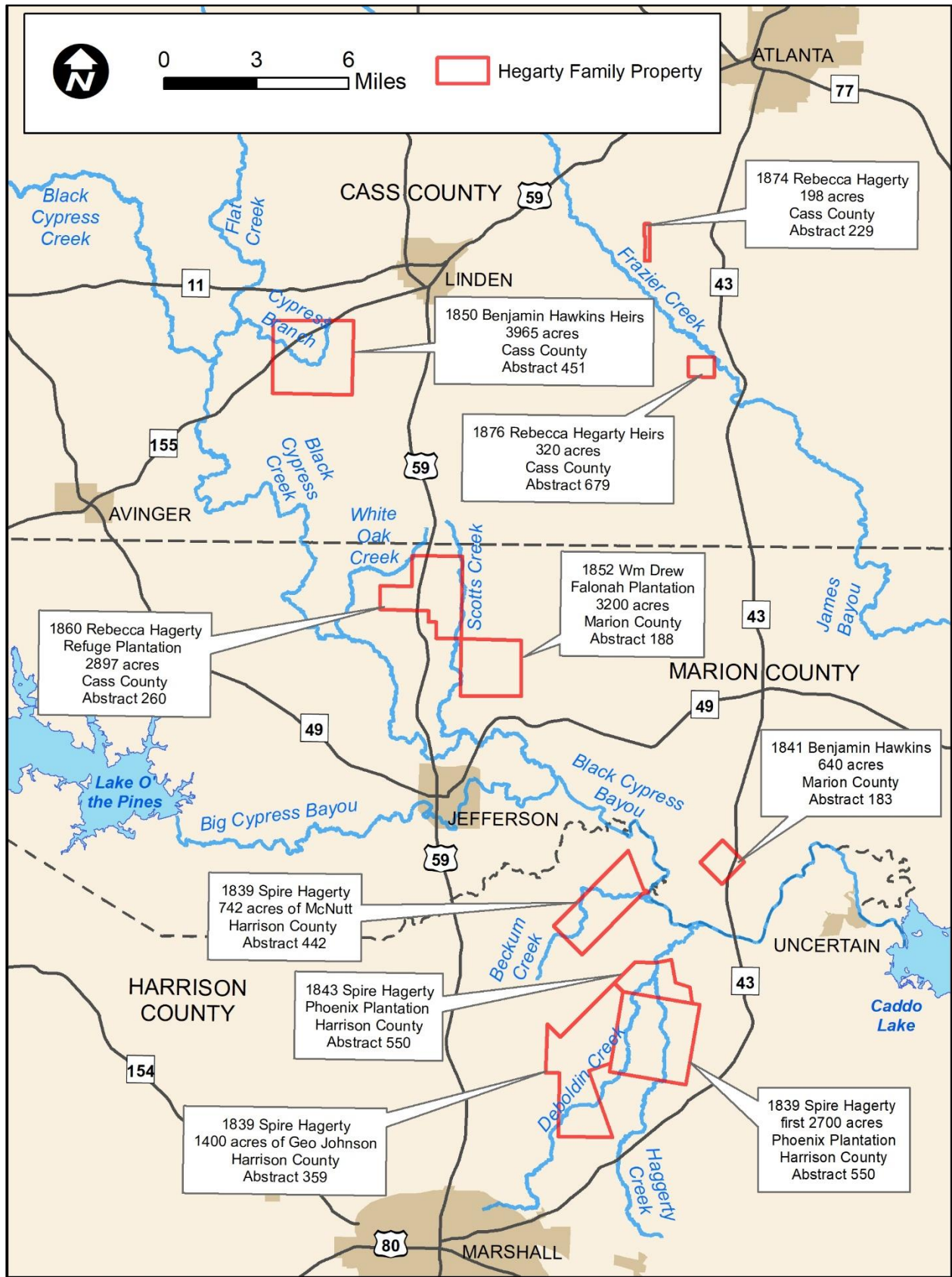
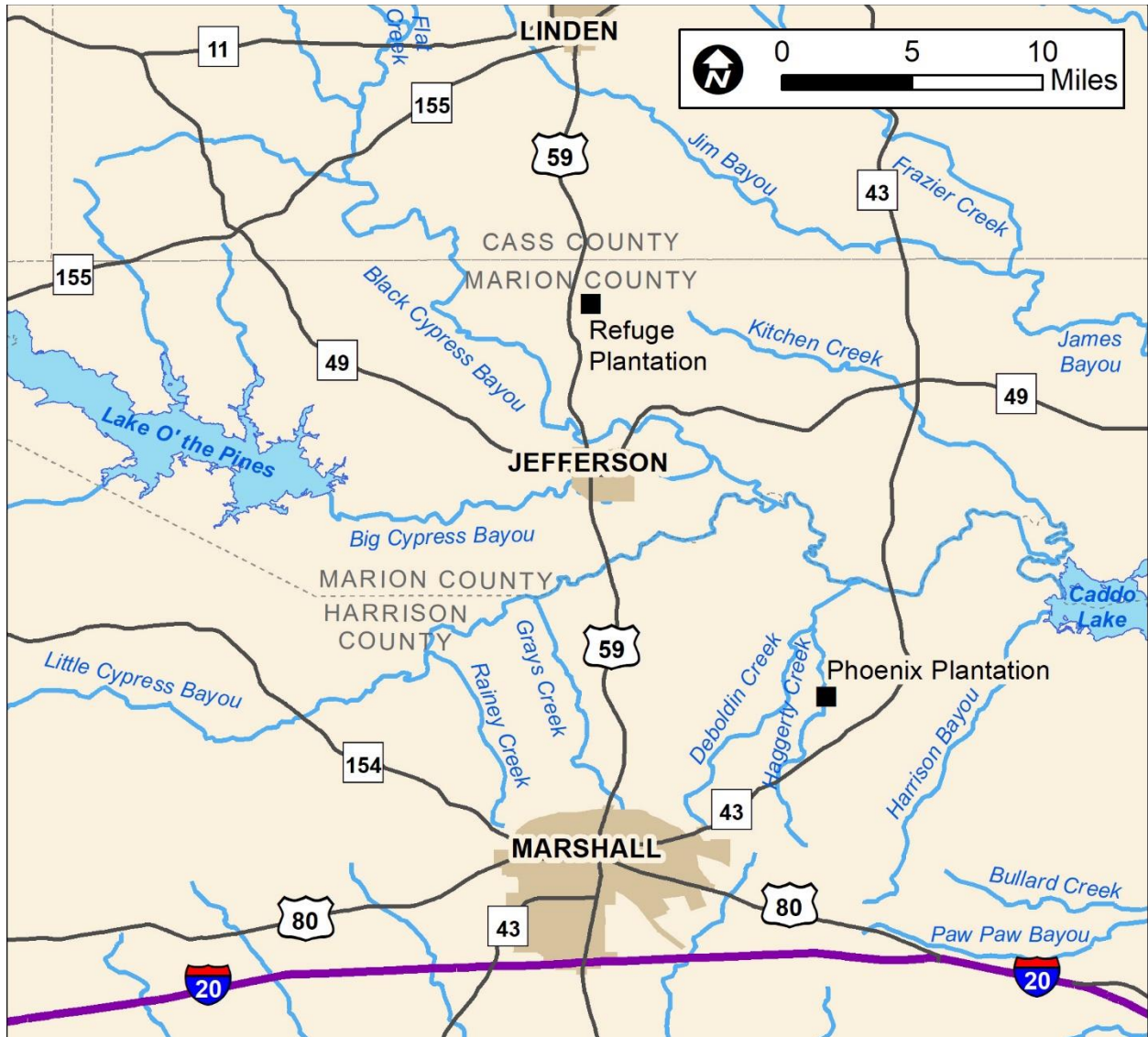


Figure 13. Rebecca Hagerty's family properties in Cass, Marion, and Harrison counties.



**Figure 14.** Rebecca Hagerty's family properties included the Refuge Plantation in Marion County and the Phoenix Plantation in Harrison County.

Wray's Bluff is located about halfway between the early Caddo Lake settlements of Port Caddo and Smithland on Big Cypress Bayou (Tiller 2016). When the bluff was surveyed in 1838, there was a small settlement called Muscogee on the site. Later this settlement became known as Wray's Bluff. In 1839, Rebecca McIntosh and her second husband Spire Hagerty bought 742 acres of the Hamilton McNutt Survey in present-day Harrison County (Abstract 442), which is adjacent to Wray's Bluff (see **Figure 13**). They would purchase 2,240 more acres of the McNutt Survey in 1847.

Spire and Rebecca Hagerty had five children, but their first three died as infants (Steger 2007) (see **Figure 6**). Sons Albert and George along with daughter Hetty Catherine and her husband Spire were all buried at Haggerty Creek Cemetery on Phoenix Plantation between 1844 and 1849. Spire Hagerty died in Alabama, forcing Rebecca to undertake a long court battle to claim their property for herself and the two surviving children, Frances Fidele Hagerty and Spire McIntosh Hagerty Jr. (Steger 2007:16).



### Creek Emigrants to Texas

Although probably the most well-known, the McIntoshes were not the only Creek family to emigrate to Texas. Tusekiah Charley and five of his family members ranging in age from 8 to 31 emigrated from Alabama to Texas in 1839. They moved from Texas to Okfuskee Town in Creek Nation Indian Territory in 1842, according to an 1896 report by U.S. Indian Agent R. L. Owen. James and Nancy Hutton and several branches of the Ezekiel Henry family also emigrated from Alabama to Texas between 1832 and 1837, with many of their descendants then moving to Okfuskee Town in 1866. Likewise, Peggy Kenard and her six children (ages 2 to 16) emigrated from Alabama to Texas in 1838, and then moved to Okfuskee in 1849. Levina Wadsworth emigrated from Alabama to Texas in 1833 with her four children who ranged in age from 8 to 14, and then moved to Broken Arrow Town, or *Re Kackv*, in Creek Nation in 1840. Muskogee Sutburg and three household members, including a 33-year old servant named Susan, emigrated from Alabama to Texas in 1838 and then moved to Broken Arrow Town in 1848. Micco Yahola and three family members (ages 35 to 50) emigrated from Alabama to Texas in 1838, moving in 1840 to Tuckabatchee Town in Creek Nation.

Juan N. Almonte reported in 1835 that 600 Muscogee (Creeks) resided in the vicinity of Nacogdoches (Casteñeda 1925:222). In 1837, the Standing Committee on Indian Affairs reported that Coushatta, Alabama, Biloxi, and Muscogee (Creek) Indians were living in Nacogdoches and Liberty counties. The first three tribes had resided there for 50 years, but the Muscogee (Creek) people had lived there only since 1834. These four groups were estimated to include 150 warriors who were considered peaceful. By 1849, there were an estimated 50 Creek Indians in Texas, including 10 warriors (Winfrey and Day 1995[3]:140).

Creek Indian Agent James Logan wrote to Sam Houston in 1842, relating that Principal Chief of the Creek Nation Roley McIntosh had assembled a meeting of representatives from 18 tribes at Fort Gibson. Among the attendees were three chiefs from tribes on the prairies bordering the Republic of Texas, including from the Keechi (Kichai), Wichita, and Tawakoni tribes. The assembled tribes expressed a desire for peace among the attendees, as well as between the tribes and the Republic of Texas (Winfrey and Day 1995[1]:135-136). Chief Roley McIntosh advised the plains tribes to abandon the lives of hunter-gatherers for the sedentary life of farmers who live in peace with the white settlers (Debo 1941:137).

Mexico tried to enlist the Muscogee (Creek) against the Texans, while Sam Houston also sought their allegiance. They refused the overtures of both and were able to remain neutral (Debo 1941:134).

### **State of Texas (1845-present)**

#### Rusk and Gregg counties

Between 1845 and 1850 families of Yowani Choctaws and McIntosh-faction Creek Indians settled near present-day New London, Texas. Members of the McIntosh-faction were generally of mixed race and had been exposed to European-American culture but continued to self-identify as Creek Indians. Most of the Muscogee (Creek) people left the Rusk and Gregg county area either during the Civil War or shortly thereafter. A few returned to the Muscogee (Creek) Nation, but others scattered throughout Texas (Thompson and Pynes 2018).

#### Ezekiel Henry Family

The Ezekiel, John, and Hugh Henry families appear on the 1850 U.S. Census of Cherokee County, Texas. Ezekiel and Judith Henry were ages 65 and 53, respectively, and were recorded



with two sons and a daughter besides John and Hugh Henry (see **Figure 9**). Woodson D. Henry (discussed below) was the couple's eldest son, but he resided in Smith County. Ezekiel and Judith Henry owned 450 acres of land (Abstract 241; **Figure 15**) and their estate was worth \$2,500.

According to the 1850 U.S. Census Slave Schedule, Ezekiel Henry "owned" eight African-American people ranging in age from 2 to 48. They included one man, two women, four boys, and one girl. No names were recorded on any U.S. Census Slave Schedule. The youngest woman and the girl were described as Mulatta, or of mixed European and African heritage. Recorded within Ezekiel Henry's household, his son Patrick H. Henry, age 25, "owned" three people ranging in age from 14 to 20, including one Mulatto man, one Mulatto boy, and a Black girl. With their labor, Ezekiel and Judith Henry's farm produced 800 bushels of Indian corn on 130 improved acres. They raised a \$1,000 worth of livestock, including 150 pigs, according to the 1850 U.S. Census Agricultural Schedule.

Ezekiel and Judith Henry's son John P. Henry also owned 450 acres of land in 1850, but only 60 acres were improved, and his estate was worth \$2,200. He and Catharine Henry had five children including a two-year-old born in Texas. John and Catharine Henry owned nine slaves ranging in age from 2 to 29, including one man, two women, two infant boys, and four girls, one of whom was described as Mulatta. With their labor, the farm produced 250 bushels of Indian corn, according to the 1850 agricultural schedule.

John P. and Catharine Henry are recorded on the 1860 U.S. Census of Beat 2, Cherokee County with 10 children ages 18 to 2. They owned real estate worth \$2,200 and had a \$5,000 personal estate, based on "owning" seven people who lived in one house. The slaves included two men ages 39 and 60, one 50-year-old woman, one 14-year-old girl, two 12-year-old Mulatto boys, and an 8-year-old boy, according to the 1860 slave schedule. John P. and Catharine Henry had 35 acres of improved land and 1,965 unimproved acres, according to the 1860 agricultural schedule. They owned \$75 of farm equipment and livestock worth \$600. Using slave labor, the farm raised 30 pigs, 30 sheep, 6 milk cows, 6 horses, 3 cattle, and 2 oxen, and produced 1,200 bushels of Indian corn.

Hugh and Charlotte L. Henry had two children, their youngest born in Texas. Hugh Henry owned 320 acres, of which 60 were improved. Hugh and Charlotte Henry's estate was worth \$1,600. Hugh Henry "owned" three African-American people, ranging in age from 16 to 40. They included one man, one woman, and a girl. With slave labor, the farm produced 250 bushels of Indian corn, and raised about twice as much cattle and swine as his brother John Henry.

Ezekiel Henry founded Henry Cemetery in 1852 when he buried his 24-year-old daughter, Parolee Henry Clark. The cemetery was expanded in 1853 with the burials of Ezekiel Henry and his son, Joseph Francis Henry. Today at least 68 known descendants of the Henry family are buried in the Cherokee County cemetery. A section of African American burials is in the northeast corner of the cemetery. One prominent marker is that of Peter Johnson, a former slave of the Jinkins family who had been given Jinkins-family property upon his emancipation. The cemetery has been commemorated by an Official Texas Historical Marker and dedicated as an Historic Texas Cemetery.

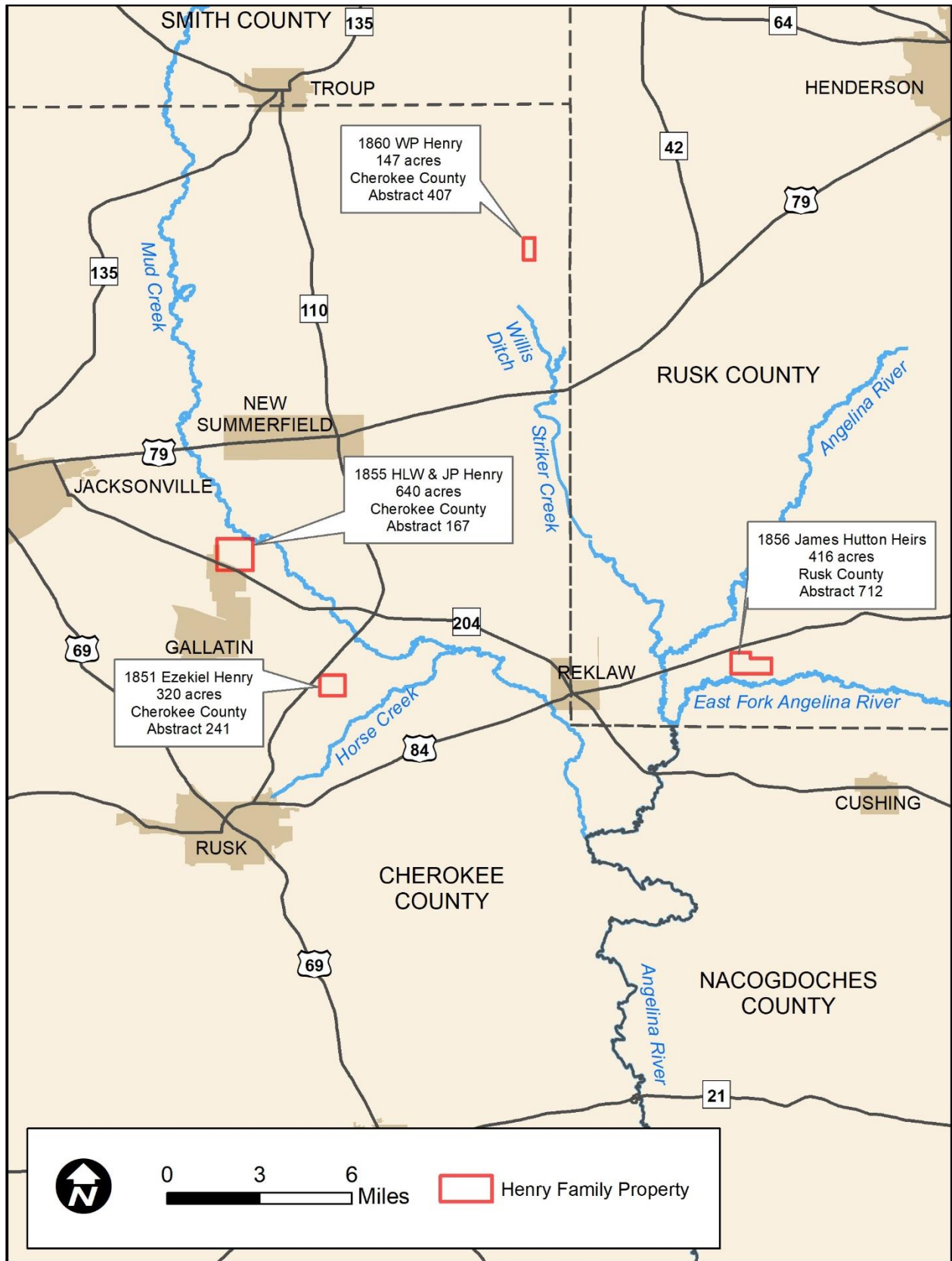


Figure 15. Extended Henry family property in Cherokee County and Rusk County.

### Other Henry Families in Cherokee County

The Alfred, C.S., M.W., Patrick and Ezekiel F. Henry families appear on the 1860 U.S. Census of Cherokee County, Texas. Alfred Henry was born in 1825 in Tennessee and was a widower with four children ages 2 to 7 when they were recorded for the 1860 census. He owned \$1,360 in real estate and had a \$1,000 personal estate. A 16-year-old-girl named Mary J. Taylor is recorded as part of the household. Alfred Henry “owned” an 8-year-old Black girl, according to the 1860 slave schedule. His farm consisted of 40 acres of improved land and another 300 acres of unimproved property worth a total of \$1,360. He also had \$100 of farm equipment, and 7 cattle, 4 milk cows, 4 oxen, and 2 mules worth \$300. The farm produced 250 bushels of Indian corn and one bale of ginned cotton. Alfred Henry remarried in 1861 to Mary Jane Murphy. They were among a group of 26 settlers who founded the Friendship Baptist Church near Corine Cemetery in 1872. The church held early worship services in a log building, which also housed the community school. Early baptisms were held in nearby Neches River or in Carey Lake. An Official Texas Historical Marker commemorating the church and cemetery was erected in 1996.

C.S. and Martha Henry are recorded on the 1860 U.S. Census of Beat 2, Cherokee County with three young children ages 1 to 4. They owned real estate worth \$3,200 and had a \$10,190 personal estate. The latter was based on “owning” nine Black people who lived in two houses. The slaves included four men ages 24 to 28, one 19-year-old woman, three girls ages 3 to 14, and a 6-month-old boy, according to the 1860 slave schedule. C.S. and Martha Henry had 175 acres of improved land and 500 unimproved acres, according to the 1860 agricultural schedule. They owned \$175 of farm equipment. Their livestock was worth \$1,470 and included 60 pigs, 40 cattle, 20 sheep, 12 milk cows, 10 oxen, and 2 horses. Using slave labor, the farm produced 1,200 bushels of Indian corn, 445 bushels of rye, 50 pounds of wool, and 12 bales of cotton.

M.W. and Lucy Henry and their six children, ranging in age from 5 to 18, appear in the 1860 U.S. Census of Beat 2, Cherokee County. They owned real estate worth \$4,198 and had a \$5,500 personal estate. The latter was based on “owning” six Black people who lived in three houses. The slaves included two men ages 19 and 60, one 22-year-old woman, and three girls ages 7 to 16, according to the 1860 slave schedule. M.W. and Lucy Henry had 200 acres of improved land and 1,181 unimproved acres, according to the 1860 agricultural schedule. They owned \$4,698 in real estate and \$500 of farm equipment. Their livestock was worth \$870 and included 40 pigs, 17 sheep, 15 cattle, 10 milk cows, and 3 horses. Using slave labor, the farm produced 1,400 bushels of Indian corn, 30 pounds of wool, and 18 bales of cotton.

Patrick and A.J. Henry are recorded on the 1860 U.S. Census of Beat 2, Cherokee County with five young children ages 2 months to 9 years. They owned real estate worth \$2,225 and had a \$6,020 personal estate, based on “owning” seven people who lived in one house. The slaves included one Black man age 30, one Mulatto man age 22, two Black women ages 25 and 50, one Mulatta girl age 10, and two Black girls ages 7 and 2, according to the 1860 slave schedule. Patrick and A.J. Henry had 100 acres of improved land and 345 unimproved acres, according to the 1860 agricultural schedule. They owned \$100 of farm equipment and livestock worth \$1,070. Using slave labor, the farm raised 30 pigs, 11 milk cows, 10 cattle, 9 horses, 5 sheep, 2 oxen, and 2 mules, and produced 1,100 bushels of Indian corn, 27 bushels of wheat, 13 bales of cotton, and 6 bushels of rye.

Ezekiel F. and Sarah F. Henry are recorded on the 1860 U.S. Census of Beat 8, Cherokee County with a one-year-old son. They had a \$600 personal estate with no slaves. Ezekiel F. and Sarah F. Henry rented their farm, according to the 1860 agricultural schedule. They owned \$15 of farm equipment and livestock worth \$1,070. The Henrys raised 25 pigs, 15 cattle, 15 sheep, 8 oxen, 4 milk cows, 3 horses, and 1 mule, and produced 150 bushels of Indian corn and 25 pounds of wool.

#### James and Nancy Hutton Family

As mentioned, James and Nancy Hutton along with Woodson D. and Lovina Hutton Henry came to Texas between 1832 and 1837 with a group of 35 Muscogee (Creek) families from Chambers County, Alabama. James Hutton received a certificate for first-class claimants from the Board of Land Commissioners of Nacogdoches County for 640 acres of land, based on him being a resident since October 2, 1837. He served as a private in the Mounted Rangers under Captain (Capt.) A. Jordan in 1839.

James and Nancy Hutton had 640 acres surveyed in what became Cherokee County in 1839, but they were unable to complete the claim before other settlers moved in. The property was described as, “situated in the country formerly occupied by the Cherokee Indians,” and was along Striker Creek in the Neches River basin. Striker Town was a Cherokee Indian village established in the area around 1819, when the first refugee Cherokees arrived in eastern Texas. They were expelled by the Republic of Texas government in 1838 (Mayfield 2010).

In 1849, James and Nancy Hutton purchased 340 acres (Abstract 351) in Smith County (**Figure 16**). The following year, they bought 320 acres (Abstract 245) in the same county. They increased their land holdings again in 1852 with 320 acres (Abstract 216), and in 1856 with 222 acres (Abstract 234), all in Smith County.

James and Nancy Hutton appear on the 1850 U.S. Census of My Subdivision, Smith County. Their household includes two men in their 20s from Kentucky and Louisiana, respectively, who were working as laborers. James Hutton is described as a 49-year-old farmer from Alabama who owned \$4,250 in real estate, while Nancy Hutton “owned” two African-American people, including a man age 22 and a 15-year-old boy, according to the 1850 slave schedule. The Huttons had 80 acres of improved land and 240 acres of unimproved land, according to the 1850 agricultural schedule. The land was worth \$1,500 and their equipment was valued at \$60. Using slave labor, the Huttons raised 350 pigs, 56 cattle, 35 sheep, 20 milk cows, 5 horses, and 4 oxen. Their livestock was valued at \$1,600. They also harvested 25 bushels of rye and 900 bushels of Indian corn. James Hutton died in 1853 and by 1856 his heirs had received a total of 640 acres (Abstracts 379 and 380) in Van Zandt County, along with 416 acres (Abstract 712) in Rusk County, based on James Hutton’s first-class claimant certificate.

Nancy Hutton appears on the 1860 U.S. Census of Jordan’s Saline, Van Zandt County as the head of a single-member household. She is described as a 58-year-old farmer from Alabama who owned \$1,920 in real estate and whose personal estate was \$5,400. Nancy Hutton “owned” four African-American people—including one man age 30, two women ages 30 and 18, and a 13-year-old boy—all of whom lived in two slave houses, according to the 1860 slave schedule. A. Whetstone and J.S.J. Whetstone were neighbors and fellow slave holders.



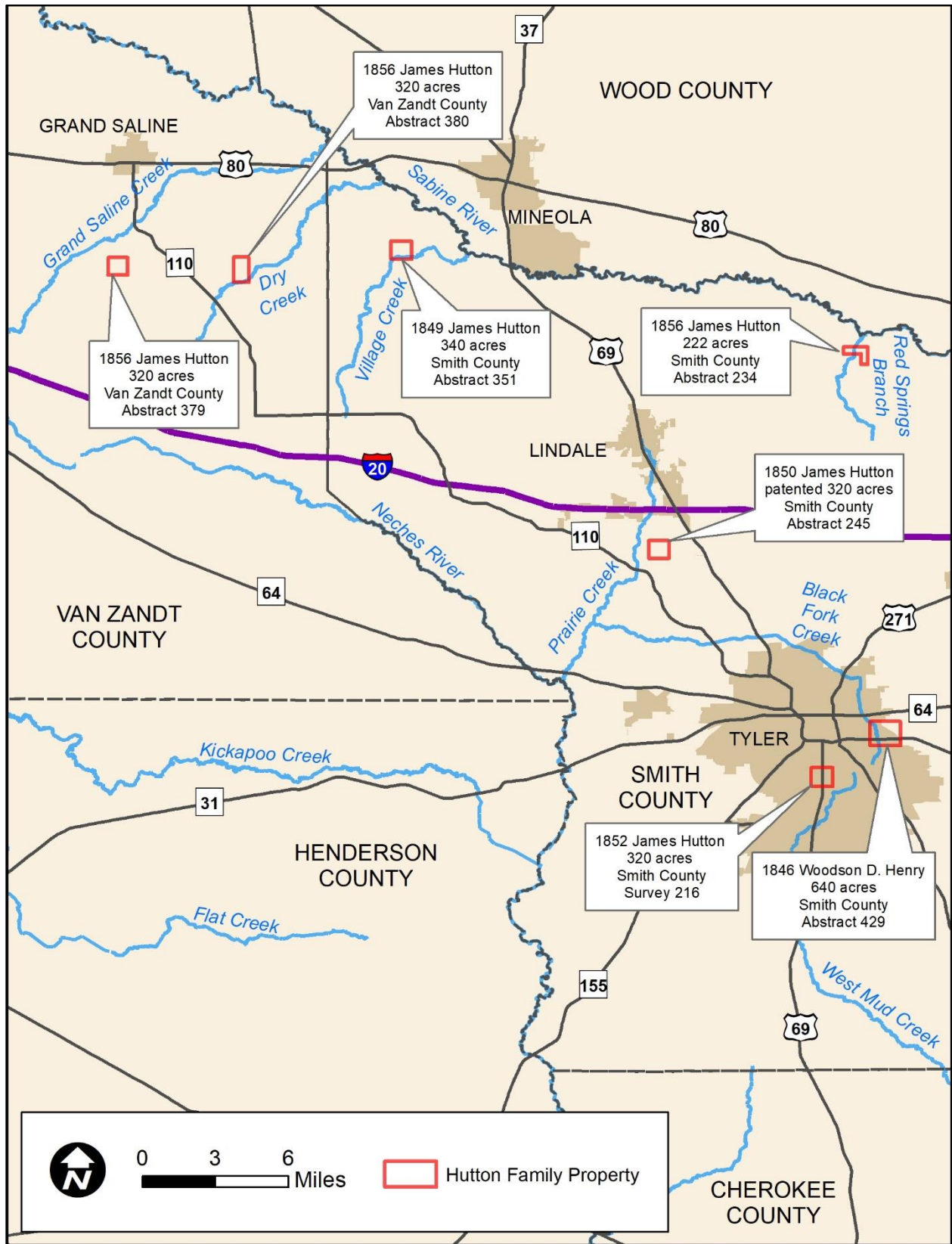


Figure 16. James and Nancy Hutton properties in Van Zandt and Smith counties, with Woodson D. Henry's property in Smith County.

Nancy Hutton appears on the 1870 U.S. Census of Canton in Van Zandt County as the head of a household that included her grandson and granddaughter-in-law James and Mary Henry, ages 31 and 30, respectively. Canton was laid out and named by settlers moving from Old Canton in Smith County in 1850. James Henry was a farrier, her grandson, Hugh W. Henry (son of Woodson D. and Lovina Henry), was a wagoner and was recorded as a member of the next household in the census, which included the family of Anderson and Nancy Whetstone, their five children ages 1 to 13, and Samuel Samuels a Black farm laborer. By 1878, Nancy Hutton had married J. P. Whetstone and a son, born that year (also named J. P. Whetstone), lived until 1934, according to the son's death certificate.

#### Woodson D. and Lovina Henry Family

Woodson D. and Lovina Hutton Henry were born and married in Alabama, emigrating to Texas in 1832. Woodson D. Henry was of European descent, while Lovina Hutton was half Creek Indian. As mentioned, Woodson D. Henry and his father-in-law, James Hutton, led 35 Creek Indian families into Texas between 1832 and 1837. Woodson D. Henry received a 640-acre land grant in 1846 that is today within the city of Tyler in Smith County (see **Figure 16**).

Their son Hugh W. Henry was born in the old stone fort at Nacogdoches, Texas in 1848. Soon after Hugh Henry's birth, his parents moved to the Brazos River in Hill County, Texas (Thoburn 1916:1898). Mother Lovina Henry died when her youngest son, Patrick, was 2 years old. Afterwards, Woodson D. took Hugh W. and his brother Patrick H. to live with Nancy Hutton, their maternal grandmother, in Smith County, Texas. Hugh W. Henry lived there until 1857. At that point, his father remarried and moved the brothers to Cherokee County. Hugh Henry ran away from home, traveling to a Fannin County cattle ranch, where he worked for seven years. In 1865, he joined John Terry's regiment under Captain Glasscock and fought for the Confederacy during the Civil War. In 1866, he resumed working for the Fannin County ranch, driving cattle to Kansas. The following year, he began hunting buffalo along the Canadian River with his uncle Walt Grayson. After his uncle died in 1875, Hugh Henry moved to a site along Coal Creek in Creek Nation, I.T., and continued in the livestock business. The nearby settlement of Henry City (present-day Henryetta, Oklahoma) was named for him (Thoburn 1916:1898).

#### Rebecca McIntosh Hagerty

The property for the heirs of Benjamin Hawkins that was secured in 1838 was divided into two plots, with 640 acres patented in Marion County in 1841 near the present-day intersection of State Highway 43 and Carter's Lake Road, and 3,965 acres patented in 1850 in Cass County about five miles southwest of present-day Linden (see **Figure 13**).

Rebecca Hagerty became one of the wealthiest persons in Texas after second husband Spire Hagerty died in 1849. Rebecca began fighting a long court battle to claim property for herself and children Frances Hagerty and Spire McIntosh Hagerty Jr. During that struggle, Rebecca filed a 35-page inventory of their estate, including 7,293 acres, slaves listed in family groups and by name, a warehouse, 28 mules, six horses, 213 hogs, 10 oxen, 295 cattle, 105 milk cows, and 20 sheep. Household furnishings were recorded, even the titles of each book and every kitchen item. Through a series of lawsuits, she challenged his disposition of the estate, and the property was ultimately divided between their children Frances and Spire McIntosh Jr. As the children's legal guardian, Rebecca Hagerty assumed legal and practical control of the Phoenix Plantation. In less than a decade she would triple its operating profit (McArthur 2019).

The Phoenix Plantation was northeast of present-day Marshall, while the Refuge Plantation was north of present-day Jefferson (see **Figure 14**). The Hagerty family had resided at the Phoenix Plantation until 1849 when Rebecca and other family members bought the Refuge Plantation and moved there (Bagur 2014).

In 1849, Rebecca Hawkins, her two small children, and ten of Benjamin Hawkins' slaves settled at the Refuge Plantation house (41MR268), which was a two-story house built in 1841 of square hewn logs with a wrap-around porch on three sides (see **Figures 13 and 14**) (Steger 2007:20). Downhill from the Refuge house were at least two slave homes, although the 1860 U.S. Census Slave Schedule records 22 houses for 103 slaves. Neither the slave quarters nor slave cemetery at the Refuge Plantation has been located.

During the 1850s, Rebecca's two younger sisters, Delilah Drew and Hetty Catherine Willison, and their families came to Cass (later Marion) County and settled in the vicinity of the Refuge Plantation near Jefferson (McArthur 1986:24). Delilah and William Drew, a man of mixed Cherokee heritage, bought the 2,214-acre Falonah Plantation which adjoined Refuge on the southeast in 1852 (Steger 2007). In 1859, as the Civil War approached, Roley McIntosh relinquished his position as chief, and moved to Texas to live with his niece Delilah Drew at Falonah (McArthur 1986:27). Roley was a half-brother to Chief William McIntosh and was the first chief of the Creek Nation of the West. Roley died in 1863 and was buried at Falonah Cemetery. William Drew died in 1861 and was also buried at Falonah Cemetery. Delilah Drew kept 200 acres of the estate as her homestead and sold the rest.

Rebecca cosigned a deed in 1849 with her brother-in-law, James Danbridge Willison for 1,986 acres called the Refuge Plantation (see **Figures 13 and 14**). Willison had married Rebecca's sister, Hetty Catherine McIntosh in 1839. The ownership of Refuge was shared by James and Hetty Catherine Willison, their daughters Kiamichi, Mary Jane, and Sarah, plus Rebecca Hagerty and her children, Louisa, Anna, Frances and Spire McIntosh Hagerty, Jr. (Steger 2007). In 1851, Rebecca Hagerty bought the 1,700 acres comprising the Willison half of the Refuge Plantation (McArthur 1986:24). In 1852, Rebecca lent her brother Daniel N. McIntosh \$4000 at 10 percent annual interest that was repayable in annual installments of \$970. As a means of repaying the debt, Daniel leased Rebecca six mules and the use of nine Black slaves, including two men, three women, three girls, and a boy (Cass County Deed Record Book F:387-388).

By 1851, Rebecca was administering two plantations, Refuge in Cass County for the children of her first marriage to Benjamin Hawkins, and Phoenix in Harrison County for the children of the second (McArthur 1986:25). She pursued a \$12,000-portion of Spire Hagerty's estate in Caddo Parish, Louisiana, and was granted the court's permission to go there and bring the slaves, livestock, personal property and money back to the Phoenix. Later in 1851, she filed similar papers to recoup a debt owed to Spire's estate in Arkansas (McArthur 1986:25).

Rebecca filed an inventory of the Phoenix Plantation in 1852 that says the farm produced 179 bales of cotton from the labor of 61 slaves the previous year, which sold for \$9,340 (McArthur 1986:26). The following year, the cotton yield increased to 210 bales, but the price it sold for dropped to \$6,522. Plantation assets included 266 cattle and 70 pigs. Slave labor produced 4,000 pounds of pork and 1,800 bushels of corn in 1851. Rebecca Hagerty's operating profit in 1853 was \$10,388. By 1861, the Phoenix was producing 354 bales of cotton on about 1,000 acres for an operating profit of \$35,866 (McArthur 1986:26).

The Refuge Plantation produced cotton and cow hides for the New Orleans market. In 1852, Refuge Plantation shipped 310 bales of cotton to market. These goods would be exchanged for household furnishings, medicines, books, lobsters, brandied cherries, peaches, pears, almonds, and brandy (McArthur 1986:26).

Rebecca's daughter Anna Hawkins married Frank C. Clark in 1855. Their only child, a daughter Sallie or "Chuchee," was buried at Haggerty Creek Cemetery on Phoenix Plantation (Steger 2007).

Rebecca Hagerty's estate as recorded on the 1860 U.S. census for Marion County included her personal wealth of \$85,000 and her real estate valued at \$35,000 (Steger 2007). She was the only woman in Texas among the 54 people who owned more than 100 slaves in 1860 (McArthur 2019). Rebecca Hagerty's estate nearly equated the personal value of her entire extended family in Marion County, which that year was \$123,000. She was by far the wealthiest person in the county at that time. Most of her personal wealth was attributed to the value of her 102 slaves. She was one of the largest cotton planters in both Marion and Harrison counties, producing between 500 and 600 bales annually for the New Orleans market (McArthur 2019).

By 1860, the large, extended Hagerty family lived throughout Marion County. Rebecca's daughter Louisa married James C. Scott, who served as his mother-in-law's business agent in New Orleans. Following the death of first husband Frank C. Clark, daughter Anna married Sam McFarland and had a baby daughter. Rebecca's two younger sisters lived in the Jefferson area: Delilah and William Drew with their teenaged son and daughter, and Hetty Catherine and James Willison with their four children. The eldest Willison daughter Klametia had married Thomas Scott and had two small children (McArthur 1986:26-27).

Between 1851 and 1859, Rebecca bought more than 30 slaves from Chickasaw, Creek, and Cherokee vendors, with many transactions occurring in Indian Territory (McArthur 1986:27). Her brother Daniel N. McIntosh sold slaves to her in 1852 (Cass County Deed Record Book F Page 387) and 1859, while Rebecca hired nine bondsmen from her half-sister Jane McIntosh in 1854 (McArthur 1986:27).

Ultimately, Rebecca accumulated more than 12,800 acres in three East Texas counties, which she held jointly with her children and other relatives (Steger 2007). Her estate included more than 7,000 acres across two plantations, two town lots, and warehouse in Port Caddo on Cypress Bayou (near present-day Caddo Lake State Park), where she shipped her farm produce to agents in Shreveport and New Orleans (Bagur 2014; Steger 2007). Port Caddo was established in 1838 and became a frontier town that gained momentum with people and trade moving westward (Hackney 2010). The community continued to thrive until shortly before the Civil War, when it began a rapid decline. In the 1870s a blockage formed by trees and debris, known as "the big raft," on the Red River was removed, freeing the water of Caddo Lake, and ending the era of the riverboat to Port Caddo (Hackney 2010).

#### Opothle Yahola

During 1854 and 1855, Opothle Yahola met with President Franklin Pierce in Washington, D.C. He was 80 years old with a slave-run plantation worth an estimated \$80,000 (Haveman 2009:366). After removal, the Creek people maintained many of their ceremonies, traditions, and forms of recreation. They maintained their war dance and held a buffalo dance each year



during the Green Corn Ceremony. Opothle Yahola was hostile to missionaries and Christianity, but it was Roly McIntosh who was the acknowledged principal chief of the Creek Nation in the west. The enmity between the factions continued to remain high long after removal (Haveman 2009:366-369).

At the height of the secession crisis during 1860-1861, the Creeks separated into “loyal” and “southern” factions. The McIntosh party along with those Creeks who despised the United States because of removal, were secessionists. Opothle Yahola wanted to stay out of the war entirely, writing President Lincoln for protection from Confederate agents and McIntosh Confederates. About 1,700 Creek warriors joined the Confederate cause. By mid-1861, thousands of Creek people who were loyal to Opothle Yahola, along with members of the Seminole, Delaware, Kickapoo, Wichita, Shawnee, and Comanche nations met near the confluence of the North Fork and Deep Fork rivers with their livestock and possessions. Together, they sought refuge in Kansas as they were pursued by Confederate forces led by the McIntoshes. By the time they reached the Kansas state line, 250 of Opothle Yahola’s people—mostly non-combatants—had been killed. The survivors who made it to Kansas suffered exposure, frostbite, and amputations. Opothle Yahola died there in 1863 (Haveman 2009:371-372).

#### Civil War

The American Civil War proved disastrous for the Muscogee (Creek) people. As mentioned, a large group of neutral Muscogee (Creek) led by Upper Creek leader Opothle Yahola were attacked by Confederate forces, constituting the first three battles of the war in Indian Territory. Most of the Muscogee (Creek) people wanted to remain neutral, but eventually Muscogee (Creek) citizens fought on both the Union and Confederate sides. The reconstruction-era treaty of 1866 renewed Muscogee (Creek) allegiance to the United States, but at the cost of 3.2 million acres, the entire western half of the Creek Nation, I.T. (Green 1979:58).

#### McIntosh Family

Rebecca McIntosh Hagerty’s brother Colonel (Col.) Daniel Newnan McIntosh (1822-1896) was her agent in Indian Territory for both slaves and farm goods. In 1861 Col. Daniel McIntosh organized and commanded the 1st Regiment of Creek Mounted Volunteers (**Figure 17**). Rebecca’s half-brother Col. Chilly McIntosh led the 2nd Regiment of Creek Mounted Volunteers. Both became part of the 1st Indian Cavalry Brigade under Brigadier General Stand Watie, who was the only Native American (Cherokee) to rise to that rank in the Confederacy. The two Col. McIntoshes led their men in engagements such as Round Mountain, Pea Ridge, Fort Wayne, First Cabin Creek and Honey Springs. As mentioned, Col. D.N. McIntosh led forces against non-combatants with Opothle Yahola seeking refuge near the Kansas state line. Col. D.N. McIntosh failed to engage his troops at Honey Springs.

Capt. William F. McIntosh, the second son of Chilly McIntosh, led Company C in the regiment commanded by Col. Daniel McIntosh, along with six other family members: Capt. William H. McIntosh leader of Company G, 2nd Lieutenant (Lt.) A. H. McIntosh in Company G, Private (Pvt.) John McIntosh (son of Chief Roley McIntosh) in Company C, Pvt. Thomas McIntosh in Company F, 2nd Lt. William McIntosh in Company A, and Pvt. William McIntosh in Company G (Meserve 1932:322).

Twenty members of the Alabama and Coushatta Tribes volunteered for Confederate Army service in 1862. They trained as cavalry and were sent to Arkansas to join Company G of the Twenty-fourth Texas Cavalry. The Company G commander discriminated against them and discharged the warriors. They returned to Texas where 132 Alabama and Coushatta men later became part of the Sixth Brigade, Second Texas Infantry. They constructed and operated flat-bottom boats for transporting farm produce to the Confederate forces. By helping to move key military supplies, they contributed to the success of Confederate forces along the Texas Gulf Coast.



**Figure 17.** Daniel N. McIntosh's headstone.

#### Post-Civil War

After the Civil War, Rebecca Hagerty's personal estate was valued at \$695 while the real estate was worth \$6,000. By that point, much of her estate had been passed on to heirs. Living with her were Frances and Spire, Jr., ages 22 and 20, respectively, and two grandchildren, Louella and Samuel McFarland, from her daughter Anna (McArthur 1986:28). Many of her former slaves, although no longer contributing value her wealth, stayed with Rebecca and later moved with her to Indian Territory.

In 1867, Delilah Drew went to live in Indian Territory along with her children, George, Susan "Sue," Kate, Martha, and Jessie. Sue Drew would serve as the only Native American woman on the Dawes Commission (1899-1907), which accepted applications for tribal enrollment.

Rebecca sold the Harrison County properties in 1876 to her children Frances and Spire McIntosh Hagerty, Jr. for \$7,250 (Steger 2007). She continued to maintain close ties with her relatives in the western Creek Nation, where her uncle and brothers were prominent in tribal government. She died during a visit to the Creek Nation in about 1877 and was buried in Fame Cemetery, Creek Nation, I.T. (present-day McIntosh County, Oklahoma) (McArthur 2019).

Frances Hagerty would marry John Hardy Berry in 1879. After Frances Berry's death at Fort Gibson, Indian Territory, her share of the Harrison county properties was divided between John H. Berry and their daughters Louise Berry and Adesta Fidele. These heirs sold the Phoenix Plantation to T. J. Taylor, the father of Mrs. Lyndon "Ladybird" Johnson, making Taylor only the third owner since the time of the Republic of Texas (Steger 2007).

### James Barclay

James Barclay was a legislator, county official, and Indian agent who was born in Tennessee. In 1836 at age 20, he arrived with his parents and brother in Jasper County and settled permanently in Texas. James Barclay was one of the earliest European settlers in what is now Tyler County. In 1852 he bought land in the John Wheat survey that included a village of the Alabama Indians. These Indians had relocated there along Cypress Creek around 1840 from their Fenced-In Village in northwestern Tyler County. The Alabama referred to this village as Jim Barclay Village and continued to live there after 1852 with Barclay's permission (Martin 2018).

In 1854, Barclay and Samuel Rowe were appointed commissioners to purchase land in Polk County for an Alabama Indian reservation. In 1858, Governor H. R. Runnels appointed Barclay agent for the Alabama, Coushatta, and Pakana Muskogee Indians. Barclay served a second term as agent for the Polk County Indians during 1864-1865.

### Pakana Muskogee Indians

By 1834 the Pakana Muskogee lived at Indian Hill and then on Frenchman John Burgess' 640 acres along Kickapoo Creek near present-day Onalaska (see **Figure 12**). These properties were partially inundated by Lake Livingston in 1969. After Burgess's death, his wife inherited the property and it became the de facto permanent home of the Pakana Muskogee in Polk County. The Pakana Muskogee were granted acreage for reservation land in Polk County in 1866, but as with the Coushatta, suitable land was not found, and they remained on the Burgess property. The population of the Pakana Muskogee community declined slowly and by 1859, only 50 remained. In 1882, the population was down to 42. By 1899, most of the Pakana Muskogee had intermarried into and/or were absorbed into the Alabama and Coushatta tribes or moved north to Creek Nation, I.T., leaving less than 10 living on the John Burgess survey (Martin 2010; Swanton 1946:170).

### S. Alice Callahan

Sophia Alice Callahan (1868–1894) is credited by scholars with being the first Native American woman to write a novel (Jones and Hanley 2020). *Wynema: A Child of the Forest* was written in 1891 and is a loosely constructed romantic novel that presents the story of a Creek girl named Wynema Harjo and her Methodist teacher, Genevieve Weir. As Weir learns about Creek life, the reader is introduced to American Indian traditions such as the Green Corn Festival, burial practices, and foods such as sofkey and blue dumplings. Woven into the work are contemporary issues ranging from women's rights to Indian land allotment and the massacre at Wounded Knee. *Wynema* remained virtually unknown until 1955 when Oklahoma historian Carolyn Thomas Foreman located it at the Library of Congress and wrote about it in the journal *Chronicles of Oklahoma*.

Alice Callahan was born in Bright Star (now Sulphur Springs), Texas, on January 1, 1868, to Samuel Benton Callahan and Sarah Elizabeth (Thornberg) Callahan (Jones and Hanley 2020). Alice's father and paternal grandmother had survived the federal removal of Muskogee (Creek) people from Alabama to Indian Territory in the 1830s. Samuel's father, who was Irish, died from exposure on the trek. As a cattle rancher in Okmulgee, Samuel Callahan had accumulated a notable amount of wealth, including slaves. During the Civil War he served in the Confederate States Army and became captain of Company K of the First Creek Confederate Regiment, then represented the Creek and Seminole nations in the Second Confederate Congress (Jones and Hanley 2020).

A few years before Alice was born, her mother fled Creek Nation, I.T., with her children and an enslaved woman named Clara during the Civil War. They left after a mob burned their home and killed their cattle (Jones and Hanley 2020). They relocated to Sulphur Springs, Texas, where Alice's paternal grandmother and paternal step-grandfather lived. Alice's father joined them after the war. The family lived in Sulphur Springs until 1885 when they returned to Okmulgee, where Samuel Callahan rebuilt his cattle operations (Jones and Hanley 2020).

#### Johanna July

Johanna "Chona" Phillips July Wilkes Lasley was a member of the Black Seminole community, a skilled horse breaker, and a Federal Writers' Project interviewee (Gutierrez Venable 2020). She was born circa 1860 in a nineteenth-century Black Seminole settlement near Nacimiento, Mexico (present-day Nacimiento de los Negros, Coahuila, Mexico). Johanna's mother was Jennie Bruner (also spelled Bruno), and her father was likely the Black Seminole U.S. Army Scout Ned Philips (Gutierrez Venable 2020). Much of Johanna July's story comes from portions of an oral history interview that was collected by interviewer Florence Angermiller, one of the more than 300 writers who worked for the Folklore Project of the Federal Writers' Project, a New Deal-era jobs program under the Work Projects Administration (WPA) from 1936 to 1940 (Figure 18).



**Figure 18.** Johanna July using a wooden mortar and pestle in 1937 at Brackettville, Texas. Courtesy of Born in Slavery: Slave Narratives from the Federal Writers' Project, 1936 to 1938, Lot 13262, Prints and Photographs Division, Library of Congress, Washington, D. C.



Johanna's family dated back to the leaders of the Black Seminole in Florida, a multiracial community of African and Muscogee (Creek) heritage (Gutierrez Venable 2020). During the forced removal era of the 1830s that was designed to appropriate land for white Anglo settlers, the Phillips family migrated to Fort Gibson in Indian Territory, subsequently escaping to a ranch—Hacienda de Nacimiento—in Mexico where Johanna and her brother Joseph Phillips were born. Despite her later being recorded as part of the Slave Narrative Project, she was born free and was never a slave. Members of the Black Seminole scouted for the Mexican government in exchange for land and citizenship. Around 1869, however, some members of the Black Seminole community at Nacimiento sought to return to the United States (Gutierrez Venable 2020).

In 1870 Ned Phillips was among the first Black Seminole scouts to join the United States Army and a unit named "Seminole Negro Indian Scouts." The unit formed under an agreement negotiated between Black Seminole leader John Kibbetts and U.S. Army Capt. Frank W. Perry and Major Zenas R. Bliss of the 25th United States Infantry. The Phillips family settled near Fort Duncan, north of Eagle Pass, Texas, where, according to her WPA interview, her father broke horses for the army, farmed, and raised livestock (Gutierrez Venable 2020). The Black Seminole culture at the time had definite gender-specific work. Typically, women tended the house and men the livestock; however, Johanna was fond of horses and explained in her WPA interview that she learned to ride from Seminole scout Adam Wilson. She became an expert horse breaker; consequently, her parents allowed her to care for and train animals (Gutierrez Venable 2020).

When Johanna turned eighteen, she married Carolina July, an army scout who lived at Las Moras Creek near Fort Clark in Kinney County, Texas in 1877. However, by the 1880 census she was living with her mother Jennie Phillips. After Carolina July died in 1884, Johanna married Alexander "Alex" Wilkes, a soldier stationed at Fort Duncan. They had four children: John Fitzgerald Wilkes, Ned Wilkes, Lucinda Wilkes, and Amanda Wilkes. Johanna listed herself as a widow on the 1900 census and all four children were living with her in Eagle Pass (Gutierrez Venable 2020).

Johanna remarried for the last time on February 16, 1909, to Charles Lasley. They ran a successful business raising cattle, breaking horses, and selling hides. By 1940 Johanna lived on Rufford Street in Brackettville, Texas, next to her granddaughter Ora Mae (Roach) Brown and Brown's family. She died on January 18, 1942, in Brackettville and was buried in the Seminole Indian Scouts Cemetery (Gutierrez Venable 2020).

## Reservation Life

### Texas

The Alabama-Coushatta Tribe of Texas is one of three federally recognized Tribes who own land in Texas, the other two being the Kickapoo Traditional Tribe of Texas and the Ysleta del Sur Pueblo (**Figure 19**). The Alabama and Coushatta Tribes relocated themselves to Texas in the late 1700s and early 1800s as they were forced out of their homelands. The Alabama Tribe received a land grant from the state of Texas in 1854 in Polk County. In 1855 the Texas legislature granted the Coushatta Tribe 640 acres, but the land never materialized. With the permission of the Alabama, some of the Coushatta settled on their Polk County reservation in 1859, though most returned later to homestead their own lands in Louisiana, where their descendants formed the Coushatta Tribe of Louisiana. Some Coushatta lived at Kalita's

Village in San Jacinto County until 1906, when they moved to join the Alabama. Prior to the Civil War, the Alabama and Coushatta Tribes had separate lands, villages, and chiefs. Although the two Tribes now share a reservation in Texas, the languages and some of the customs are still different.



**Figure 19.** Tribes who own property in Texas.

### **Oklahoma**

The U.S. Army forcibly removed more than 20,000 Muscogee (Creek) people to Indian Territory in 1836 and 1837. The Lower Creeks located their farms and plantations on the Arkansas and Verdigris rivers. The Upper Creeks re-established their ancient towns on the Canadian River and its northern branches. The Tribal Towns of both groups continued to send representatives to the National Council that met near High Springs (Muscogee [Creek] Nation 2018:3).

In 1867, the Muscogee (Creek) people adopted a written constitution that provided for a Principal Chief and a Second Chief, a judicial branch and a bicameral legislature composed of a House of Kings and a House of Warriors (Green 1979:62). Tribal Towns determined representation in both houses of this Legislative assembly. A new capital was established in 1867 on the Deep Fork of the Canadian at Okmulgee. In 1878, the Nation constructed a familiar native stone Council House, which remains at the center of the modern city of Okmulgee. The Nation recently restored the Council House (**Figure 20**) and maintain it as a museum and government meeting place.



**Figure 20.** Muscogee (Creek) Nation Council House in Okmulgee.

During the late 1800s, the Dawes Commission began negotiating with the Muscogee (Creek) Nation for the allotment of the national domain. As noted, Delilah Drew's daughter Sue Drew served as the only Native American woman on the Dawes Commission (1899-1907), which accepted applications for tribal enrollment.

In 1898, the U.S. Congress passed the Curtis Act, which enabled the dismantling of the National governments of the Five Civilized Tribes and the allotment of collectively held tribal domains. Through this and other acts, the U.S. Congress forced the Muscogee (Creek) people to accept allotment, the destruction of their government, the eradication of their legal system, and the attempted elimination of their community life (Green 1979:65).



In 1890, the noted statesman Chitto Harjo helped lead organized opposition against the dissolution of Muscogee (Creek) National government and allotment of collectively held lands. The end of the Muscogee (Creek) Nation as envisioned by the United States Congress did not occur. In the early 20th century, the process of allotment of the tribal land to individual citizens was completed. However, the dismantling of the Muscogee (Creek) government never happened. The Nation maintained a Principal Chief throughout this period.

Despite allotment, Muscogee (Creek) people have maintained their loyalty to their ancient towns, a large number of which continue to function as social, ceremonial, and political units. These, along with the Traditional Churches and the many stomp grounds, continue to provide the Muscogee (Creek) with a strong sense of community.

In 1971, the Muscogee (Creek) people, for the first time since the partial dismantling of their National government, democratically elected a Principal Chief without U.S. Presidential approval. During the 1970s the leadership of the Muscogee (Creek) Nation drafted and adopted a new constitution, revitalized the National Council, and began the challenging process of political and economic development. In the 1980s, U.S. Supreme Court decisions affirmed the Nation's sovereign rights to maintain a national court system and levy taxes. The federal courts have also consistently re-affirmed the Muscogee (Creek) Nation's freedom from state jurisdiction, most recently by the Supreme Court of the United States' ruling in *McGirt v. Oklahoma* in 2020.

### ***Indian Relocation Act of 1956***

In 1953, the U.S. Congress established a new policy towards American Indians: termination. This policy eliminated most government support for Indian tribes and ended the protected trust status of all Indian-owned lands. Specifically, termination referred to a process of tribe-by-tribe legislation, revoking the tribal charters that under Collier's Indian Reorganization Act had stood as the foundation for Indian sovereignty and Indian status as distinct peoples in American society (Burt 1986).

The Indian Relocation Act of 1956 (also known as the Adult Vocational Training Program) was designed to encourage American Indians to leave Indian reservations and their traditional lands, and to assimilate into the general population in urban areas. This law was part of the Indian termination policy of that era, which terminated the tribal status of numerous groups. The scope and magnitude of this assimilation experiment is still affecting people's lives today. Relocation induced at least 30,000 Indians to move in the 1950s and almost three times that number during the 1960s and 1970s (Burt 1986).

When the relocation efforts started about 8 percent of Native Americans lived in cities. By 2000, that population had risen to approximately 64 percent. Numerous Muscogee (Creek) people made the move to cities, including Dallas, Texas, which became a relocation hub. Many struggled to adjust to life in a metropolis and faced unemployment, low-end jobs, discrimination, and the loss of traditional cultural supports. Many became homesick for relatives and communities because the fast-paced, competitive existence represented a dramatic departure from the collective, to which most were accustomed (Burt 1986:91).



The Indian Relocation Act paid moving expenses and provided vocational training for those who were willing to move from the reservations to certain government-designated cities, where employment opportunities were considered favorable. The legislation promised relocation transportation, transportation of household goods, subsistence per diem for both the time of relocation and up to 4 weeks after arrival, and funds to purchase tools or equipment for apprentice workers. Additional benefits offered included medical insurance for workers and their dependents, grants to purchase work clothing, grants to purchase household goods and furniture, tuition costs for vocational night school training, and in some cases funds to help purchase a home.

Although promised, not all of these benefits were available to Muscogee (Creek) families when they arrived in Dallas and other cities, often leading to poverty, culture shock, unemployment, and homelessness in the unfamiliar urban environment. While the program paid transportation costs to the city, no funds were provided for the trip home. The U.S. government tried to discourage returns by moving Indians to cities furthest from their homes (Burt 1986:91). Many families stayed only long enough to earn enough money to get back home. Some families stayed in Dallas, and today the Dallas Mvskoke Coalition continues to provide an at-large gathering/meeting for Muscogee (Creek) citizens in Texas.

From 1957 to 1973, more than 20,000 Native Americans representing 90 tribes moved to the Dallas area through the relocation program, according to the Urban Inter-Tribal Center of Texas (UITCT). For 46 years, the UITCT has provided members of federally recognized tribes with culturally sensitive, community-based services to meet the diverse needs of over 76,000 American Indians/Alaska Natives living in the Dallas/Fort Worth Metroplex. The state of Texas is home to 267,204 tribal members, comprising 1% of the state's population, with 76,392 of them residing within UITCT's 11-county service area.

### **Resources Identified as culturally sensitive for future planning**

The locations in Texas associated with the Muscogee (Creek) people include residences, farms, plantations, and cemeteries that are considered culturally sensitive for future planning purposes.

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