

**(4) Proposed Finding Documents**

- August 27, 1987

Summary under the Criteria and Evidence for  
Proposed Finding against Federal Acknowledgment

of the

MaChis Lower Alabama Creek Indian Tribe, Inc.

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

Approved:     AUG 27 1987    

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## INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs from the MaChis Lower Alabama Creek Indian Tribe, Inc., seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR 83).

Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of an existing government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR. Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Publication of the Assistant Secretary's proposed finding in the Federal Register initiates a 120-day response period during which factual and/or legal arguments and evidence to rebut the evidence relied upon are received from the petitioner and any other interested party. Such evidence should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research, Mail Stop 32-SIB.

After consideration of all written arguments and evidence received during the 120-day response period, the Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the Federal Register within 60 days of the expiration of the 120-day response period. This determination will become effective 60 days from its date of publication unless the Secretary of the Interior requests the Assistant Secretary to reconsider.

If at the expiration of the 120-day response period this proposed finding is confirmed, the Assistant Secretary will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

**SUMMARY UNDER THE CRITERIA (25 CFR 83.7(a-g))**

Evidence submitted by the petitioner and obtained through independent research by the Acknowledgment staff demonstrates that the MaChis Lower Alabama Creek Indian Tribe does not meet four of the seven criteria required for Federal acknowledgment. In accordance with the regulations set forth in 25 CFR 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

In the summary of evidence which follows, each criterion has been reproduced in bold face type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criterion.

- 83.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal."**

The MaChis Lower Alabama Creek Indian Tribe has only been identified as Indian and as Creek since its incorporation as a non-profit organization in 1982. Since that time it has been identified as a Creek Indian tribe in the local newspapers of Enterprise, Alabama and by the Coffee County School District, the U.S. Department of Education, the Town of New Brockton, and the State of Alabama.

None of the Federal census records identified group ancestors as Indian, and the State and county records which so identified one current member and four ancestors are of questionable validity because they have been altered. The group is not identified in any local or regional histories of the counties in southeastern Alabama nor in any scholarly works on the Creek Nation. There are no newspaper references to the group prior to 1983.

We conclude that the MaChis Lower Alabama Creek Indian Tribe does not meet criterion 25 CFR 83.7(a).

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

The MaChis Lower Alabama Creek Indian Tribe does not presently constitute, and has not historically formed, a community distinct from surrounding populations. The group contends that it is descended from those Creek Indians who took land allotments rather than remove to Indian territory in the 1830s and that their ancestors purportedly then fled to a cave in Covington County, Alabama to hide from hostile whites and soldiers.

No documentation has been found to substantiate the existence of a predecessor tribe or Indian community to the group. The tribe which inhabited the Lower Creek town of Tamali, which the petitioner claims was the aboriginal home of "the MaChis Indians," emigrated to northwestern Florida around the year 1800 and was absorbed in the Seminole tribe.

The group claims that they are the descendants of a Lower Creek Indian named MaChis, from whom the group derives its name. No historical reference could be found to document the existence of MaChis. No evidence could be found to verify any linkage between the early 19th-century Lower Creek individuals in Alabama whom the petitioner claims were its ancestors and the family lines of the group's membership.

The group holds that its ancestors managed to escape forced removal from Alabama by hiding in a cave in Covington County. Federal census records indicate that most of the group's ancestors did not take up residence in Alabama until long after the period of Creek removal (1827-1837), and that none of the primary families were living in Covington County prior to the 1880s. While Federal census and county records show there has been some residential clustering and interaction among the principal families in the group from 1850 to the present at various and somewhat scattered locations in southeastern Alabama, these family enclaves have never been regarded by others as being American Indian communities.

We conclude that the MaChis Lower Alabama Creek Indian Tribe does not meet criterion 25 CFR 83.7(b).

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

There is no evidence that tribal political influence or authority has been exercised or maintained by the petitioner over its members or that tribal decision-making processes have been carried out by group leaders either prior to or after the formal incorporation of the group in 1982. Therefore, we conclude that the MaChis Lower Alabama Creek Indian Tribe does not meet criterion 25 CFR 83.7(c).

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

The MaChis Lower Alabama Creek Indian Tribe submitted a copy of its bylaws adopted in 1982 as the group's governing document. The bylaws set forth formal governing procedures and state that membership is open to all persons of Lower Creek ancestry. However, a statement concerning membership submitted with the petition provides a more accurate description of the current membership. The statement defines a member as one who is a lineal descendant of MaChis or is a spouse of a member who is a lineal descendant of MaChis. Therefore, we conclude that the MaChis Lower Alabama Creek Indian Tribe meets criterion 25 CFR 83.7(d).

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

A membership list dated October 1, 1986 was submitted with the MaChis Lower Alabama Creek Indian Tribe petition. Two other lists of members were also submitted containing essentially the same family lines. Ninety-seven percent of the 284 members either claim lineal descent from MaChis or are spouses of those members who claim lineal descent from MaChis. Although the majority of the membership does share common ancestry, no documentation was submitted nor was any documentation located to establish that MaChis existed or that the common ancestors of the group were identified as Indians or were members of any historical tribe or tribes. Therefore, we conclude that the MaChis Lower Alabama Creek Indian Tribe does not meet 25 CFR 83.7(e).

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

No evidence was found that the members are principally enrolled in any other Indian tribe. Therefore, we conclude that the MaChis Lower Alabama Creek Indian Tribe is composed principally of persons who are not members of other North American Indian tribes and that the group meets criterion 25 CFR 83.7(f).

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

The MaChis Lower Alabama Creek Indian Tribe does not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision." No legislation is known to exist which terminates or forbids a Federal relationship with this group or its members. Therefore, the MaChis Lower Alabama Creek Indian Tribe meets criterion 25 CFR 83.7(g).

## HISTORICAL REPORT ON THE MACHIS LOWER ALABAMA CREEK INDIAN TRIBE

### SUMMARY OF EVIDENCE

The MaChis Lower Alabama Creek Indian Tribe (hereafter referred to as MLACIT) has only been identified as Indian and as Creek since its incorporation as a non-profit organization in 1982. Since that time it has been identified as a Creek Indian tribe in the local newspapers of Enterprise, Alabama and by the Coffee County School District, the U.S. Department of Education, the Town of New Brockton, and the State of Alabama. The National Congress of American Indians (NCAI), of which the group is a member, the Creek Nation of Oklahoma, and the recognized Poarch Band of Creeks, have taken no position on the MLACIT petition for Federal acknowledgment.

No documentation has been found to substantiate the existence of a predecessor tribe or Indian community to the MLACIT, and hence there is no evidence of historical identification as a Creek or Indian entity. None of the Federal census records identified group ancestors as Indian, and the State and county records which so identified one current member and four ancestors are of questionable validity because they have been altered. The MLACIT is not identified in any local or regional histories of the counties in southeastern Alabama nor in any scholarly works on the Creek Nation. No newspaper references to the group could be found prior to 1983. The Bureau of Indian Affairs has denied the participation of members of the group in a judgment award of the Indian Claims Commission (Docket 272) on the grounds that they could not adequately establish Creek ancestry. know.

The MLACIT does not presently constitute, and has not historically formed, a community distinct from surrounding populations.

The tribe which inhabited the Lower Creek town of Tamali, which the petitioner claims was the aboriginal home of "the MaChis Indians," emigrated to northwestern Florida around the year 1800 and was absorbed in the Seminole tribe. No evidence could be found to verify any linkage between the early 19th century Lower Creek individuals in Alabama whom the petitioner claims were its ancestors and the family lines of the MLACIT membership. Neither was any historical reference found for the man named MaChis, from whom the group derives its name and who they consider to be the progenitor of the group.

The possible single link between the MLACIT and the historic Creek Nation may be through one family line which traces back to Nancy Jane Bass, who may have been the great-great granddaughter of Nahoga or Nancy Moniac, an Indian woman from the Upper Creek town of Tuskegee (See Genealogical Report, MLACIT). Only about 20 percent of the current group membership could claim descent from this possible Indian ancestor. However, these 56 MLACIT members would then be Upper Creek descendants rather than Lower Creek as the petition maintains.

The MLACIT holds that its ancestors managed to escape forced removal from Alabama by hiding in a "rock house" or cave in Covington County. Yet, Federal census records indicate that most of the group's ancestors did not take up residence in Alabama until well after the period of Creek removal (1827-1837), and that none of the primary families were living in Covington

County prior to the 1880s. While there has been some residential clustering of related group members at various and somewhat scattered locations in southeastern Alabama, these family groupings have not been regarded by others as being American Indian communities.

The MLACIT is a well organized kinship group which claims Creek ancestry. There is no evidence that tribal political influence or authority has been exercised or maintained over its members or that tribal decision-making processes have been carried out by group leaders either prior to or after the formal incorporation of the MLACIT in 1982.

#### THE PRE-REMOVAL PERIOD, 1546-1826

The name Creek derives from "Ochese Creek Indians," the appellation first given a part of this Indian confederation in British colonial documents in 1720. Ochese Creek was an old name for the Ocmulgee River in Georgia. The easternmost tribes of the Creek Nation were living along the upper courses of this stream when the English first initiated trade with them (Swanton 1952, 157; Wright 1951, 128). "Creek" eventually became the popular designation for the whole confederated Nation. The terms Upper Creek (to designate the western tribes) and Lower Creek (for the eastern tribes) later became the stereotypic names used by Euro-American colonial officials. By the late 18th century, these terms came to refer to the geographical position of two tribal divisions that occupied most of what is now the states of Georgia and Alabama. The Upper Creeks lived in towns along the Coosa and Tallapoosa rivers, main tributaries of the Alabama River, and the Lower Creeks in towns along the Chattahoochee and Flint rivers, near the present Alabama-Georgia border. Sometime after 1700 the Creeks accepted another name for themselves, Muskogee or Muscogee, the precise origin and meaning of which is not known. The Muskogee or Creek belong to the Muskhogean linguistic family, which derives its name from the Indian nation (Wright, *ibid.*).

Prior to the first European contact with the Creek tribes in 1546 by the Spanish explorer Hernando De Soto in what is now southeastern Georgia, some of the Muskhogean tribes had banded together for mutual protection. This tendency to unite for a common purpose gradually led to the formation of the Creek Nation, a league of independent tribes in which the Muskhogean peoples were dominant. The Muskogee proper comprised approximately 12 separate tribes, including the Eufaula, Kasihta, Coweta, Abihka, Wakokai, Hilabia, Atasi, Kolami, Tukabachee, Parkana, and Okchai. Around the year 1700 some unrelated southeastern tribes began to affiliate with the Creek Nation, including the Hitchiti, Alabama, Koasati, Natchez, Yuchi, and a band of the Shawnee (Wright 1951, 130-131). Each of these newly-affiliated tribes had its own language and customs and established towns or settlements within Creek territory, the location of which was determined according to its alignment with either the Upper or Lower Creek divisions. Gradually, the 50 or more towns which existed in the 18th century became part of a single political organization: the Creek Nation. Yet, each town retained its autonomy and the first loyalty of its people (Green 1979, vii, 8, 10). "As an association of separate, distinct, sovereign, and independent groups," writes the historian Michael D. Green, "the [Creek] Confederacy was a loose gathering of tribes that maintained peace between its constituents and provided both a defensive security and a potential for allied offensive action" (*Ibid.*, 8).

The petitioner claims that prior to 1799 the "MaChis Indians mostly lived" in the Lower Creek town of Tamali or Tum-mult-lau (See Map, Site 1) (MLACIT 1983a). On De Crenay's map of 1733 this town was located on the west bank of the Chattahoochee River in what is now Barbour County, Alabama, and was the southernmost of the Creek towns on that stream (Swanton 1922,183). The tribe that occupied this town, which is believed to have spoken the Hitchiti dialect of the Muskogean language, migrated from southern Georgia where it was first encountered by the Spanish in 1596 (Ibid.,12). According to the diary of the Spanish officer, Manuel Garcia, the Tamali people left Alabama by 1800 and moved southward to the Apalachicola River, in northwestern Florida, where they settled seven miles above a Seminole tribe known as the Ocheese. The U.S. Indian agent, Benjamin Hawkins, listed the Tamali as one of the tribes out of which the Seminole Nation was formed, and the ethnologist, John R. Swanton, stated that it was probable that the Tamali tribe migrated to Florida in its entirety, since the tribal name did not appear on the Parsons and Abbott census of Creek towns in 1832-1833. One of the last references to the Tamali was the Melish map of 1818-1819, which still located them on the Apalachicola but referred to them as the "Tomathlee-Seminole." Based on these data, Swanton concluded that the Tamali tribe "was probably swallowed up in the Mikisuki band of Seminole" (Ibid.,183).

#### THE REMOVAL PERIOD, 1827-1837

The petitioner claims that the various family lines of its membership descend from specific Lower Creek individuals who were living in southeastern Alabama during the 1830s. Several of these Creek names appear on land deeds which were negotiated in Russell and Barbour counties, Alabama, during that decade, some copies of which were provided by the petitioner. Some names identical or similar to those of alleged ancestors also appear on the census of Creek principal chiefs and heads of families compiled by the U.S. Indian agents, Benjamin S. Parsons and Thomas Abbott in 1832-1833. The petitioner also claims that two other specific ancestors of this period, Eli Horn(e) and Levin Wright, were of Creek descent, and that a contemporary Creek individual named MaChis, from whom the petitioner derives its name, was the progenitor of the MLACIT. This section briefly reviews the documentary evidence available on the named ancestors of this period, and concludes that no linkage can be made either between the Lower Creek individuals claimed as ancestors and the primary MLACIT family lines or between traceable ancestors and any Lower Creek descendants.

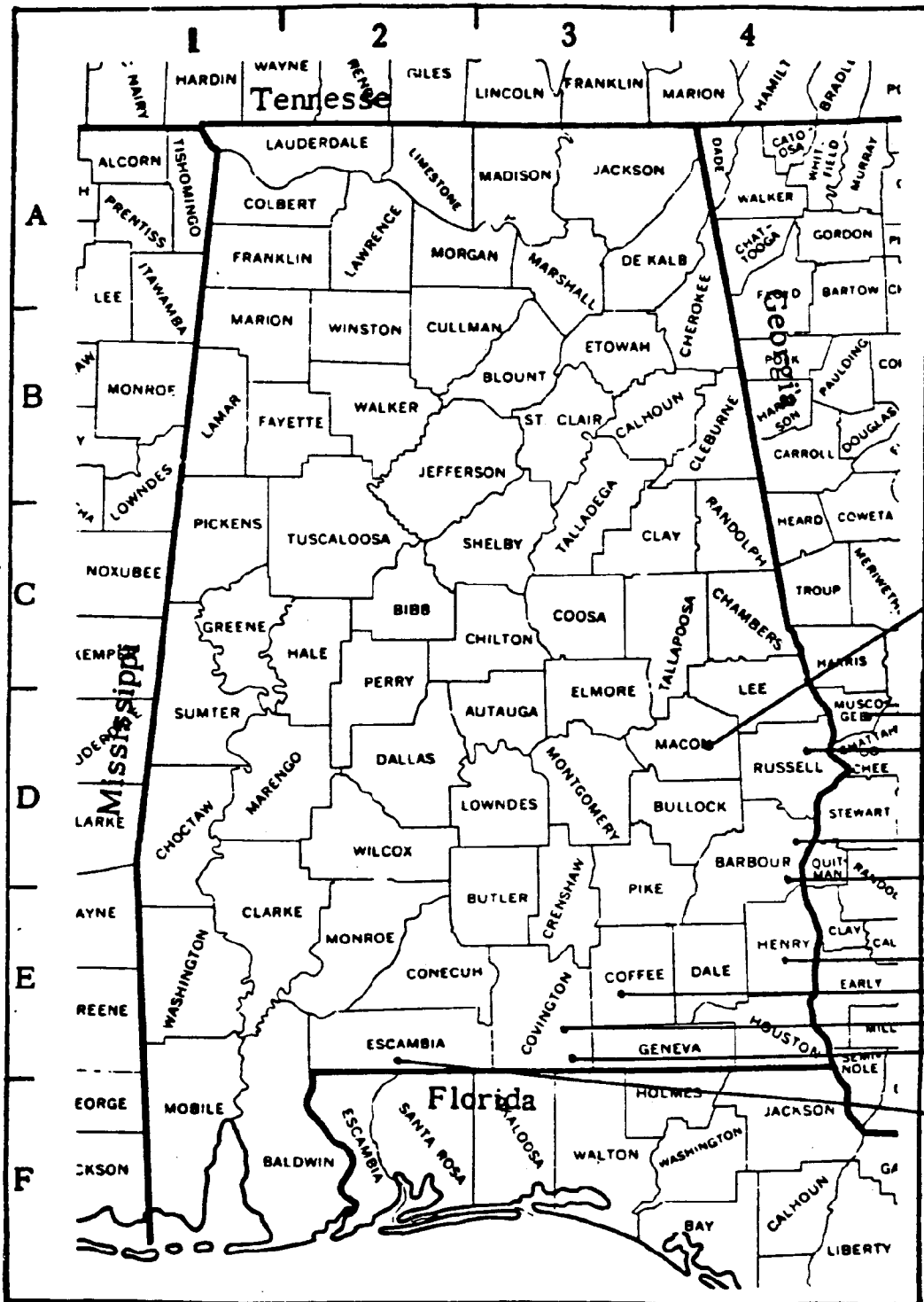
The following is a list, submitted by the petitioner, of current MLACIT family surnames and some of the corresponding names of Lower Creek individuals the petitioner claims they descend from:

<u>MLACIT SURNAMES</u>	<u>HISTORIC CREEK NAMES</u>
McGlaun	Ma-Chis, Me-Chis, Mochuseege
Wright	Futche, Fut-chee, Sar-par-hec (Old Billy), Nar-set-tee
Thompson	Tall-a-harjo, Tall-fre-harigo, Marther MaChis, Klo-he
Stucky	Esan-for-harijo, Kaur-hoge
Swiney	Swan-cy, Saw-ney, Sawny
John(s)	Mi-ot-ta, Mi-nat-tee
Lingo	Li-go, Harijo
Humphries	Sal-lie, Me-Shee, Hear-pria-an, Har-pi-ar-char Micco
Horn(e)	Eli-horne

**COUNTY MAP FOR STATE OF ALABAMA  
SHOWING SITES REFERENCED IN THE HISTORICAL REPORT, MLCIT**

**KEY**

- 1. Tanali,  
Lower Creek Town.
- 2. Bufaula,  
Lower Creek Town.
- 3. Residence,  
Levin Wright, 1830.  
Wright's Chapel  
and Cemetery.
- 4. Asbury School.
- 5. Residence,  
John T. McGlaun, 1850.  
Birthplace,  
Elizabeth McGlaun,  
1832.
- 6. "Rock House."
- 7. Poarch Creek  
community.
- 8. Tuskegee,  
Upper Creek Town.
- 9. New Brockton,  
MLCIT base.
- 10. Florala Creek  
group.



Source of Basic Map: George B. Everton, Sr., Ed., The Handy Book for Genealogists, 7th edition. Logan, Utah: Everton Publishers, Inc., 1981. Page 10.

### Land Records

Several of the Creek names above appear on land deeds which were negotiated in Russell and Barbour counties, Alabama (See Map), during the 1830s. Under the terms of the treaty of March 24, 1832, Creek tribal leaders ceded all of their remaining lands east of the Mississippi River to the United States (Kappler 1903-1941, 2:341-343). However, 90 Creek chiefs and the heads of "every other Creek family" were allowed to remain in Alabama and select a certain allotment of the tribal domain to be patented to each in fee simple by the United States within five years. The treaty provided that the allottees could sell their tracts under the supervision of special Federal officers, but this policy was perverted to benefit speculators and to defraud the Indians of their land and money (Young 1955, 411-37).

Between 1833 and 1837, Esan-for-harijo, Mochuseege, Nar-set-tee, Mi-ot-ta, Har-pi-ar-char Micco, Futche, and Tall-a-Harjo all conveyed lands in Barbour County to an Alexander J. Robison (Barbour County 1833-1837, 141-152, 301-302). In Russell County, Futche sold a tract to Fielding Scoggins (Russell County 1838-1840, 363), and the lands of Sar-par-hec (Old Billy), then deceased, were sold to a third party by the County (Russell County 1833-1837, 40). In addition, several other transactions were recorded which involved Creek individuals with names similar to those claimed as ancestors by the petitioner.

### Parsons and Abbott Census

Some names identical or similar to those of alleged ancestors also appeared on the Parsons and Abbott census of 1832-1833. For example, Mochuseege, Harpiarkar Micco, Narsitte, and Futche were listed as residing in the town of Eufaula (U.S. Senate 1835, 340). This town was located on the west bank of the Chattahoochee River in what is now Barbour County, Alabama (See Map, Site 2) and was the third largest Lower Creek town (Swanton 1922, 260-63, 435). An individual named Klohe was listed as residing in the town of Sowoccolo, also known as Sawokli (U.S. Senate 1835, 343), a Lower Creek settlement which was 15 miles above Eufaula on the same stream (Gatschet 1969, 144, 151). A "Minotta (alias John)" is shown to be living in Thakalacha (Tchukalako) and a "Sarpehe (Old Billy)" in Oswitchee (Osochi) (U.S. Senate 1835, 354, 389), two other Lower Creek towns on the Chattahoochee (Gatschet 1969, 142, 146).

### Eli Horn(e)

The petitioner maintains that a traceable ancestor named Eli Horn(e) also appears on the Parsons and Abbott census as a resident of the Lower Creek town of "Oswitchee, on the waters of Opillike Hatchee," a town which was the smaller of the two Oswitchees on the census (Ibid., 255; U.S. Senate 1835, 355). On the petitioner's xeroxed copy of the original census in longhand a name appears which looks very much like "Eli-horne" (MLACIT 1984). However, on the typeset copy of the census which was presented to the U.S. Senate this name appears as "Etohone." Furthermore, according to Federal census records, the Eli Horn who is a MLACIT ancestor was not resident in Alabama until sometime after 1840 (Bureau of the Census 1850, roll 4: Dale County, AL, p.207, line 3). No record could be found to substantiate that this Eli Horn was Indian.

### Levin Wright

The MLACIT petition claims that a traceable ancestor named Levin Wright, whose Creek name was Fut-chee, operated the Asbury Indian School which the French hero, General Lafayette, visited in 1825. It also maintains that this school was located near Wright's Chapel and Cemetery in Henry County, Alabama (See Map, Site 3) (MLACIT 1983a). However, other sources indicate that the Asbury Manual Labor School, as it was formally known, was located just outside of Fort Mitchell, a U.S. Army post in what is now Russell County, Alabama (See Map, Site 4) (Anonymous 1953,341), and that it was operated by Isaac Smith, W. Capers, and Hartridge (Warren 1984,105; Anonymous 1891,468).

The Asbury school was established in 1822 by the South Carolina Conference of the Methodist Church (Debo 1941,85) and Capers and Hartridge were both South Carolinians (Warren 1984,105; Anonymous 1891,468). Levin Wright was also from South Carolina (Scott 1961, 501-502; Bureau of the Census 1850, roll 6: Henry County, AL, p.377, line 22). Census records show that the Levin Wright family was residing in Henry County, Alabama in 1830 (Ibid.1830, roll 2: Henry County, AL, p.314), the year in which the Asbury School was closed. However, no documentary evidence was found to indicate that Levin Wright was employed at the school, that he or his family members were Indian, or that any MLACIT ancestors ever resided in Russell County.

### MaChis and His Descendants

No documentary reference was submitted and none could be found for the individual named MaChis, from whom the petitioning group derives its name and who they consider to be the progenitor of the group. This name does not appear on the Parsons and Abbott census or on any of the deed records in Barbour and Russell counties. The petitioner holds that MaChis was born in 1784 in what became Barbour County, Alabama and that he was the father of two children: John T. McGlaun, the ancestor of the Wright-McGlaun line of the MLACIT membership, and Elizabeth Jane McGlaun, the spouse of James Hall Johns, the ancestor of the Johns family line. Material submitted with the petition implies that MaChis and the previously cited Mochussege, who sold his allotment in Barbour County in 1834, were the same individual (MLACIT 1983a). While, according to the petitioner, MaChis would have had two children in 1832, no children were listed for the Mochussege household on the Parsons and Abbott census (U.S. Senate 1835,340). It thus appears unlikely that MaChis and Mochussege were the same person.

Federal census records reveal that MLACIT ancestor John T. McGlaun was born in Lincoln County, Georgia around 1819 and that he resided in Muscogee County, Georgia in 1850 ( See Map, Site 5) (Bureau of the Census 1850, roll 79 Muscogee County, GA, p.344, line 17). Based on the ages of his six children, it is estimated that he moved across the State line into Barbour County, Alabama around 1851 or 1852 (Ibid. 1860, roll 1: Barbour County, AL, p.363, lines 8-15). It also appears that Elizabeth Jane McGlaun was not his sister, although they were probably related. She was born in Muscogee County, Georgia in 1832 (See Map, Site 5), the daughter of John and Nancy McGlaun (Ibid. 1850, roll 79, Muscogee County, GA, p. 398, line 34), and was married in that same county in 1852 to James Hall Johns (Harris 1955,44). She and her husband probably did not move into Alabama until sometime after 1853. No evidence was found to substantiate that either John T. McGlaun, Elizabeth Jane McGlaun, or their spouses were of Indian descent.

THE POST-REMOVAL PERIOD, 1838-1900

By 1838 most of the remaining Creek Indians in Alabama had been compelled to emigrate to Indian Territory (Oklahoma) (Foreman 1932,179). There are, however, a number of documentary references which indicate that some Creeks continued to remain within the state at various locations, including the region near the Chattahoochee River where the MLACIT claims its ancestors resided (Paredes 1985,2-5).

According to contemporary oral tradition, the MLACIT ancestors managed to remain in Alabama by hiding in a large "rock house" or cave near the Yellow River in Covington County (See Map, Site 6) (MLACIT 1983a). Some group members believe that this structure was excavated and constructed by their ancestors, but to most observers it appears to be a natural limestone cave formation. Stories regarding the use of caves as hiding places by Indians and outlaws have become a well-established part of the folklore of South Alabama (Paredes 1985,7), but documentary evidence linking this cave to any specific group of Indians could not be found. Federal census records indicate that most of the MLACIT ancestors were not resident in Alabama until after the period of Creek removal, and there is no evidence that any members of the primary family lines were residing in Covington County anytime prior to the 1880s (Bureau of the Census 1880, roll 16, Henry County, AL).

The oral history of the MLACIT also holds that a group of ancestors organized a militia during the Civil War to raid the Poarch Creek Indian community in Escambia County, Alabama (See Map, Site 7). This raid was supposedly aimed at exacting revenge from Poarch tribal members for selling the allotments of MLACIT ancestors. However, there is nothing in either the oral or documentary history of the Poarch Creeks to corroborate this story (Paredes 1985,28). A number of MLACIT ancestors did serve in the Army of the Confederate States of America during the Civil War. Of the four for whom military service or veteran pension records could be found, none was designated as being Indian (Alabama Department of Archives and History n.d. a, b).

During the second half of the 19th century, the primary MLACIT ancestral families moved from Henry County, Alabama and counties in Georgia and Florida into Barbour, Dale, and Covington counties in Alabama (See Map), where they tended to cluster around particular schools, churches, and cemeteries. Of the marriage documents, land deeds, census records, and military service records which could be found for some of these individuals, only one contained a possible indication of Indian identity. On August 8, 1875, J.L. Johns was married to Ella Horne in Barbour County. Under the "Race" column on the county record of this marriage there is a notation which can be construed as an "I," presumably for Indian, although it is somewhat difficult to decipher (Paredes 1985, 9). No other evidence was found to verify that these individuals were in fact Indian. Neither were any sources found which made specific reference to the MaChis tribe or which indicated that an organized Indian group or identifiable community of Indian descendants continued to exist in any of the four southeastern Alabama counties where the MLACIT ancestors are known to have lived during this period (1850-1900).

THE EARLY 20TH CENTURY, 1900-1960

On March 18, 1900, a MLACIT ancestor named James E.N. McGlaun was married in Covington County to Nancy Jane Bass (Paredes 1985, 13). The bride may have been the great-great granddaughter of Nahoga or Nancy Moniac, who is believed to have been a Creek woman from Tuskegee (See Map, Site 8), an Upper Creek town in Macon County, Alabama (Spence n.d.(sometime after 1968),6). The 56 current MLACIT members who descend from this marriage, who constitute approximately 20 percent of the group's membership, might thus be able to claim that they are Upper Creek descendants.

An examination of the early 20th-century land and marriage records for Barbour, Dale, and Covington counties uncovered only one source which possibly indicated an Indian identity for MLACIT ancestors, and this record has been altered. On April 26, 1925, William Johns, a group ancestor, was married to Willie Mae Bryant in Dale County (Dale County 1850-1950,535). The original county record of this marriage, written in blue ink, indicated a "W," for White, under "Race" for Johns and ditto marks for his bride. This "W" was subsequently written over in black ink with what appears to be an "I," presumably for Indian, and the signing official's name was also changed (Paredes 1985,12). No other evidence was found to substantiate that either William Johns or his wife was of Indian descent.

Another record which indicates an Indian identity is a copy of a "Delayed Certificate of Birth" for a current MLACIT member, which was submitted by the petitioner. This document also appears to have been altered, in a different hand, to show that the subject was of "3/4 Creek Indian Blood Machis Tribe" and that the father was a "full Blodd [sic]." The document indicates no Indian ancestry for the mother (MLACIT). While no evidence has been found to corroborate that the father was of Indian descent, the mother may have been a descendant of the previously cited Nahoga or Nancy Moniac, the group's only possible genealogical link to the historic Creek Nation.

The only evidence of organized activities among MLACIT members or ancestors during the first half of the present century were the "gatherings" of the McGlaun and Wright families. These events were held periodically at a family member's home or at a church to celebrate birthdays or the harvesting of crops. Typical activities included "covered dish" suppers and a capella "shape note" singing from the Sacred Harp hymnal. Josie Pearl McGlaun Blow, an active member of the Red Oak Baptist Church in Dale County, was an apparent leader of these singing activities. After the death of "Aunt Pearl" in 1943 the gatherings ceased (Paredes 1985,29,32-33). Her obituary noted that Sacred Harp songs were sung at her funeral, but made no reference to her being of Indian descent or the member of an organized Indian group (The Andalusia Star 1943). Neither is there any genealogical evidence which indicates that she was of Indian descent. Furthermore, shape note singing is not considered to be an American Indian cultural tradition. It began in 18th-century New England as a method of musical instruction and gradually evolved into a distinct folk music tradition among White Southern during the 19th century.

During the late 1940s a number of Wright family members moved from Covington to Coffee County, Alabama where they eventually settled in four adjoining houses in the town of New Brockton (See Map, Site 9) (Paredes 1985,30). One of these individuals was Nancy Annie McGlaun Wright, whom the petitioner states was the principal MLACIT leader until her death, at age 90, in 1973.

Her obituary gives no indication that she was Indian or that she was the leader of an Indian group (The Daily Ledger 1973). Neither is there any genealogical evidence to indicate that she was of Indian descent.

The petitioner asserts that Nancy Wright had assumed leadership of the group from her father-in-law, Hiram D. Wright, a Civil War veteran who died in Covington County in 1914 (Covington County n.d.). No evidence was found to substantiate that tribal political influence or authority was exercised or that tribal decision-making processes were carried out by any group leaders during this period.

#### RECENT ACTIVITIES, 1960-1986

According to the petitioner, Nancy Wright's daughter-in-law, Pennie (a.k.a. Penny) Johns Wright, became the group's leader in 1979. Pennie Wright has stated that she began collecting historical and genealogical documents on the MLACIT in the early 1960s (Paredes 1985, 21). This was about the same time that the Indian-related activities of Calvin McGhee of the Poarch Creeks were being publicized in local newspapers in South Alabama (Andalusia Star-News 1962; The Atmore Advance 1963) and a group of Creek descendants were organizing at Florala in southern Covington County (See Map, Site 10) (The Enterpriser 1969). However, no evidence has been found to indicate that MLACIT members had contact or were in any way involved with these other Creek groups prior to the 1980s.

The MLACIT is not identified in any of the local histories of Henry (Scott 1961; Warren 1978, 1984), Barbour (Thompson 1939), Covington (Ward 1976), or Coffee (Watson 1970) counties, the regional histories of the Chattahoochee (Warren 1981) and Pea (Brunson 1984) river valleys, or the general histories of the Creek Nation (Debo 1941; Green 1973; Wright 1951; Foreman 1932; Swanton 1952; Corkran 1967). No newspaper or other published references to the group could be found prior to 1983. In the late 1970s, two student researchers from Florida State University traveled throughout Alabama in search of remnant Indian groups, but did not discover any reference to the MLACIT or its individual members (Chapman and Hicks 1985).

In 1962 the Indian Claims Commission, in Docket 21, awarded more than \$3.9 million to descendants of the Creek Nation for the loss of aboriginal lands in Alabama and Georgia (11 Indian Cl. Comm'n 91 [1962]). Of the 41,478 persons who shared in this award, 34,216 were Oklahoma Creek descendants and 7,262 were Creek descendants from east of the Mississippi River or Eastern Creeks (Bureau of Indian Affairs 1972). The MLACIT was apparently unaware of this award and did not make application to share in its distribution, even though the claims payment was publicized in a local newspaper in Coffee County (The Enterpriser 1969). There is likewise no evidence to indicate that group members applied to share in Docket 275, by which the Indian Claims Commission in 1972 awarded an additional \$1.3 million to both Oklahoma and Eastern Creek descendants (28 Indian Cl. Comm'n 365 [1972]). However, group members did apply to share in Docket 272. This award of \$7.7 million was made by the Indian Claims Commission in 1978 as additional compensation for lands in Alabama ceded by the Creek Nation in 1832 (Bureau of Indian Affairs 1982). Applications to establish eligibility to share in the distribution of the Docket 272 award had to be submitted to the Muskogee (Oklahoma) Area

Office of the Bureau of Indian Affairs by January 24, 1985. Most of the MLACIT members applied, but Bureau officials in Muskogee rejected all of their applications because they did not present documentary evidence which established that they had an ancestor who was a Creek Indian. A number of group members then appealed this decision to the Assistant Secretary of the Interior for Indian Affairs. On May 9, 1986, the Assistant Secretary denied their appeal on the basis that the appellants did not establish that the "Mo-chis-secgo" named in the 1833 Barbour County deed and the "Mochussege" listed on the Parsons and Abbott census was their ancestor (Swimmer 1986).

The MaChis Lower Alabama Creek Indian Tribe was formally incorporated as a non-profit organization under the laws of the State of Alabama in 1982 with Pennie Wright as "Principal Chief" and her daughter, Nancy Carnley, as "Secretary" (MLACIT 1983a). The operation of the MLACIT, which regards itself basically as a kinship organization, has been informal in nature. Although the group's members are widely scattered throughout Alabama, Florida, and other states, Pennie Wright has been very effective in generating interest in and attendance at group activities. She has also been successful in establishing efficient lines of communication both between members and with outside organizations, including other Indian groups in Alabama (Paredes 1985,30-31). The MLACIT is a member of the National Congress of American Indians (NCAI), but that organization has not formally endorsed or supported the group's petition for Federal acknowledgment. Neither has the Creek Nation of Oklahoma nor the Poarch Band of Creeks taken a position on the MLACIT petition.

Since September of 1983 the MLACIT has been identified as an Indian tribe in articles and photographic captions which have appeared in the local newspapers of Enterprise, Alabama, the seat of Coffee County (Cassady 1983,1; Enterprise Ledger 1983,6; The Southwest Sun 1984,5).

The MLACIT played a key role in the establishment of an Indian education program in the Coffee County School District, which has been funded by the U.S. Department of Education under provisions of Title IV of the Indian Education Act of 1972. It also lobbied successfully for the creation of a Parent Advisory Committee on Indian Education in the school system. Pennie Wright was elected President of this committee (Paredes 1985,33-37).

The group has established good relations with the town of New Brockton, which have culminated in the official establishment of an annual "Native American Appreciation Day" on the second Saturday of October (Ibid.,37). In 1985, the MLACIT was legislatively recognized as an Indian tribe by the State of Alabama, and the State legislature passed a bill granting the group representation on the Alabama Indian Affairs Commission (A.I.A.C.) (State of Alabama 1985). MLACIT member Johnnie Wright was subsequently appointed to serve on this commission (A.I.A.C. Newsletter 1985).

The MLACIT petitioned the Bureau of Indian Affairs for Federal acknowledgment on June 10, 1983 (Board of Directors, MLACIT 1983a).

**ANTHROPOLOGICAL REPORT ON THE MACHIS LOWER ALABAMA CREEK INDIAN TRIBE****SUMMARY OF EVIDENCE**

The MaChis Lower Alabama Creek Indian Tribe, Inc. (MLACIT) is an organization of 284 people who live predominantly in southeastern Alabama. The group contends that it is descended from those Creek Indians who took land allotments rather than remove to Indian Territory in the 1830s. While documents were submitted proving individual Creek Indians received lands in Russell and Barbour counties, no evidence was found which demonstrates that these allotted Indians were ancestors to the group.

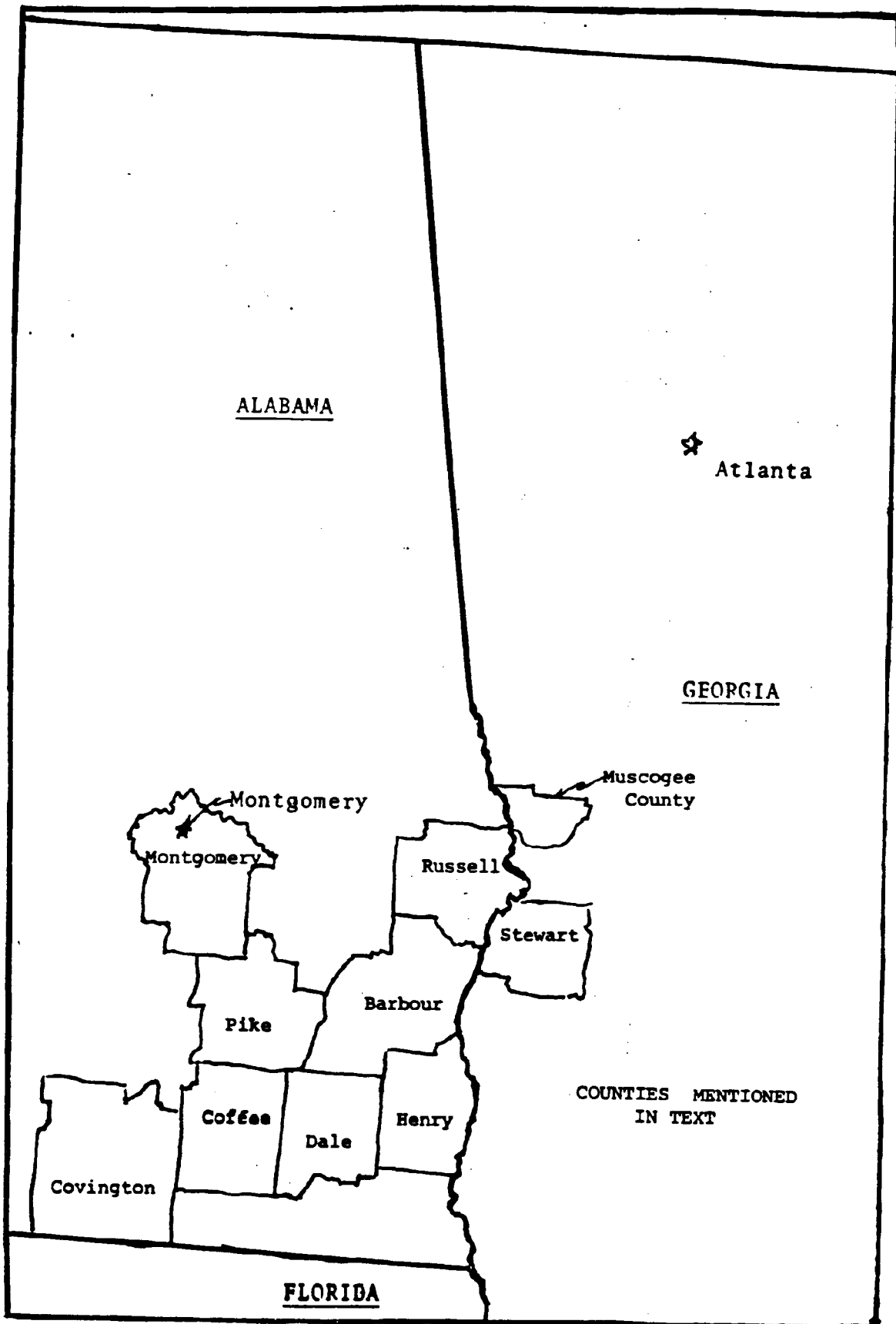
MLACIT oral history relates an episode when their ancestors purportedly fled to a "rock house" or a cave in Covington County, Alabama, to hide from hostile whites and soldiers. Census records indicate that some of the MLACIT ancestors did not move to Covington county until the 1880s. Other government records indicate that the principal ancestral families of the MLACIT were non-Indians and lived in western Georgia and eastern Alabama at the time the cave would have been occupied. No documents have been found to show that the MLACIT had any formal or informal organization until the 1980s when the group incorporated. There is no record of the group's existence in the local histories. Articles about the group do not appear in the local newspapers until the 1980s.

Membership in the group is based on descent and kinship. The membership is largely concentrated in southeastern Alabama in three non-contiguous counties--Covington, Dale, and Montgomery (Map 1). There are only 10 members in Coffee County, where the group has its base. Coffee County is located between Covington and Dale counties. In the various counties, some members live near other relatives. These family locations are not viewed by non-MLACITs as being Indian communities.

Leadership among the MLACIT resides in Penny Wright and the Board. There is no documentary evidence showing that the group has ever functioned politically as a tribe. There are no documents pertaining to the existence of leaders prior to Mrs. Wright. Also there is no evidence to show that the group evolved politically or socially from the Creek Nation which occupied the area aboriginally.

The group claims they are lineal descendants of a Creek Indian named MaChis. Through various marriages of the descendants, there are today five principal families represented on the MaChis membership list.

As a kinship group, the MLACIT is well organized. It has been instrumental in founding "Native American Day" in New Brockton, Coffee County, Alabama; establishing a Title IV Indian Education Program for Coffee County schools; and acquiring a seat on the Alabama Indian Commission in Montgomery. These are relatively recent events. There is no evidence that demonstrates the existence of a group prior to the incorporation of the group. The group is led by Pennie (a.k.a. Penny) Johns Wright. The group's petition for Federal acknowledgment states that Pennie Wright inherited the leadership position from her husband's mother. No evidence, other than the petitioner's statements, exists to definitely show any formal or informal leaders prior to Pennie Wright.



MAP 1

The group petitioned the Bureau of Indian Affairs requesting Federal acknowledgment as an Indian tribe and the petition was placed on active consideration on October 1, 1986 (Elbert 1986). The evidence submitted by the petitioner was evaluated to determine whether the group met the acknowledgment criteria. A search was also made to locate any additional information relating to the existence of the MaChis group. Special attention was paid to any evidence indicating the existence of an historical community and concerning the present character of the group.

#### PRE-REMOVAL CREEK HISTORY

While some Creek Nation communities were first encountered by DeSoto in 1540, it was not until the late 1600s that there was sustained contact between Creeks and Europeans. By 1700 some previously unrelated tribes in the southern United States had joined the Creek Confederacy (Wright 1951, 131). Among these groups were the Alabama, Koasati, Hitchiti, Natchez, Yuchi, and migrant Shawnee. These groups generally lived in their own towns, but the geographical location of the towns determined the group's political affiliation with the major divisions of the Creek Nation - the Upper and Lower Creeks.

The Creek Confederacy had its beginnings prior to European contact, when towns joined politically for mutual protection (Ibid., 130). The confederacy was divided into the Upper Creek towns and the Lower Creek towns. According to Benjamin Hawkins, a Creek Indian agent in the late 1700s, there were 12 Lower Creek towns and 25 Upper Creek towns (Grant 1980, 288-9). Creek towns were often composed of one principal community and sometimes one or more outlying villages which carried the same town name (Ibid.). While some Creek towns retained the same name and presumably remained in the same locality for some years, the records suggest that the populations in the towns were somewhat fluid. William Bartram in 1777 compiled a list of 55 towns for the Creek Nation (Van Doren 1940, 367) and Benjamin Hawkins in 1799, only 22 years later, reported 37 towns (Grant 1980, 288-9). Only 27 town names appear to be identical on both lists. Hawkins also indicates that there were then seven Seminole towns situated in present-day Florida. He notes that the Seminole towns were inhabited by Creeks who moved to the coast after abandoning some Creek towns and/or splitting off from others.

The petitioner alleges that the ancestors of the MLACIT lived mostly in the Lower Creek town of Tamali (Tum-mult-lau). Tum-mult-lau, occupied by Hitchiti speakers, was located on the Chattahoochee River in Barbour County, Alabama (Crawford 1940, 40). It was the southernmost of the Lower Creek towns. According to Hawkins, the inhabitants of Tum-mult-lau abandoned the area prior to 1798 and settled with the Seminoles on the Gulf coast (Grant 1980, 289). Since the inhabitants of Tum-mult-lau had migrated to Florida in the latter 1700s, they were not considered part of the Creek nation. They were not included in the treaties of 1814 or 1832 nor the census taken of the Creeks in 1832-1833 (U.S. Senate 1835).

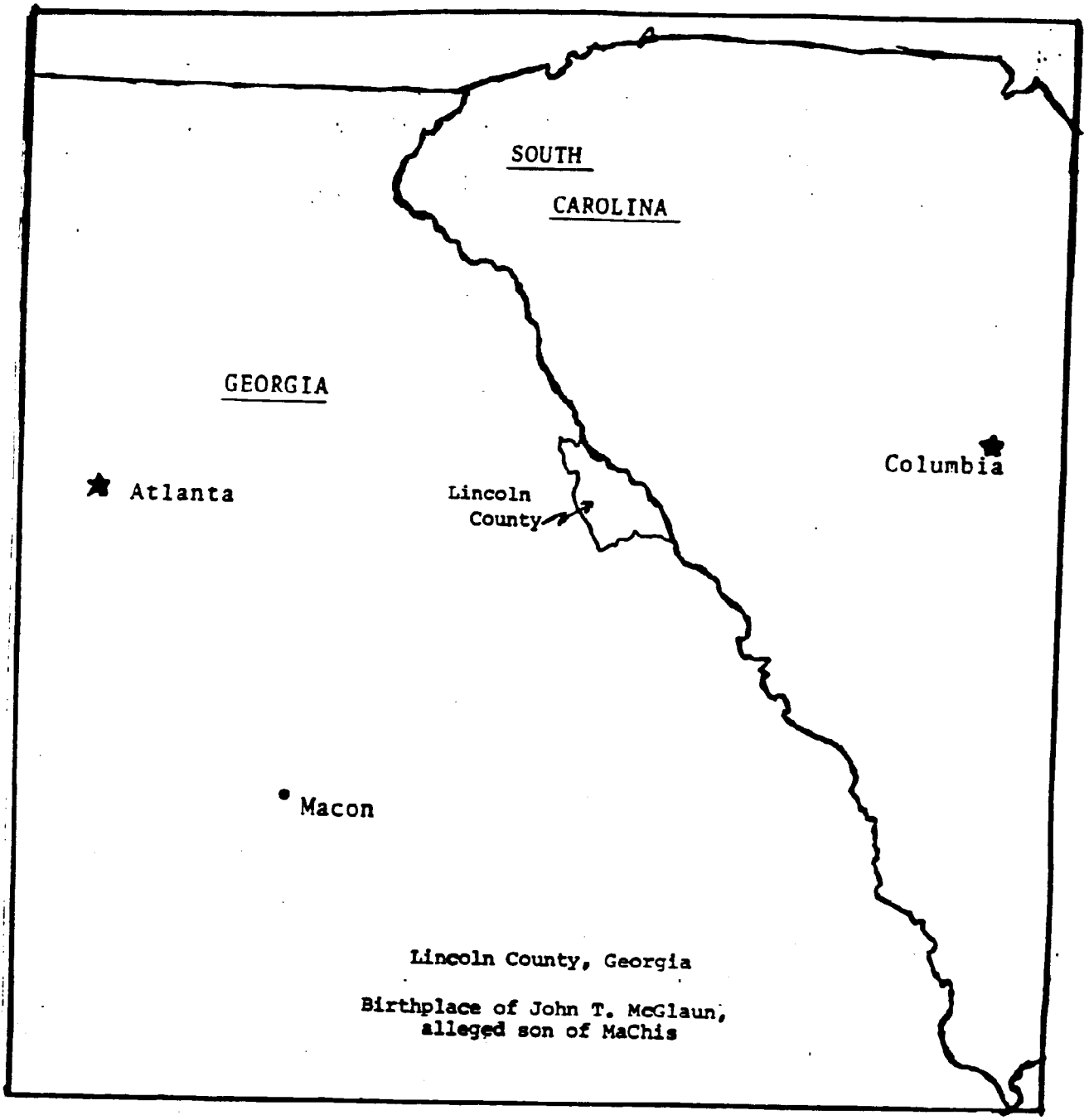
In the early 1800s, demand for more land by the Anglo-Americans led to a series of conflicts and treaties which eventually resulted in the ceding of all the Creek territory east of the Mississippi. The loss of land associated with unpopular treaties led increasingly to a disruption of Creek society and a challenge to Creek leadership. This unrest culminated in the Red Stick War

which pitted the Red Stick Creeks against other Creeks, friendly Indians and Americans. The Red Sticks were largely from the Upper Creek towns (Wright 1951, 133). After the Red Sticks massacred a large number of whites and friendly Indians at Fort Sims, Alabama (Ibid.), whites, some Lower Creeks, and friendly Indians joined together to crush the hostile Red Sticks. American forces led by Andrew Jackson defeated the Red Sticks at Horseshoe Bend on the Tallapoosa River in March 1814. In the subsequent treaty of 1814, the Creeks ceded their lands in Georgia and parts of southern and central Alabama (Kappler 1903-1941, 107-110). Then in 1832 the Creeks signed a treaty and relinquished all of their tribal lands east of the Mississippi. As a result of this treaty, most of the Creek Indians were removed from Alabama in the 1830s. Some, however, remained behind (Paredes 1985, 4). Accounts of these remaining Creeks indicated that those who chose to remain were generally individual Indians or single Indian families.

The 1832 treaty gave the Creeks an option to stay in their tribal homelands or emigrate to Indian territory. If a person decided to stay, they would receive an allotment--one section of land, if a chief, and one half-section, if a head of a family (Kappler 1903-1941, 341, Article II). If they agreed to leave the area, they were to be given assistance. The previously mentioned census was taken of all the Creeks east of the Mississippi (U.S. Senate 1835) to implement the treaty. The MLACIT members claim descent from several Creeks who opted to remain in Alabama and who received land. The petition did contain some land records indicating that Mo-chus-se-e-ge, whom the petitioner equates with MaChis, had been allotted a half section of land. Mo-chus-se-e-ge sold his allotment which was in Barbour County (Barbour County 1833-1837, 150-152).

The petitioner provided a list of names of Creek Indians whom they claim as ancestors. These Indian names appear in land transaction records in Russell and Barbour counties (Paredes 1985, 7) and some names are in the 1832-1833 Creek census. The name Fut-che, which according to the petitioner was the Indian name for Levin Wright, was relatively common in Creek society and appears on the census in several different Creek towns. Mo-chus-se-e-ge, whom the petitioners equate with MaChis, was living in the Lower Creek town of Eufaula. According to the petitioner, MaChis was the father of John T. McGlaun, ancestor to the McGlauns and Wrights, and Elizabeth McGlaun, ancestress to the Johns. On the census, "Minotta (alias John)," whom the petitioner alleged was an ancestor to the John or Johns family (Paredes 1985, 7), lived in the town of Thlakalachka (U.S. Senate 1835).

According to the Bureau of the Census records, Levin Wright, whom the petitioner equates with Fut-che, was born in South Carolina and was residing in Henry County, Alabama in 1830 (Bureau of the Census 1830, Henry County, AL.). John T. McGlaun, alleged son of MaChis, was born in Lincoln County, in northeastern Georgia (Map 2) and in 1850 was living in western Georgia (Bureau of the Census 1850, Muscogee County, GA.). The Bureau of Census records do not show that these MLACIT ancestors were Indians. The records do indicate that the Wrights and McGlauns were not living in the Creek towns when the 1832-1833 census was taken.



MAP 2

### POST REMOVAL HISTORY

From the time of first sustained contact with Euro-Americans to the time of removal of the Creeks from the southeastern United States, the history of the Creek Indians is well known. No records or documentation could be found, however, which historically connect the MLACIT with the Creek Nation prior to or after removal. It is known that not all Creek Indians left Alabama and Georgia at the time of the major removal. Some were still being assisted in their move west as late as 1850 (U.S. Department of Interior 1849, 14). In 1854, the Federal government learned from a Creek delegation visiting from Indian Territory that some of the remaining Creeks in Alabama had expressed a desire to leave and join their relatives in Indian Territory (Paredes 1985, 4). Other historical accounts are scattered and mention specific Indian individuals or families but none of these accounts refer specifically to the MLACIT. Paredes points out that "No sources have been found which make specific reference to the Machis Lower Alabama Creek Tribe nor any antecedent group nor its ancestors as 'Indian' remaining in southeastern Alabama in the latter 19th century" (Ibid., 5).

According to the petitioner's oral history, the ancestors of the MLACIT opted to stay and take lands in Alabama. At some unspecified period after the removal of most of the Creek Indians to Indian Territory, their ancestors were forced to flee west to Covington County, Alabama. They followed an ancient trace or trail between Eufaula, in Barbour County, and Covington County. The group has a map which they say shows the route their ancestors followed (Ibid., 23). In Covington County, the group took refuge in a "rock house" or a cave (Ibid., 5-7). In the cave, approximately 200 Indians are alleged to have hidden from soldiers and hostile whites (Ibid., 6).

Since there is no documentation for the MLACIT occupation of the cave, the possible dates of the occupation have to be reconstructed. According to other information that the petitioner supplied, the dates for the alleged occupation would have been approximately from 1834 to 1849. Some MLACIT members believe that the "rock house" or cave was excavated and constructed by their ancestors but apparently this is a natural limestone cave similar to others found in the region (Ibid.). Stories of cave utilization and occupation are commonly associated with the caves in southern Alabama. MLACIT belief of the "rock house" occupation appears to be part of the larger cave-lore tradition in this area (Ibid.).

At the time of the alleged cave occupation, at least two principal MLACIT families were still living in eastern Alabama and western Georgia and not in the "rock house". Levin Wright, who was born about 1795 in South Carolina and who the petitioner alleges was the Creek Indian "Fut-che," was issued a warrant for land in Henry County, Alabama in November, 1837 (Hahn 1983, 43). There is no evidence in the records to demonstrate that Levin Wright was Indian. His son, Levin A Wright, in November 1838, married Hetta Swinney in Henry County (Scott 1955). Their son, Hiram D. Wright, was born in 1845, probably in Henry County, Alabama. The Wright's records do not indicate that they lived outside of Henry County during this period.

Likewise, John T. McGlaun, whom the petitioner alleges is the son of MaChis, was born in 1819 in Lincoln County, Georgia (Map 2). Lincoln County is located in northeastern Georgia on the border with South Carolina. There is no evidence that supports the petitioner's contention that John T. McGlaun was Indian. John McGlaun married Angeline Thompson in Stewart County in

western Georgia and their daughter, Marcolia A., was born there in 1847 (Bureau of the Census 1850, Muscogee County, GA). By the time John T. and Angeline's daughter, Susan, was born in 1853, the family had moved out of Georgia into Barbour County, Alabama (Bureau of the Census 1860, Barbour County, AL).

Because the census is taken at 10-year intervals, some MLACIT families could have lived for a short period between the census years in the "rock house" in Covington County, Alabama. The census records, however, suggest that at least the Wrights and the McGlauns had not left western Georgia and eastern Alabama during this period.

From 1850 to the present, the county records show a clustering of MLACIT families in those counties where the current membership is concentrated. Land, marriage, and cemetery records indicate that the MLACIT families were living in Covington, Barbour, Russell, Dale and Henry counties (Paredes 1985, 25-28). According to MLACIT accounts these settlements occurred around schools, churches and cemeteries.

The records also show that communities where the MLACIT ancestors were living were not exclusive MLACIT communities. For example, in Dale County, "home" county for the Johns, there are 149 names listed in the Clopton Cemetery and only 22 are names of MLACIT ancestors. For the Beersheba Cemetery in Dale County there are 72 names and only eight appear to be the names of MLACIT ancestors (Ibid., 25). The dates of birth of the individuals buried in these cemeteries range from 1806 to 1893 and dates of death range from 1861 to 1935 suggesting an early movement of MLACIT ancestors to Dale County. The census records indicate that some of the MLACIT ancestors were living in Dale County in the 1850s.

In Covington County, the MLACIT claim the Shiloh community as being a principal settlement of their more recent ancestors (Ibid., 27). In the Shiloh Cemetery, the Wrights are buried on the south side and the McGlauns are buried on the north side. The majority of the burials in the cemetery are non-MLACIT individuals. On the existing headstones, the dates of birth of MLACIT ancestors range from 1850 to 1885 and dates of death range from 1905 to 1974 (Ibid., 27) indicating the later arrival of these families in Covington County. Census records indicate that MLACIT families did not arrive there until after 1880.

In Henry County, some of the records provide evidence for intermarriage and other forms of interaction among MLACIT family lines in the past. (Ibid., 15). Land records between 1824 and 1892 show cooperation and interaction of some MLACIT ancestors. These records date from 1858 to 1892 (Ibid., 11) with most of the transactions taking place in the 1880s. Marriage records, none of which indicate that the MLACIT ancestors were Indians, range from 1838 to 1867. Other evidence indicating family interaction is the family gatherings which, according to oral history, have been going on since the turn of the century (Ibid., 29). The fact that intermarriages have occurred and there are records of members of one family serving as a witness or administering an estate for other ancestral members show close kin and social ties.

For the period from the 1830s to the 1960s (130 years), no documentary evidence was found or presented to support the oral history of the MLACIT. Paredes points out that articles written on Creek history that relate to the

area of Alabama where the MLACIT presently live do not make mention of any Creek Indians remaining in the area after 1837 (Paredes 1985, 19). Prior to 1962 the evidence is based solely on oral history (Ibid., 15) which is not supported by documentation but is contradicted by it. Only in the 1980s do accounts of the group begin to appear in local newspapers.

### COMMUNITY

As indicated above, the Creek political and social system began to break down shortly after the treaties leading to the removal of a majority of the tribe to Indian Territory. While the MLACIT believe they are the descendants of those Creeks who stayed behind, there is no historical evidence that there was any social or political continuity between the Creeks who stayed in the area and the MLACIT.

The current MLACIT membership claims descent primarily from MaChis. There are now five principal families in the group -- McGlauns, John or Johns, Wrights, Kilpatricks, and Blows. The alleged daughter of MaChis married James John; his alleged granddaughter married Hiram Wright; and great granddaughters married John Kilpatrick and Benjamin Blow. Essentially the MLACIT is a kin-based group.

The MLACIT have refused the invitations to join unrecognized groups such as the "Principal Creek Indian Nation East of the Mississippi" and the "Creeks East of the Mississippi." Since membership lists of all the unrecognized groups are not available, it is not known if any of the MaChis Creeks are members of any other unrecognized groups. MaChis Creek by-laws do not specifically forbid membership in other Indian organizations, but the officers have required a spouse who was a member of one of the unrecognized groups to resign his membership before he could become a member of MLACIT (Paredes 1985, 30).

The current membership of the MLACIT is concentrated in several communities in Alabama. In Ozark, Dale County, there are 49 members; in Andalusia, Covington County, there are 40 members; and in Montgomery, Montgomery County, there are 32 members. From New Brockton, the group's headquarters, Ozark is about 17 miles to the northeast, Andalusia is about 32 miles west and Montgomery is about 72 miles to the north. Sometimes within these larger communities, those members, who are more closely related, live in the same neighborhood. Even where this kind of concentration exists, the MLACIT members are not considered as distinct Indian communities by non-Indians. Some local people, when asked about the presence of any Indian groups in their area, stated that they did not know of any. When MLACIT surnames were not recognized by local residents as being Indian." ?

The MLACIT members gather at least once a year for their group's annual business meeting. They also assemble at least one other time during the year for their respective family reunions which are not limited to MLACIT members. Communication among the MLACIT members is largely by telephone or newsletter. In those cases where they live in the same neighborhood or town there is more frequent visiting.

Family reunions are not unique to the MLACIT. During the Branch of Acknowledgment and Research staff's field evaluation, it was noted that family reunions were important not only to the MLACIT but to non-MLACIT

families in this area of Alabama. Temporary signs could be seen posted beside the roadway providing directions to several different non-MLACIT family gatherings. The members of MLACIT interviewed mentioned their various family reunions and each MLACIT family generally attended at least two different ones a year. Reunions, frequently held in the summer or early fall, have been occurring for at least two generations among the MLACIT members. Family reunions are social affairs which serve to reestablish roots, to maintain family ties, and to make the families aware of their heritage.

For group entertainment they often may engage in shape note or Sacred Harp singing. Shape notes are used in a system of musical notation where the shape of the note head indicates its position on the seven note musical scale. It began in New England in the eighteenth century and became popular in the rural south where it is still part of a distinct cappella folk music (Paredes 1985, 32). The Sacred Harp song books were printed using shape note designations. The participants sit in an open square facing the director/teacher who stands in the middle. John Wright's father was a teacher and there is some suggestion that his maternal grandfather was also a teacher (Ibid., 33).

The MLACIT have some beliefs and practices which they believe to be of Indian origin. Among these are the making of necklaces and jewelry from various plant parts (principally Chinaberry seeds), knotting of catfish nets, crafting of ax handles, herbal remedies and weather prognostication based on the moon. Most of these MLACIT traditions are shared with other rural southern people (Ibid., 22-23). MLACIT members, on occasion such as parades, powwows, etc., dress in Plains Indian style costumes with headbands or feathered headdresses. Some paint their faces (Ibid., 24).

In researching the social and political history of the group, local historians, a newspaper editor, librarians, and businessmen in Dale, Coffee, and Covington counties were interviewed. In Enterprise, Alabama, seven miles east of the group's headquarters in New Brockton, the local newspaper editor had not heard of the group until a few years ago when "Native American Appreciation Day" in New Brockton began. The chairman of the local historical society in Enterprise had heard of "Pennie Wright's group" but he knew of no history of a MaChis Lower Alabama Creek Tribe living in the county that would support their claims. Librarians at the local Lureen Wallace Junior College library were not aware of any Indian group in the area and they had not heard of the MaChis Creeks until recently. The sociologist-anthropologist who teaches at the college had met Pennie Wright and was aware of the "Native American Appreciation Day" festivities in New Brockton, but did not know if the group had any substantial history.

Forty members of the MLACIT live in Andalusia, Covington County, Alabama. The president of the Andalusia Historical Society and individuals at the Andalusia Chamber of Commerce did not know of any Indian group in the county either currently or in the past. They were, however, aware of the Indians in Atmore, Alabama (Poarch Band of Creeks) who live about 65 miles to the southwest of Andalusia.

Forty-nine MLACIT members live in Ozark, the county seat of Dale county. A locally and regionally well known historian in northern Dale County, who has published on Alabama history, did not know of any Indian group that had survived in the area. He had researched extensively the early history of

southeastern Alabama and was currently researching early military roads in the area. He did state that some of the early Creek refugees had passed through the county on their way into the Florida panhandle. To his knowledge, none of the refugees stopped for any substantial period on their way south.

Except in the town of New Brockton, non-MLACIT people who were interviewed in local communities where MLACIT members are concentrated do not recognize the MLACIT as being Indian. While the MLACIT are presently well organized and assemble at annual business meetings and various family reunions at least once a year, no evidence has been furnished or found to indicate that the group existed and has been identified from historic times until the present as an American Indian community and distinct from non-Indian communities.

#### POLITICAL ORGANIZATION

Leadership in the Creek Nation was in disarray shortly before and after removal in the 1830s but with few exceptions Indian leadership for the Creeks who stayed in Alabama seems to have disappeared. At least one group in southwestern Alabama, the Poarch Band of Creeks, maintained political and social cohesion through time as a tribe and became Federally acknowledged in 1984 (Bureau of Indian Affairs, 1983).

The MLACIT did not provide any information or documents to demonstrate that they had any political functioning in the post-removal or later periods. None could be found by the Bureau of Indian Affairs during its research on the group. Paredes also noted this absence of documentation (Paredes 1985, 28).

Current MLACIT leadership is held by Penny Wright and her immediate family. While regional leaders are not formally established, there are local and informal "deputies" in Andalusia and Ozark. They relay information from Penny and the Board to the local membership. One also teaches Indian dancing.

The MLACIT has a formal set of by-laws which defines membership and the governing procedures to be followed by the group. Since the group was incorporated in 1982, records exist after this date. The group's records are kept in various locations. Some of its original records were lost when the house of the secretary-treasurer burned. Any MLACIT records available were reviewed during the site visit.

The petition alleges that Penny inherited her leadership position from her mother-in-law. There is no documentary evidence that her mother-in-law functioned as a group leader nor is there any documented data that leaders existed prior to Penny Wright. If a formal group existed in the past, John Wright's father and possibly his maternal grandfather may have been informal leaders. The only evidence for this is that they taught "Sacred Harp" singing which is an organized activity (Ibid., 32-33). It is not known if the students of these men were solely or predominantly MLACIT members.

According to the MLACIT by-laws, the organization consists of its members, a Board of Directors and a Chief Council of Chiefs. The Board of Directors consists of the Chief Council of Chiefs and two elected representatives from the membership at large. The Chief Council of Chiefs is composed of the chief, secretary-treasurer, and two councilmen.

The Chief Council of Chiefs consists of the immediate Wright family including Pennie Wright, her husband John C. Wright, their daughter Nancy Carnley, and James Wright, John C. Wright's brother. The work of writing, documenting, and xeroxing the petition was the effort of Pennie Wright and her daughter Nancy. However, the documented petition was reviewed and approved by the Board of Directors before submission. The Board consists of the Wright family.

Currently, there are two kinds of MLACIT business meetings. One is a Board of Directors meeting attended by the officers of the group and the other is the annual meeting attended by the members-at-large. Meetings of the group as a whole are called when needed and are apparently well attended (MLACIT 1982-1984). Some of the issues that have been discussed at the annual meeting is the group's powwow and the petition for recognition.

Actions and decisions of the Board are relayed to the members-at-large by newsletter and/or by telephone. The telephone network is very effective and is designed to keep long-distance charges minimized. Pennie Wright calls key people in various distant areas such as Andalusia or Ozark and these people in turn phone others in their immediate area who then inform their families and those members in the area without phones. This system is effective and within a short period of time, a large group of members can be informed or assembled. With only a month's advance warning, for example, Pennie Wright had over 100 people at a Friday night fish fry (Paredes 1985, 30).

The MLACIT meetings are generally held in New Brockton. The Board of Directors meet in the council house, one of the houses owned by the Wrights in New Brockton. Larger meetings are held in a school cafeteria only a short distance from the council house. These meetings differ from family reunions. The main agenda is the group's business. In addition to the business activities, there is generally a covered dish dinner or picnic, but socializing is limited by time. While there is a substantial amount of visiting with relatives, it is not as extensive as during the family reunions.

Although the group is incorporated, it operates informally. The minutes of the meetings suggest that the group's activities originate largely with Penny Wright and her family, who are MLACIT officers. Some decisions are implemented without their being referred to the membership as a whole (Board of Directors, MLACIT 1983a; MLACIT 1983b). Amendments to the by-laws do require group consensus. The group's first amendment to its incorporation by-laws, recommended by a member by marriage, gave the officers and board members life-time appointments. The by-laws are not explicit as to which powers are reserved for the group and which are at the discretion of the officers.

Documentary records pertaining to the MLACIT are non-existent prior to the 1960s and are not abundant until the 1980s. The group is not mentioned in any newspaper accounts and there is no record of their participating in any activities related to Creek ancestry or Creek claims. In the 1960s, a newspaper account in The Andalusia Star-News reported a Creek organization promoted by Calvin McGhee of the Poarch Band of Creeks but no MLACIT surnames were mentioned in the article (Paredes 1985, 18). In 1969, the Enterpriser contained an article on the Poarch Creeks and the Creek land claims (Docket

21). Listed in the article were Creek descendants who lived in Enterprise but no MLACIT names were mentioned. An interview with one of the Creek descendants mentioned in the article indicated that this person had never heard of the MLACIT group until recently.

Although the newspaper articles mentioned the Creek land claims, none of the MLACIT members applied as Creek descendants to share in the awards under Docket 21 or 275 which awarded \$5.2 million to Creek descendants for the loss of aboriginal lands. The petitioners claim that they did not know about the awards. Some did apply to share in Docket 272. Their applications were submitted to the Muskogee Area Office of the BIA and they were rejected because they could not document Creek ancestry. When they appealed the area director's decision to the Assistant Secretary - Indian Affairs, the Muskogee Area Office's decision was upheld (Swimmer 1986).

Since the 1980s, some members have had contacts with the BIA. Most of these contacts related to the petitioning process for Federal recognition. For example, they contacted the Muskogee Area Office in Muskogee, Oklahoma and the Branch of Tribal Enrollment at the central office in Washington D.C. to inquire about the process.

Pennie Wright was involved in genealogical research as early as 1962 (Paredes 1985, 15). However, there is no evidence that the group existed prior to the 1980s when the group achieved limited recognition outside the New Brockton community. In the late 1970s, a field survey of Alabama was made in search of remnant Indian groups (Chapman and Hicks 1985). The investigators visited Troy, Pike County, Alabama. Twelve MaChis members live in that county. Coffee and Dale counties are immediately south of Pike County and there are 63 members in these counties. The investigators did not find any evidence of a MaChis Creek group or any other Indian group living in the area. In 1982 the MaChis Lower Alabama Creek Indian Tribe was formally incorporated with Pennie Wright as Principal Chief and her daughter, Nancy Carnley, as Secretary.

The MLACIT have been effective locally in promoting an awareness of Indians. When the MaChis Creek group participates in a public function, Pennie Wright makes the arrangements. She contacts the appropriate town or other officials and organizes the activity whether it be a float, a march, or a booth. Her work in behalf of Indian heritage has been recognized and the mayor of New Brockton proclaimed the first annual "Native American Day" on August 7, 1984 (Adkinson 1984). On September 6, 1984, Governor George C. Wallace, issued an almost identical proclamation, but it applied to the state in general (Paredes 1985, 37).

In 1978, the Alabama legislature created the Alabama Indian Affairs Commission, but in the summer of 1983 the commission was phased out. Prior to its closing, Pennie Wright had submitted a petition to this commission which was returned when the commission closed (Ibid., 38). When a new commission was re-created in 1984, Mrs. Wright resubmitted her petition for the commission's certification. On May 29, 1985, Governor George C. Wallace signed the legislation which gave the MaChis Lower Alabama Creek Indian Tribe a position on the commission. In July, 1985, Dr. Johnnie Wright, a school principal and Pennie Wright's nephew, was appointed as the MaChis Creek representative to the commission (Ibid., 39).

From the latter part of 1982 to the spring of 1984, Pennie Wright assisted in establishing an Indian Education Program for the Coffee County Schools. She raised the issue of educational services for Indian children with the county school superintendent. There are only two or three MLACIT children in Coffee County. This was favorably received and in the spring of 1984, a survey was made of Indian children in the school system. Three hundred fifty eight children were identified as Indian. This information was used in applying for Title IV Indian education funds (Ibid., 35). The program was funded for 1984-1985. During the application process, a Parent Advisory Council for Indian Education in Coffee County was formed and Pennie Wright was elected as its president. Parents whose children were listed as Indian during the survey were asked to file standardized forms to participate in the program. Many parents with questions about the form turned to Pennie for help. In gathering the information for the application for continuing the program for the 1985-1986 school year, the survey found that there were 465 eligible children. There were 65 children of members of Federally recognized tribes, 380 were from unrecognized groups and 20 children from state recognized tribes (Ibid., 36). While this program was localized in Coffee County and served more than just MLACIT children, it was a very successful program and was reported in the newspaper at Elba, the county seat.

Presently, many MLACIT activities are reported in the local newspapers such as the Southwest Sun, The Enterpriser, and the Daily Ledger, all of which are published in Enterprise, only seven miles from New Brockton.

#### RELATIONSHIP WITH OTHER INDIAN GROUPS

The MaChis have been in communication with other recognized and unrecognized Indian groups in Alabama. They have attended powwows of unrecognized Indian groups at Florala (Principal Creek Indian Nation East of the Mississippi) and McIntosh, Alabama (Mowa Band of Choctaw Indians). They also have been to Cairo, Georgia (Lower Creek Muskogee Creek Tribe East of the Mississippi, Inc.). Other unrecognized groups which the MLACIT have been in contact include the Star Clan of Muskogee Creeks, Goshen; Cherokees of Southeast Alabama, Dothan; United Cherokee Tribe of Alabama, Midland City; as well as some Indian groups in Florida.

Some MLACIT members have gone to powwows held by the federally recognized Poarch Band of Creeks. In addition, the MLACIT belongs to the National Congress of American Indians (NCAI). None of the groups the MLACIT has been in contact with have taken a formal position on the MaChis Creek petition.

**GENEALOGICAL REPORT ON THE MACHIS LOWER ALABAMA CREEK INDIAN TRIBE****SUMMARY OF EVIDENCE**

The MaChis Lower Alabama Creek Indian Tribe consists of 284 members. The bylaws of the group, adopted in 1982 as the group's governing document, state that membership is open to all persons of Lower Creek Indian ancestry. However, a statement concerning membership submitted with the petition is a more accurate description of the current membership. This statement defines a member as one who is a lineal descendant of MaChis, an alleged Lower Creek Indian, or is married to a member who is a lineal descendant of MaChis. The members who claim to be descendants of MaChis constitute 72 percent of the group's total membership. Spouses of those members who claim descent from MaChis constitute 25 percent of the group's total membership. Although the majority of the membership does share common ancestry, no documentation was submitted by the petitioner nor was any documentation located by the BAR staff to establish that MaChis existed or that the common ancestors of the group were identified as Indians or were members of any historical tribe or tribes. No evidence was found that the members are principally enrolled in any other Indian tribe or that the group or its members have been the subject of Federal legislation which has expressly terminated or forbidden a relationship with the United States Government.

**GOVERNING DOCUMENT**

The MaChis Lower Alabama Creek Indian Tribe is incorporated under the provisions of the Alabama Non-Profit Corporate Act (MLACIT 1982b). The governing document of the group are bylaws adopted December 22, 1982 (MLACIT 1982a). The bylaws set forth the formal governing procedures. There are officers and a Board of Directors which regulates and supervises the day-to-day affairs and a Chief Council of Chiefs which serves as an executive committee. An amendment to the bylaws, adopted September 17, 1983, states that anyone who is elected or appointed to the Board of Directors or any other office shall hold the office for life (MLACIT 1983c).

### MEMBERSHIP CRITERIA

The bylaws state that membership is open to all persons of the "Lower Creek Indian Tribe with direct or indirect ancestors of the Creek Indians." The bylaws also delineate two types of membership. A full member is one who has Creek ancestry on both maternal and paternal sides of the family. A full member is eligible to vote when the member attains the age of 18 years and is eligible to hold office when the member attains the age of 21 years. A member who has Creek ancestry on either maternal or paternal side, but not on both sides of the family, is eligible to vote when the member attains the age of 18 years, but is not eligible to hold office. Spouses are not specifically mentioned in the bylaws; however, they may fall into the category of persons with "indirect ancestors."

A statement included in the petition defines a member as one who is a lineal descendant of "the Ma-Chis Creek Indian" or is married to a member who is a lineal descendant. A spouse not descended from the MaChis Creek Indian loses membership in the group if the marriage is terminated by divorce. There is no mention in this statement about eligibility to vote or to hold office.

The statement concerning membership submitted with the petition is a more accurate description of the current membership than the membership criteria that is defined in the by-laws. There are a total of 205 members (72% of the group's total membership) who claim to be the descendants of a Creek Indian named MaChis. There are 70 members (25% of the group's total membership) who are spouses of those who claim descent from MaChis. In practice, the group appears to limit their membership criteria of descent from a Creek Indian as stated in their by-laws to that of descent from a particular Creek Indian.

### THE CURRENT MEMBERSHIP

For acknowledgment purposes the membership consists of 284 members as of October 1, 1986. Three lists identifying the members of the group were submitted as part of the petition. The first list, dated June 14, 1983, contains the names of 269 members. The second list of names, titled "Update Ma-Chis Lower Creek Indian Roll of New Brockton, AL 36351," is undated and contains the names of 275 members. On both lists the same families appear. The third list is a list of members who attended meetings from July 12, 1982 to March 31, 1984 and contains the names of 254 members. This last list includes nine names not found on the other two lists.

Genealogical information was submitted for the members who appear on the June 14, 1983 list. By using this information and the information appearing on the three membership lists, charts were drawn up to show how the members are interrelated. All but nine of the members could be charted. The uncharted nine members first appeared on the third list of members mentioned above. Five of these members have surnames indicating they are related to those charted. The remaining four members are presumably related to each other based on the fact that they have the same surname. An ancestry chart was submitted for one of the four members, but the chart does not show any common ancestry with the other members of the group.

The total number of members charted is 275 constituting 97 percent of the total membership. Of this total, 205 claim to descend from MaChis who, the group claims, is a Lower Creek Indian. The remaining 70 members are spouses. The group can be broken down into two basic families, the Wright-McGlaun family and the Johns family (table 1).

Table 1

## Family Distribution of the Membership

Family	No. of Lineal Descendants	No. of Spouses	Total	% of Total Membership
Wright-McGlaun	169	57	226	80%
Johns	36	13	49	17%
Uncharted members	9	0	9	3%
Total	214	70	284	100%

The Wright-McGlaun family claims descent from John T. McGlaun, and the Johns family claims descent from Elizabeth Jane (McGlaun) Johns. According to the ancestry charts completed by the petitioner and submitted with the petition, John T. McGlaun and Elizabeth Jane (McGlaun) Johns are the children of MaChis. There is one intermarriage between the Wright-McGlaun family and the Johns family among the current membership.

Geographically the majority of the members live in the southeastern portion of Alabama (table 2).

Table 2

## Geographical Distribution of the Membership

State	No. of Members	% of Total Membership
Alabama	167	59%
Total in Coffee County	14	
Covington County	40	
Dale County	49	
Houston County	4	
Montgomery County	44	
Pike County	12	
Tallapoosa County	4	
Florida	74	26%
Georgia	17	6%
New Mexico	3	1%
Texas	10	4%
A.P.O. Addresses	4	1%
Without Addresses	9	3%
Total	284	100%

MaCHIS

According to the ancestry charts completed by the petitioner and submitted with the petition, MaChis was born in 1784 in Barbour County, Alabama and died in 1852 in Covington County, Alabama. He married, in 1806, Sebgo (Elizabeth), born in 1780 in Barbour County, Alabama and died in 1846 in Covington County, Alabama. They were the parents of John T. McGlaun, the ancestor of the Wright-McGlaun family, and Elizabeth Jane (McGlaun) Johns, the ancestor of the Johns family. No documentation was submitted to substantiate the dates and places of birth, marriage and death of MaChis and his wife or to establish that they were the parents of John T. McGlaun or Elizabeth Jane (McGlaun) Johns.

No evidence was submitted by the petitioner to establish the existence of a Creek Indian named MaChis. Material that was submitted with the petition implied that the group considered Mochussege, who received land in Barbour County, Alabama under the terms of the 1832 Creek treaty, to be identical to MaChis. Mochuseege was enumerated in the census of Creek principal chiefs and heads of families compiled by the U.S. Indian agents, Benjamin S. Parsons and Thomas J. Abbott, in 1832-1833. He was living in Eufaula, one of the

lower Creek towns, and his household consisted of one male and one female (U.S. Senate 1835, 340). In 1834 Mochuseege owned the west half of Section 25 Township 12 Range 28 in Barbour County, Alabama (Barbour County 1833-1837, 150-152). Under Article II of the 1832 Creek treaty, every head of a Creek family was allowed one-half section. Each principal chief of the Creek tribe was allowed one section of land (Kappler 1903-1941, 2:341). Because Mochuseege owned a half-section, it appears he was a head of family and not a principal chief. Article IV of the 1832 treaty stated that all Creeks entitled to the land and desirous of remaining would receive patents in fee simple at the end of five years (Ibid.). Mochuseege sold his land in 1834 to Alexander J. Robison and therefore did not hold the land long enough to receive a patent (Barbour County 1833-1837, 150-152). Eventually the land came into the possession of Charles C. Mills (Barbour County, Alabama n.d.). The materials submitted by the petitioner prove that Mochuseege resided in Barbour County, Alabama where MaChis is said to have been born, but they do not prove that Mochuseege is identical to the group's alleged ancestor MaChis.

Research by the BAR staff did not locate any evidence to prove that MaChis and Mochuseege were identical or that John T. McGlaun and Elizabeth Jane (McGlaun) Johns were the children of a person named MaChis. Nor was any evidence found to establish that John T. McGlaun and Elizabeth Jane (McGlaun) Johns were Indian or had Indian ancestry. Research done by the BAR staff indicates that the paternal ancestors of John T. McGlaun and Elizabeth Jane (McGlaun) Johns were originally from Bertie County, North Carolina and settled in Georgia in the early 1800s.

John T. McGlaun was living in Muscogee County, Georgia in 1850 and in Barbour County, Alabama in 1860 (Bureau of the Census 1850, roll 79: Muscogee County, p. 344, line 17; 1860, roll 1: Barbour County, p. 363, line 8). According to the 1850 Federal population census schedule, John T. McGlaun was born about 1819 in Lincoln County, Georgia. Evidence was also located indicating that Elizabeth Jane (McGlaun) Johns was the daughter of another John McGlaun. In the 1850 census this John McGlaun was also enumerated in Muscogee County, Georgia showing that he was born about 1803 in Lincoln County, Georgia (Ibid. 1850, roll 79: Muscogee County, p. 398, line 32). According to the petitioner, John T. McGlaun and Elizabeth Jane (McGlaun) Johns were siblings, therefore John T. McGlaun should be the son of John McGlaun born about 1803. Although both men were born in Lincoln County, Georgia and were living in Muscogee County, Georgia in 1850, implying some sort of relationship between the two men, no evidence could be located to establish the exact relationship between John McGlaun and John T. McGlaun.

Lincoln County, Georgia, listed as the birthplace for both John McGlaun and John T. McGlaun, is located in northeast Georgia on the South Carolina border. No McGlauns are found in the 1820 Federal census of Lincoln County, Georgia, but Edmond McGlawn, Hardy McGlawn and Jeremiah McGlawn are found living in the county of Putnam (Bureau of the Census 1820, roll 9: Putnam County, p. 90). All three men had males under 10 years of age living in their households which would fit the age bracket for John T. McGlaun. Hardy McGlawn and Jeremiah McGlawn had males living in their households in the age bracket corresponding to John McGlaun's age in 1820. All members of the three households are listed in the "Free White" columns. Although the 1820 census does not prove that any one of these three men is the father of John

McGlaun and John T. McGlaun, they are the only McGlauns found in the 1820 census index for Georgia (Georgia Historical Society 1969). The given name Edmond is found in both the families of John McGlaun and John T. McGlaun.

By using the published name indexes for the early Federal population census schedules, several families of McGlauns are found living in North Carolina. In Bertie County, North Carolina there are marriage records for the years 1792, 1803 and 1805 that may pertain to Hardy McGlawn and Jeremiah McGlawn of Georgia (Fouts 1982, 63). Neither man appears in the 1820 Federal census for Bertie County, North Carolina when Hardy McGlawn and Jeremiah McGlawn appear in the census schedules for Georgia (Potter 1970). The McGlaun family were early residents of Bertie County, North Carolina appearing in the court and land records of the county as early as 1727 (Bell 1963-1968; Haun 1976-1984).

#### EVIDENCE OF INDIAN ANCESTRY

The ancestry charts prepared by the petitioner and submitted with the petition show several other Creek Indian ancestors besides MaChis for the 205 members who share common ancestry. Some of the ancestors listed on the ancestry charts can be identified in the Parsons and Abbott census of 1832-1833. However, no documentation was submitted to prove the line of descent from these Creek Indians. Beginning with the parents of the oldest living generation of the group's membership, the BAR staff attempted to verify the different lines of descent given on the ancestry charts. Federal population census schedules verified most of the relationships from the parents of the oldest living generation back to an adult who was head of a household in the 1850 Federal population census schedules. Typescript copies of cemetery and marriage records available at the Library of the National Society, Daughters of the American Revolution, published county histories and genealogies and a report prepared by an anthropologist on the group substantiated most of the marriages and dates given on the ancestry charts back to the ancestor who was head of a household in the 1850 census. None of the material identified the families as Indian or members of any Indian tribal group. No evidence was located to connect any of the families with those Creek Indians of the Parsons and Abbott census of 1832-1833 who are claimed as ancestors by the group.

In some instances the ancestral families can be traced back to ancestors born in the 1700s in one of the thirteen original states. One of the group's ancestors, Richard Taliaferro Lingo, appears in a printed genealogy which traces his ancestry back to colonial Delaware and Virginia (Ivey 1926, 39). Another ancestor, William Calvin Humphries, is the subject of a short sketch in a local county history which claims he was born in 1775 in Virginia (Scott 1961, 299). Neither work mentions any Indian ancestry for the two men or their spouses. The Wright family, early residents of Henry County, Alabama, are the descendants of Solomon Wright, a Revolutionary War veteran, originally from Darlington County, South Carolina (Hill 1974; Scott 1961, 501-502). The Horne family, early residents of Florida, are the descendants of Joab Horne, a Revolutionary War pensioner, originally from North Carolina (Askew 1964; Horne 1833). Other ancestors of the group who were located in the 1850 Federal population census schedules gave either Georgia, North

Carolina or South Carolina as their birthplaces. Pre-1850 census schedules and published local records, particularly marriage records, show that these ancestors did not move to Alabama until at least the 1840s.

Fifty-six of the 205 members who share common ancestry might be able to claim Creek ancestry. This ancestry is not shared by other members of the group. The 56 members are the lineal descendants of Nancy Jane Bass who married in 1900 James Egie N. McGlaun (Paredes 1985, 13). According to a genealogy prepared by a member of the Bass family, Nancy Jane (Bass) McGlaun is the great-great granddaughter of John Ward (Spence n.d., 6-8, 10, 12). His wife Nahoga or Nancy is said to be the sister of Sam Moniac (Macnac), a half-blood Creek Indian of the upper Creek town of Tuskegee (Alabama State Department of Archives and History n.d.c; Grant 1980, 1:298). This family genealogy (Spence n.d.) does not cite any documentation for the Ward lineage. Although there is indirect evidence substantiating that Elijah Ward (born about 1776), of Walton County, Florida, is the great-grandfather of Nancy Jane (Bass) Ward, further research is necessary to establish if this Elijah Ward is the son of Nahoga or Nancy (Moniac) Ward.

The existence of the alleged common ancestor MaChis can not be documented and no documentary evidence was submitted by the petitioner or located by the BAR staff to establish that the common ancestors of the group were identified as Indians or were members of any historical tribe or tribes. The current members of the group can not demonstrate either that they meet the group's membership criteria or that they are descendants of an Indian tribe which historically inhabited a specific area.

#### FEDERAL RELATIONSHIP

There is no evidence that the membership is principally enrolled in any North American Indian Tribe. The MaChis Lower Alabama Creek Indian Tribe does not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision" (Simmons 1985). No legislation is known to exist which terminates or forbids a Federal relationship with the group. The State of Alabama passed legislation in April 1985 recognizing the group as an Indian tribe. Long standing recognition by a state may be significant evidence for the existence of an historical tribal entity. However, in this case, state recognition is very recent and has no significant effect on the Federal acknowledgment process.

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