

GOVERNOR DAUGHERTY (WINCHESTER) COLBERT

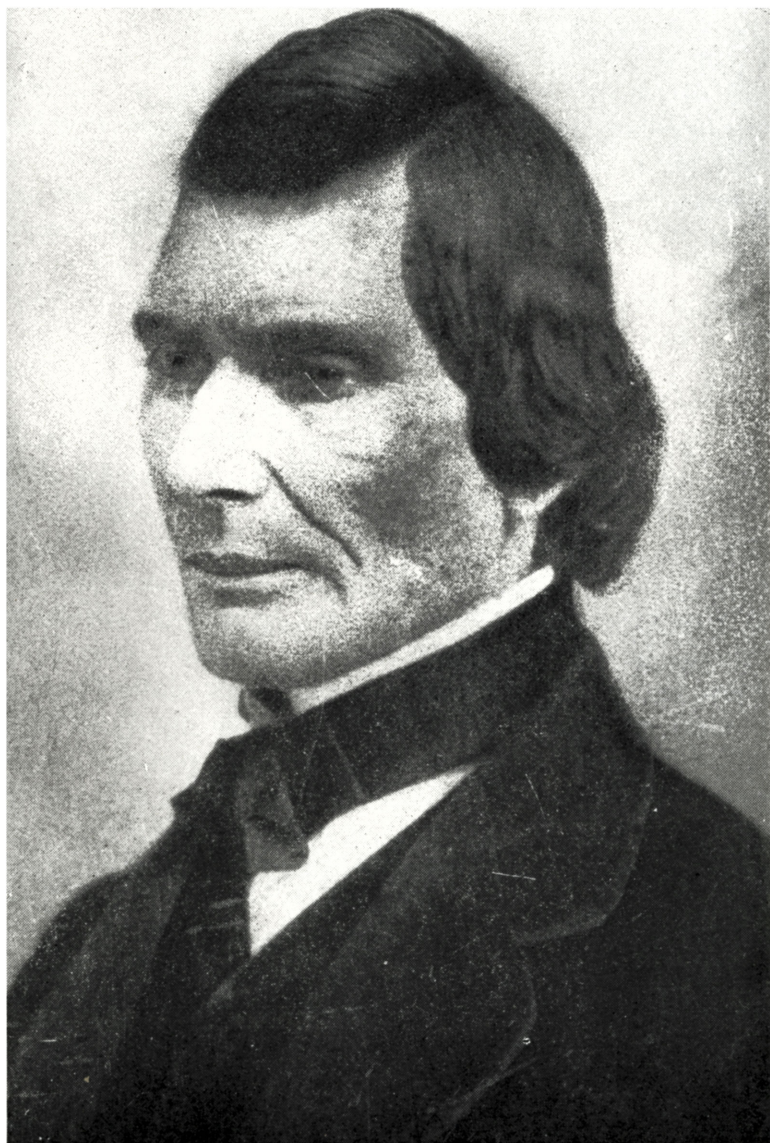
By

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Few periods in history are so well revealed by their leading actors as is the early life, with its struggles, of the Five Civilized Tribes in the West. Facts contemporaneous with that period are difficult to obtain because it was a sparsely documented era in their lives and many details are still fugitive. It is a story of tribal and intertribal politics, of wars, harvests and famines and is difficult to revive. The efforts of the Christian missionaries won the hearts of these stricken folk and they were rapidly approaching the standards of Christian civilization. During those silent decades the teachings of the missionaries were absorbed into the culture and political life of the Indians and quite naturally the administration of their political system was influenced by the passionate, religious fervor to which they had responded. In the decade preceding the Civil War the Chickasaws had recovered in a startling measure from the sorrow and wreckage of the removal days. Education at higher institutions of learning in the East was developing an understanding leadership and upon their separation from the Choctaws in 1855, a republic in miniature was formed. It was a replica of the States. The capable Cyrus Harris inaugurated the new government as its first governor to be succeeded in the fall of 1858 by Daugherty (Winchester) Colbert.

Daugherty (Winchester) Colbert although listed as a son in the large family of Levi Colbert which consisted of twelve sons and eight daughters and although he was reared as a member of that family, a verification impels the conclusion that he was not, in fact, a son of Levi Colbert. He is reputed to have been the natural son of an itinerant, adventurous white man by the name of Darity.¹ His mother was a Chickasaw Indian woman and he was born in the Tombigbee River country near Cotton Gin Port, Monroe County, Mississippi in 1810. In his early years, this child of romance was received by adoption into the family of Levi Colbert

¹ Personal interviews with Mrs. Minor Mead, a granddaughter and with Charles Colbert, a great grandson of Levi Colbert, of Durant, Oklahoma and with Dr. T. P. Howell of Davis, Oklahoma.



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and was reared and educated by that distinguished Chickasaw leader. Chickasaw law offered no defined procedure relating to such adoptions but the practice was not unusual among the Indians. The communistic impulses of these simple folk inclined their hearts to extend shelter, care and protection to the homeless of their race irrespective of circumstances. He was invested with the family name of Colbert his own father's name being employed as his first name, but Darrity Colbert soon became Daugherty Colbert occasioned not only by a similarity in the names but also probably influenced by the fact that a near relative of Levi Colbert bore the name of Daugherty Colbert. The name Winchester Colbert was adopted by the young man some years later and so through life he sometimes was recognized as Daugherty Colbert and at other times as Winchester Colbert.

The scholastic training of young Daugherty Colbert began with his attendance at Charity Hall,² a Cumberland Presbyterian Mission School near Cotton Gin Port. The years 1826-7 were spent by him in Washington in the home of Thomas L. McKenney³ the famous Indian Commissioner and compiler of Indian history, where he received some preliminary training in land surveying. It was a unique but valuable experience for the Indian lad. The interest of McKenney continued after his return home and on March 17, 1828 the Commissioner writes to Levi Colbert, "I hereby write to request that Daugherty may leave home in time to reach the Choctaw Academy by the first of June." In this letter mention also is made of his taking up a course in land surveying. Daugherty Colbert enrolled as a student in the Choctaw Academy⁴ in Kentucky, in 1828, his education being more or less directed by Thomas L. McKenney.

Upon his return from school young Colbert engaged in farming and in 1837 came with one of the first Chickasaw removal caravans to the old Indian Territory. He lingered for a brief period in the vicinity of Doaksville and subsequently established himself

² Carolyn Thomas Foreman, "Charity Hall," *Chronicles of Oklahoma*, Vol. XI, pp. 912 *et seq.*

³ Thomas L. McKenney, *Memoirs, Official and Personal* (1846), pp. 158-9 and 163-6.

⁴ Carolyn Thomas Foreman, "Choctaw Academy," *Chronicles of Oklahoma*, Vol. VI, pp. 453 *et seq.*; *ibid* Vol. IX, pp. 382 *et seq.* and *ibid* Vol. X, pp. 77 *et seq.*

upon lands in the North Fork country. He later effected a permanent settlement at Oil Springs about twenty miles northwest of Tishomingo and about nine miles east of the present town of Berwyn and in what is today Johnston County, Oklahoma.

The political affairs of the Chickasaws were closely interwoven with the Choctaws during those early formative days in the West. The treaty of January 17, 1837⁵ at Doaksville created the Chickasaw District in the Choctaw Nation. This district under the provisions of the treaty of June 22, 1855⁶ became the Chickasaw Nation and the separate political status of the Chickasaws was accomplished. Winchester Colbert was a directing hand in framing this treaty and had served as a member of the Choctaw council from the Chickasaw District but early became a strong advocate of the political separation of his people from the Choctaws. He was a prominent member of the constitutional convention which framed the constitution for the newly created Chickasaw Nation, in August, 1856 and served as a member of the first Chickasaw legislature.

In August, 1858, Winchester Colbert became the second governor of the Chickasaw Nation when he defeated Gov. Cyrus Harris who was running for reelection. Harris postponed a second consecutive term for Governor Colbert when he returned to the governorship in the fall of 1860, but Colbert again defeated Harris in August, 1862, and was reelected in the autumn of 1864. The two concluding terms of Governor Colbert covered the fateful years of the Civil War, from the fall of 1862 to the fall of 1866. Winchester Colbert was a signer of the treaty which, as a Chickasaw delegate he had aided in negotiating with Gen. Albert Pike the representative of the Confederate States at North Fork, Creek Nation, on July 12, 1861. His sentiments, as were those of the Chickasaws in general, were very distinctly with the South. All forms of endeavor among the Chickasaws approached a stalemate during the war. The governor becoming apprehensive of his personal safety, upon the defeat of the Confederates at Camp Kansas in February, 1864, departed hurriedly for Texas where he remained for several months as a refugee. Other Confederate sympathizers fled with him.

⁵ Kappler, Vol. II, pp. 486 *et seq.*

⁶ Kappler, Vol. II, pp. 706 *et seq.*

Horace Pratt, the President of the tribal senate functioned as governor during his absence. The governor returned from Texas in the fall of 1864 and with the collapse of hostilities in the succeeding year, formally surrendered on July 14, 1865, the Chickasaws being the last of the Five Tribes to surrender. The Chickasaws entered the war as an independent ally of the Confederacy and upon its conclusion, made an independent surrender and likewise concluded their terms of peace. Governor Colbert became active as a participant in the peace negotiations with the Government held at Ft. Smith, Arkansas, in September, 1865 and the Civil War with its unhappy conditions for the Chickasaws was concluded.

When the Chickasaws entered the Civil War their interest in other activities was suspended but in so doing they ran orthodox to time-honored customs of the race derived from high ancestral practice. The potency and security of government in the Chickasaw Nation were postponed during hostilities. There was a complete break down in law enforcement. The tribal courts were closed; no session of the legislature was convened during the war and for a brief period the governor became a fugitive in Texas. The consequent lawless conditions which ensued were not improved by the presence of Creek and Cherokee refugee Indians camped around Stonewall and at points further south along the Red River. The years of the Civil War were drab years for the Chickasaws. On September 27, 1865, Governor Colbert in his initial communication to officials of the Federal Government reported that "robberies and horse stealing are common occurrences in the southern part of the Nation" and requested that "a company or two of cavalry be sent under a capable officer to afford protection." In the same letter the governor also requested the removal of the refugee Indians of other tribes from the Chickasaw Nation. The depredations of which he complained may have been committed in some instances by the refugee Indians driven to necessity, but the arch offenders probably were negroes and renegade white men.

The first session of the Chickasaw legislature to convene after the beginning of the Civil War met at Tishomingo between the second and seventh of October, 1865. Governor Colbert addressed

that body in measured terms which challenge comparison with the most erudite Indian leaders of that period;

“The annual meeting of the Legislature of the Chickasaw Nation under the providence of God being again permitted, it becomes us as a Nation to acknowledge our dependence on His Will and lift our heads in thankfulness for the preservation of our people amid the dangers and vicissitudes through which our country has passed.

“Since my last message to the Legislature we have experienced the effect of war in its worst form. So rapid has been the change by the late revolution which has terminated in the submission of all the States of the United States to the authority of the General Government and so stupenduous its results, present and prospective, that the mind becomes bewildered in contemplating them.

“It is consolatory however to reflect that under all the trying circumstances under which the Chickasaws have labored, they have been true to themselves and their plighted national faith. Their course is a matter of history and we refer to the record, confidently relying upon a favorable verdict, not only from an impartial world but from the government of the United States itself, which is too powerful and magnanimous to take advantage of a weak people who were compelled by force of circumstances and the current of events, in order to preserve their existence, to assume a hostile attitude towards that Government to whom previously our people had always looked for parental protection and guidance.

“It becomes my duty to inform your honorable body that by special request of the authorities of the United States, the commissioners on the part of the Choctaw and Chickasaw Nations together with those of other nations embraced in the Indian Confederation, with their respective executives and commissioners met commissioners on the part of the United States in council at Ft. Smith on the 15th of September last. The result of which was a general treaty of peace and friendship between the United States and all the Indian nations represented at said council and the submission of a *project* or outline of a treaty, which the Gov't of the United States wishes to make with the various Indian Nations, for which purpose and to arrange and settle all matters with the government of the United States growing out of their connection with the so-called Confederate States, which tend to interrupt or interfere with the resumption of their former relations with the Government of the United States, it is proposed that commissioners be sent to Washington City by the several Indian Nations. * * *

“Among the subjects presented by the Gov't of the United States for your consideration the slave question stands prominently forth. It is plain that emancipation is inevitable and it is a part of wisdom to meet the question fairly and that means be devised to

bring about the manumission of slaves at the earliest practicable period, and in the meantime, to secure the peace and quiet of that unfortunate class of persons and render them by suitable provisions and arrangements, useful to the community.

“There is at present great diversity of opinion among the people as to the status of the negro among us. In my opinion the good of the community requires that the Legislature shall lay down a uniform rule of action for all in reference to slaves, so that there be no confusion growing out of the subject among the people or among the slaves themselves. Their emancipation is now a mere question of time and the sooner, in accordance with the constitution, the better for all parties. * * *.⁷

Upon receipt of the governor’s message the legislature passed a resolution empowering the governor to issue a proclamation calling upon the people to effect some sort of independent agreement with the slaves. According to the Federal Census of 1860, the Chickasaws held 917 negro slaves. On October 11, 1865 Governor Colbert issued his proclamation in accordance therewith;—

Whereas the Legislature of the Chickasaw Nation at its last session, in view of the unsettled state of affairs within said Nation and more especially in reference to the slaves, did by resolution direct that the governor issue his proclamation informing the people of the present position of the Nation in relation to the United States Government and authorizing all slaveholders to make suitable arrangements with their negroes, such as may be most conducive to the interest and welfare of both owners and slaves.

Now, Therefore, I, Winchester Colbert, Governor of the Chickasaw Nation, do issue this my proclamation informing the people of said Nation that a treaty of peace and friendship, repudiating all treaties with any foreign nation or power, was concluded between the Commissioners on the part of the United States and the Commissioners on the part of the Chickasaw Nation, at Ft. Smith, Ark. on the 18th of September, A. D. 1865 and I do hereby require all persons subject to the jurisdiction of the Chickasaw Nation to observe and conform to the same until other treaties securing the rights and interests of the Chickasaw people can be negotiated by the commissioners appointed by the Legislature to visit Washington City for that purpose.

In view of the fact that under the treaty of peace concluded at Fort Smith, the United States reserved jurisdiction over the question of slavery within Indian Territory and in conformity with the authority given me by the Legislature, I hereby advise all slaveholders within the Chickasaw Nation to make suitable arrangements

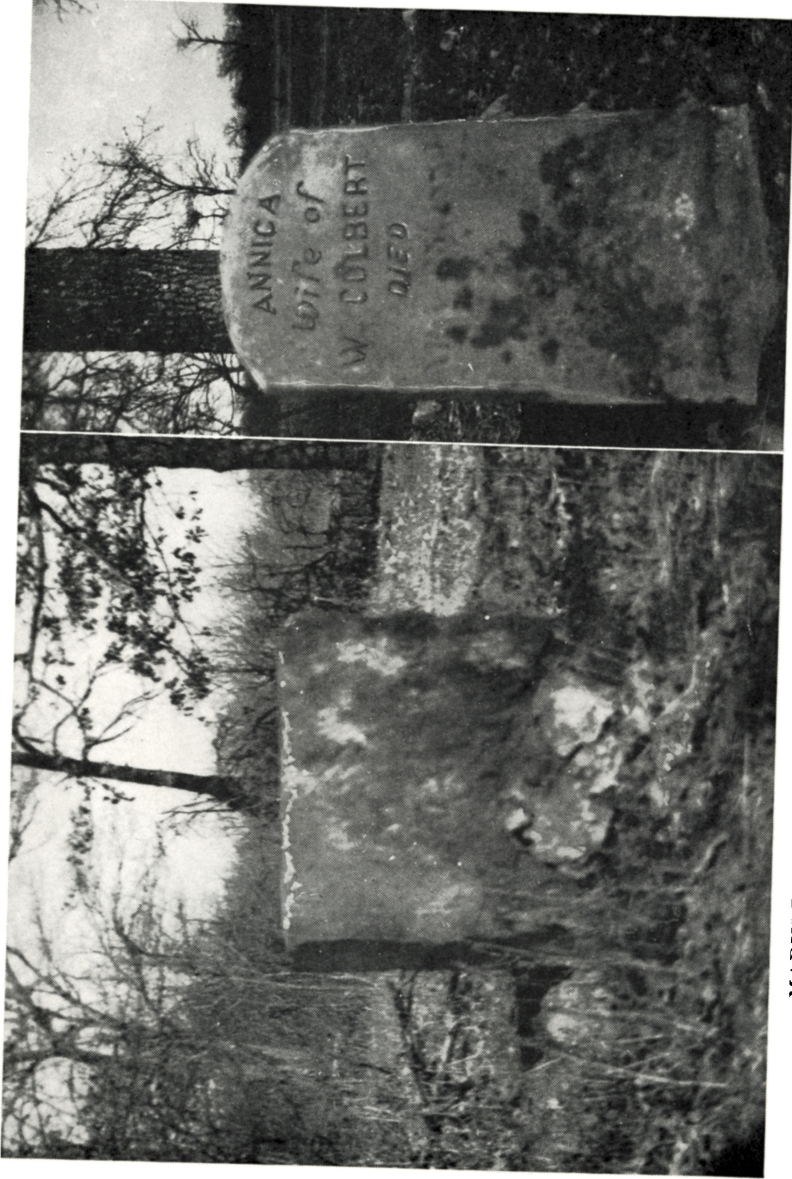
⁷ Annie Heloise Abel, *American Indian under Reconstruction*, pp. 285 et seq.

with the negroes—such as will be most conducive to the interests and welfare of both owners and slaves. * * *.

The Ft. Smith engagement of September 18, 1865 was practically an armistice agreement, but the drastic "*Project* or outline of a Treaty" which was submitted at the time, furnished a basis for future negotiations. Governor Colbert headed the Chickasaw delegation which went to Washington in December, 1865 and on April 28, 1866 concluded and signed a final treaty with the Government.⁸ This treaty which was entered into jointly with the Choctaws and which definitely disposed of the slavery question, also contained optional provisions relating to the allotment of the tribal domains of these tribes, in severalty. Upon his return from Washington in the summer of 1866, Governor Colbert strongly counselled allotment and on November 9, 1866, the Chickasaw legislature passed an act in accordance with the provisions of Article Eleven of the Act of 1866, consenting to and authorizing the allotment in severalty of the Chickasaw domain. This effort of the Chickasaws was postponed because of the refusal of the Choctaws to join in the venture. Later and in 1872, the Chickasaw legislature requested the Government to proceed with allotment but Secretary of the Interior Delano ruled that it could not be done in the absence of consent by the Choctaws. It is worthy of comment that the Chickasaws were the first of the Five Tribes to consent to allotment although this consent was subsequently withdrawn. The vision of Governor Colbert was far in advance of the period in which he lived although it is most probable that the allotment of the tribal domain at that early date would have been very premature.

The tenure of Governor Colbert drew to a close in the fall of 1866 and the ever popular Cyrus Harris again resumed the executive chair. The retiring governor had rendered a conscientious service and had led the Chickasaws through two years of war and a trying period of negotiations for reconciliation. He brought no dishonor to the Colbert name. Upon his retirement he resumed his residence upon his farm at Oil Springs and never again sought to reenter the political arena, although he did serve thereafter as a member of the tribal senate and did make numerous trips to Washington

⁸ Kappler, Vol. II, pp. 918 *et seq.*



MARKERS AT THE GRAVES OF GOVERNOR AND MRS. COLBERT

as a representative of his tribe. He disposed of his Oil Springs home to Thomas Boyd⁹ in the spring of 1877 and the place became known thereafter as Boyd's Oil Springs. A suggestion of conditions which may have provoked the old governor to make this sale is contained in the issue of the *Star Vindicator* of McAlester, I. T., of May 5, 1877, which states, "Gov. Winchester Colbert, we learn, has moved to Atoka County, Choctaw Nation, because of so much stealing and disturbance in the Chickasaw Nation." The disordered situation must have cleared up because the governor and his wife Annica later returned to the Chickasaw Nation and thereafter made their home with their son Humphrey Colbert upon his farm¹⁰ some two and one-half miles west of the present town of Frisco, Johnston County, Oklahoma where the governor passed away in the fall of 1880 and where he rests in a family burying ground, his grave being rather crudely marked. After the death of the governor, Annica Kemp his widow went to live in the home of Thomas Boyd at the old Oil Springs home where she was cared for and where she passed away. She lies buried in the family graveyard at Boyd's Oil Springs where her grave is marked, "Annica, wife of W. Colbert, died May 25, 1884."¹¹

Governor Colbert was reared a member of the Cumberland Presbyterian Church but later joined the Methodist Church, South. Thanks to the interest of Thomas L. McKenney, he had enjoyed educational advantages far beyond the average of his people at that time. He understood, spoke and wrote both the English and Chickasaw languages. The atmosphere of the Civil War with its resultant lawless conditions provoked a headache for the mild tempered

⁹ Thomas Boyd was a grandfather of Mrs. Marie (Charles) Garland of Oklahoma City. The writer is indebted to Mrs. Garland for much valuable information. She is the genealogist of the Love Family.

¹⁰ Upon the advent of the allotment period, this farm was selected by and became the Indian allotment of Humphrey Colbert, a son of Governor Colbert. Humphrey Colbert was duly enrolled as a member of the Chickasaw tribe opposite roll number 13 on the approved rolls of the Chickasaw tribe as a three-quarters blood Indian as shown by census card No. 4. He made the selection of this farm as his allotment because of the burial of his father thereon. Humphrey Colbert passed away some years ago and is buried by the side of his father. Salina Colbert, widow of Humphrey Colbert, is still (1940) living.

¹¹ After the death of the governor, his daughter Lucy arranged with Thomas Boyd that Annica, her mother be permitted to return to the old Oil Springs home and abide as a member of his family. She was tenderly cared for by the members of the Boyd family until she passed away.

governor. When the hostilities were concluded, he hastened to the peace front but with no hatred nor hostility in his heart. He was glad the war was over and with a cool philosophy accepted the altered status provoked by the war and omitted no effort to adjust his people to the requirements of the Government. Governor Colbert was in no sense of a militant disposition.

An 88 year old nephew by marriage of the old governor offers this personal description of Governor Colbert. He was a one-half blood Chickasaw Indian, of dark complexion, brown eyes, wore his hair at shoulder length and was very erect in carriage. He was of medium height weighing around 160 pounds. In disposition, he was friendly, sympathetic and easy of approach. Although he spoke English, he preferred the Chickasaw language.

Through the years preceding the Civil War, he had accumulated a modest fortune of which the numerous slaves which he held constituted the major portion. The war with its consequent freedom of the slaves, practically depleted the old governor's holdings. He passed peacefully on and into the twilight of life leaving an untarnished public record. Then came the "Callboy of the Soul."¹²

¹² The writer is indebted to Mr. Rosebud Bryce of Tishomingo for his research and for the reproduction of tombstone pictures which he has made available.