

An Application for an Official Texas Historical Marker for

Lake Creek Settlement

by Kameron Kent Searle, J. D.

and presented to the Montgomery County Historical Commission

I. CONTEXT

The Lake Creek Settlement was an Anglo-American settlement located in Austin's Second Colony in the Mexican State of Coahuila and Texas during the Texas colonial period. During the Republic of Texas era, Lake Creek Settlement found itself located first in Washington County and later in Montgomery County when that county was created. Within just a few generations of the founding of the town of Montgomery and the creation of Montgomery County in 1837, the Lake Creek Settlement was forgotten.

Unearthed by historians over the last two and a half decades through historical research using long ignored primary source documents located in the Montgomery County courthouse, the Washington County courthouse, the Austin County courthouse, the Dolph Briscoe Center for American History, the Texas State Library and Archives, and the Texas General Land Office; the Lake Creek Settlement has risen like the Phoenix from the ashes of forgotten Texas history. The discovery of Lake Creek Settlement has changed the way the early history of the town of Montgomery and Montgomery County will be studied and understood forever.

II. OVERVIEW

On May 20, 1825, Stephen F. Austin obtained from the government of the Mexican State of Coahuila and Texas a contract for the introduction of five hundred families. Stephen F. Austin signed this Empresario contract with the State of Coahuila and Texas on June 4, 1825.¹ This contract, for what was to become known as Austin's Second Colony, was to be completed within six years.² Order No. 24, dated March 7, 1827 defined the boundaries of Austin's Second Colony for the purposes of this contract.³ As described in Order No. 24, the west fork of the San Jacinto River formed part of the

eastern boundary of Austin's Second Colony. On November 13, 1829, Miguel Arciniega was appointed commissioner of this colony.⁴

Under the 1825 contract, Empresario Stephen F. Austin granted land on behalf of the Mexican government to a number of colonists in 1831. Some of these settlers in Austin's Second Colony received leagues of land between the west fork of the San Jacinto River and the stream called Lake Creek in what is today western Montgomery County. The early settlers who qualified and received leagues of land, in what is today western Montgomery County, included the following individuals: Mary Corner (April 7, 1831), James Pevehouse (April 7, 1831), Archibald Hodge (April 8, 1831), James Hodge (April 8, 1831), Owen Shannon (April 8, 1831), William C. Clark (April 10, 1831), William Landrum (April 10, 1831), Zachariah Landrum (April 10, 1831), William M. Rankin (April 10, 1831), Noah Griffith (April 11, 1831), Benjamin Rigby (April 14, 1831), William Atkins (April 18, 1831), Jacob Shannon (April 30, 1831), Raleigh Rogers (May 6, 1831), John Corner (May 10, 1831), and Anne White (May 12, 1831).⁵

Elias R. Wightman (hereinafter E. R. Wightman) surveyed all these leagues.⁶ The chain carriers assisting Wightman in surveying these leagues included, at various times, William Rankin, Mathew Hubert, John Corner, William Atkins and James Rankin.⁷

Within two years of the arrival of the colonists in 1831, the settlement located between the west fork of the San Jacinto River and the stream called Lake Creek had become known as the "Lake Creek Settlement." The Lake Creek Settlement was the earliest Anglo-American settlement in what is today Montgomery County.⁸ As early as August 8, 1833, Jacob Shannon executed a legal document called "Articles of Agreement" in behalf of his widowed sister, Rutha [Ruth] Miller, in the Lake Creek Settlement in Austin's Colony.⁹ Another early reference to Lake Creek Settlement is found in Stephen F. Austin's Register of Families, in which Thomas Chatham was recorded receiving land in Lake Creek Settlement on January 13, 1834.¹⁰ The Lake Creek Settlement was also commonly referred to as the "neighborhood of Lake Creek," the "District of Lake Creek," the "Precinct of Lake Creek," or simply as "Lake Creek."¹¹

In 1835, William W. Shepperd (hereinafter W. W. Shepperd), an Austin's Colony colonist originally from North Carolina, purchased a 200-acre tract of land located in northwestern-most corner of the John Corner League.¹² W. W. Shepperd built homes and

lived on this 200-acre tract with his wife, Mary Steptoe Shepperd, and their children and their slaves.¹³ He soon built a store at this location. This was the first store in the Lake Creek Settlement. Shepperd's store was known as "the store of W. W. Shepperd on Lake Creek."¹⁴ Also on these two hundred acres, Shepperd would operate a gin and a stockyard.¹⁵

The location of W. W. Shepperd's store had three important advantages. First, a spring-fed branch of Atkins Creek [that would later be known as Town Creek] ran through this two hundred acre tract providing fresh water for settlers and livestock.¹⁶ Second, the store was located close to the geographic center of Lake Creek Settlement. Third, Shepperd's store was located near three important roads or traces running through the Lake Creek Settlement.

W.W. Shepperd's store being located on the extreme west side of the John Corner League was located near what Austin Colony surveyor E. R. Wightman identified as the "Contraband Trace." This trail ran north and south along the eastern side of the adjacent Benjamin Rigby League.¹⁷ According to the map accompanying the "English Field Notes" prepared by E. R. Wightman for League No. 23 [Benjamin Rigby League] in 1831, the "Contraband Trace" is clearly shown rising out of the northern portion of the Zachariah Landrum League and running along the eastern edge of the Benjamin Rigby League.¹⁸ Shepperd's store, located in the northwestern-most corner of the John Corner League, was as close to the Contraband Trace as Shepperd could get without actually being located on the Benjamin Rigby League. Within a short distance to the south of W. W. Shepperd's store, the Contraband Trace intersected two other trails that E. R. Wightman identified as the Coshatta [Coushatta] Trace and the Grimes Road.¹⁹

Long before the arrival of Stephen F. Austin's colonists, the Coushatta Indians had traveled through the lands that would become the Lake Creek Settlement upon the Coushatta Trace. According to historian Howard N. Martin, "The Coushatta Trace was a road from Louisiana into Texas that was used by the Coushatta Indians in their hunting and trading activities. It was an important middle road between the better-known and Spanish-patrolled Atascosito Road along the Texas coast and the Old San Antonio Road farther inland. Although the Coushatta Trace and the Atascosito Road were the most important roads through Austin's colony, the actual route of the Coushatta Trace has been

discovered only generally and recently. In the area of present day Montgomery County the Coushatta Trace passed along the eastern side of the San Jacinto River, crossed this river near the Iron Mound league [Raleigh Rogers League], and turned west. It ran south of the site of present Montgomery and then passed through what is now Waller County to the Coushatta crossing of the Brazos River.’’²⁰

According to the 1831 map of “Surveys in Austin’s Colony along the west bank of the San Jacinto River” prepared by E. R. Wightman, a portion of the Coushatta Trace is labeled and shown running through five leagues of land that would later be part of the Lake Creek Settlement. The Coushatta Trace runs north and south through the Raleigh Rogers League [Iron Mound League] crosses over onto the Zachariah Landrum League and then back onto the Raleigh Rogers League. The Coushatta Trace then turns east so that it runs east and west across the John Corner League (the League upon which Shepperd’s store was located), the William Atkins League, and the William C. Clark League before crossing west fork of the San Jacinto River.²¹

The 1831 map of “Surveys in Austin’s Colony along the west bank of the San Jacinto River” also indicates the Grimes Road running through three leagues of land that would later be part of the Lake Creek Settlement. The Grimes Road is shown branching off to the west from the Coushatta Trace and running east and west across the Zachariah Landrum League, the William M. Rankin League, and the Bedie League [Jacob Shannon League].²²

W. W. Shepperd’s store quickly became the meeting place and community center of the Lake Creek Settlement. The colonists and settlers no longer had to travel many miles to the towns of San Felipe de Austin or Washington [Washington-on-the-Brazos] in order to purchase goods and supplies. In addition to purchasing goods, colonists and other settlers would come to Shepperd’s store to execute land deeds and other legal documents and have these documents witnessed by those gathered there.²³

A number of men from the Lake Creek Settlement fought in the Texas Revolution in 1835 and 1836. These Texas Revolutionary soldiers included Matthew Cartwright, Thomas Chatham, Evin [Evan] Corner, James J. Foster, Raleigh Rogers Jacob Shannon, Jacob H. Shepperd, A. U. Springer, and John Marshall Wade.²⁴ Men from the Lake Creek Settlement fought in many of the battles of the Texas Revolution, including the

Battle of Concepcion, the Grass Fight, the Siege of Bexar, and the Battle of San Jacinto.²⁵ The man originally appointed to gather reinforcements in the Lake Creek Settlement was James J. Foster.²⁶ Foster resigned shortly after his appointment and most of the militia volunteering from Lake Creek Settlement either joined Captain William Ware's company or Captain Joseph L. Bennett's company.²⁷ Lake Creek Settlement resident, John Marshall Wade, fought in the Battle of San Jacinto and manned one of the famous "Twin Sisters" cannons during this decisive battle in which Texas won her independence from Mexico.²⁸

Charles B. Stewart, a delegate from the Municipality of Austin to the Convention at Washington-on-the-Brazos who had signed the Texas Declaration of Independence from Mexico, left the Convention on March 8, 1836 to get married to W. W. Shepperd's daughter, Julia Shepperd, in the Lake Creek Settlement.²⁹ He returned to the ongoing Convention on March 16, 1836.³⁰ The following day, March 17, 1836, the Constitution of the Republic of Texas was adopted and the Convention was adjourned.³¹

Just prior to and during the Texas Revolution, the Lake Creek Settlement was located in the Municipality of Washington.³² Following the Texas Revolution, the Lake Creek Settlement found itself located in Washington County. Washington County was divided politically into six very large precincts. One of these precincts took its name from the Lake Creek Settlement. The six large precincts located in Washington County were the Hazard Precinct, the Hidalgo Precinct, the Washington Precinct, the Viesca Precinct, the San Jacinto Precinct, and the Lake Creek Precinct.³³

In a joint resolution passed by the Congress of the Republic of Texas and signed into law by President Sam Houston on December 17, 1836, the Chief Justice of each county in the Republic of Texas was required to provide a description of his county's boundaries to the Secretary of State by the first day of May 1837.³⁴ In his description, Judge John P. Coles made it a point to describe the southern boundary of Washington County "so as to include Lake Creek settlement."³⁵

On February 13, 1837, John P. Coles, Chief Justice of Washington County, certified the election returns of Washington County to the Secretary of State of the Republic of Texas, R. A. Irion.³⁶ In this certification of the Washington County election returns, the voters in the Lake Creek Precinct elected two Justices of the Peace: George Galbraith and

Jeremiah Washam [Worsham].³⁷ During the Republic of Texas, Justices of the Peace also served as the Commissioners on the County Commissioners' Courts.³⁸

The first Washington County Commissioners' Court meeting was held on April 3-4, 1837 and the two Justices of the Peace from the Lake Creek Precinct, George Galbraith and Jeremiah Worsham, were present.³⁹ Some of the earliest activities of the Washington County Commissioners' Court concerned the creation of roads in Washington County. Some of these roads were to be established to and from the Lake Creek Settlement. Roads were proposed from the Lake Creek Settlement to Houston, to the town of New Cincinnati and to the Baptiste Village.⁴⁰ "Battise (Baptiste, Battiste) Village was the upper village of the three principal communities established by the Coushatta Indians on the Trinity River in what is now Polk and San Jacinto counties."⁴¹

On May 17, 1837, W. W. Shepperd would also become the first postmaster and his store would become the first post office in the Lake Creek Settlement. Shepperd's store was also the first post office in what is today Montgomery County.⁴²

In July of 1837, W. W. Shepperd founded the town of Montgomery in the Lake Creek Settlement at the site of his home and his store. On July 8, 1837, the *Telegraph and Texas Register* newspaper in Houston, Texas published an advertisement for the new town of Montgomery submitted by W. W. Shepperd and his business associate J. W. Moody.⁴³ John Wyatt Moody was the First Auditor of the Republic of Texas.⁴⁴ W. W. Shepperd, his wife, his children and their slaves were the first residents of the town of Montgomery, the first town founded in the Lake Creek Settlement.

Five months after the town of Montgomery was founded, Montgomery County was created when Republic of Texas President Sam Houston signed the act creating Montgomery County into law on December 14, 1837.⁴⁵ The new county of Montgomery was composed of the three large political precincts that had previously formed eastern Washington County: the Viesca Precinct, the San Jacinto Precinct and the Lake Creek Precinct.⁴⁶ The Lake Creek Precinct was very large and included most of the territory of present-day Montgomery County. The San Jacinto Precinct included most of the territory of present-day Walker County and the Viesca Precinct included most of the territory of present-day Grimes County.⁴⁷

Shortly after Montgomery County was created, the first county seat of Montgomery County was the town of Montgomery located in the Lake Creek Settlement. Montgomery County Chief Justice Jesse Grimes was holding open court, and County Clerk Gwynn Morrison was recording documents in the town of Montgomery as early as February of 1838.⁴⁸

The town of Montgomery was the county seat of a county that was huge. In her book *Texas in 1850*, Melinda Rankin wrote, “[The town of] Montgomery was at that time the local seat of government of a territory larger than the State of Delaware, extending from the San Antonio Road (the old “king’s pass” of the anti-Texan era) on the north, to Spring Creek on the south, and from the Brasos [Brazos] on the west, to the Trinity river on the east, some seventy miles on either course – and now containing the counties of Grimes, Walker and Montgomery.”⁴⁹

Shortly after the town of Montgomery became the county seat of Montgomery County, W. W. Shepperd purchased an additional 212 acres of land from John Corner on February 26, 1838.⁵⁰ These 212 acres were located due south and adjoining the 200 acres that Shepperd had originally founded the town of Montgomery upon. The first Montgomery County Commissioners’ Court meeting was held a few days later on March 1, 1838.⁵¹ At this meeting, W. W. Shepperd donated an equal half undivided interest in 200 of these 212 acres of land to Montgomery County.⁵² At the same time the Commissioners voted to move “the place of the town” of Montgomery to these 200 acres of land.⁵³ A house owned by W. W. Shepperd was leased to the county to serve as the first Montgomery County courthouse.⁵⁴ The town of Montgomery grew and flourished as the county seat of Montgomery County for several decades.⁵⁵

On May 30, 1838, Jesse Grimes, the Chief Justice of Montgomery County provided Montgomery County election returns from the election earlier in the year to the Secretary of State of the Republic of Texas, R. A. Irion. For the Precinct of Lake Creek, Martin P. Clark and George Galbraith were elected Justices of the Peace and Williams S. Taylor was elected Constable.⁵⁶

As stated earlier, W. W. Shepperd had become the first postmaster in the Lake Creek Settlement on May 17, 1837 about two months before the town of Montgomery was founded.⁵⁷ In addition to being the first store in the Lake Creek Settlement, W. W.

Shepperd's store was also the first post office in the Lake Creek Settlement. In 1838, Route 1 and Route 14 of the Republic of Texas postal service ran through Shepperd's Store. Route 1 ran from Houston to New Cincinnati via Shepperd's store. Route 14 began at Shepperd's store and ran to the "La Bahia Crossing on the Colorado" via "McGuffin's, Fantharp's [Fanthorp's], Washington, Independence [and] Mitchell's."⁵⁸ It is also interesting to note that beginning in the August 12, 1837 edition of the *Telegraph and Texas Register* newspaper, W. W. Shepperd was shown as the *Telegraph and Texas Register's* agent in "Montgomery, Lake Creek."⁵⁹

Following the founding of the town of Montgomery and the creation of Montgomery County in 1837, the term Lake Creek Settlement was used less frequently to describe the area that had once been the settlement. However, the area around the town of Montgomery was still called the Lake Creek Settlement for several more years. For example, an advertisement in the July 2, 1845 edition of the *Montgomery Patriot* newspaper, made mention of the Lake Creek Settlement with the following statement,

"The lands surrounding Montgomery, known as the Lake Creek Settlement, being of such a rich and fertile character, and having a rich and industrious population, it is destined to be, in a short time, a town of considerable importance."⁶⁰

III. SIGNIFICANCE

In 1831, during the Texas colonial period, Empresario Stephen F. Austin made land grants to colonists between the west fork of the San Jacinto River and the stream known as Lake Creek in Austin's Second Colony in the Mexican State of Coahuila and Texas. By 1833, this Anglo-American settlement had become known as the Lake Creek Settlement. The Lake Creek Settlement was the earliest Anglo-American settlement in what is today Montgomery County. In 1835, W. W. Shepperd, a colonist from North Carolina, purchased land in the John Corner League and established a store in the growing settlement near the intersection of three important trails: the Coushatta Trace, the Contraband Trace and the Grimes Road. Shepperd's store quickly became the community center of the Lake Creek Settlement. In 1835-1836, men from the Lake Creek

Settlement fought in many of the battles of the Texas Revolution, including the Battle of Concepcion, the Grass Fight, the Siege of Bexar, and the Battle of San Jacinto. Following the Texas Revolution, the Lake Creek Settlement was located in Washington County. In July of 1837, W. W. Shepperd founded the town of Montgomery in association with John Wyatt Moody, the First Auditor of the Republic of Texas, at the site of Shepperd's home and store. On December 14, 1837, President Sam Houston signed the Act creating Montgomery County. In early 1838, the town of Montgomery located in the Lake Creek Settlement became the first county seat of Montgomery County and served as such for several decades. The lands surrounding the town of Montgomery were still known as the Lake Creek Settlement as late as 1845.

ADDITIONAL SOURCES

- Scans of the primary source documents evidencing the Lake Creek Settlement and its development are posted at <http://www.lakecreeksettlement.info> along with the trace and road maps referenced in this narrative.
- Kameron K. Searle, J.D., *The Early History of Montgomery, Texas*, (Montgomery, Texas: The City of Montgomery, 2012).

¹ John Sayles and Henry Sayles (comp.), *A Treatise on the Laws of Texas Relating to Real Estate and Actions to Try Title and for Possession of Lands and Tenements*, (2 vols., St. Louis: The Gilbert Book Company, 1890), Vol. 1, p. 101.

² Ibid.

³ Ibid., p. 101-102. For another translation of Order No. 24, see H.P.N. Gammel (comp.), *The Laws of Texas, 1822-1897*, (10-vols., Austin: Gammel Book Co., 1898), Vol. 1, p. 50. This order was signed by Arispe as Governor of the State of Coahuila and Texas.

⁴ John Sayles and Henry Sayles (comp.), *A Treatise on the Laws of Texas Relating to Real Estate and Actions to Try Title and for Possession of Lands and Tenements*, (2 vols., St. Louis: The Gilbert Book Company, 1890), Vol. 1, p. 102.

⁵ File Numbers SC 000008:52, SC 000008:53, SC 000008:55, SC 000008:54, SC 000008:57, SC 000009:18, SC 000009:21, SC 000009:19, SC 000009:20, SC 000009:42, SC 000009:49, SC 000009:50, SC 000011:11, SC 000011:20, SC 000011:1, and SC 000011:26, Archives and Records Program, Texas General Land Office, Austin.

⁶ English Field Notes Numbers: 6-390, 6-392, 6-396, 6-393, 6-423, 6-429, 6-408, 6-410, 6-414, 6-438, 6-406, 6-411, 6-407, 6-420 and 6-430, Archives and Records Program, Texas General Land Office, Austin.

⁷ Ibid.

⁸ Montgomery County was settled by colonists who received land grants in two different colonies. On the west side of the west fork of the San Jacinto River, Empresario Stephen F. Austin began settling Anglo-

American colonists in 1831. These colonists and the settlers that followed formed the bases of the settlement that became known as the Lake Creek Settlement by 1833. On the east side of the west fork of the San Jacinto River, colonist did not begin to receive land grants in Vehlien's Colony until 1835, two years after the Lake Creek Settlement had already come into existence.

⁹ Articles of Agreement from Jacob Shannon to Rutha [Ruth] Miller, August 8, 1833, Montgomery County, Texas, Deed Vol. N, p. 254, Montgomery County Clerk's Office, Conroe, Texas.

¹⁰ *Stephen F. Austin's Register of Families*, Book 2, p. 7, Archives and Records Program, Texas General Land Office, Austin, Texas.

¹¹ Examples: **"Lake Creek Settlement"** – See Articles of Agreement from Jacob Shannon to Rutha [Ruth] Miller, August 8, 1833, Montgomery County, Texas, Deed Vol. N., p. 254, Montgomery County Clerk's Office, Conroe, Texas. Also see entry for Thomas Chatham in *Stephen F. Austin's Register of Families*, Book 2, p. 7, Archives and Records Program, Texas General Land Office, Austin. **"Neighborhood of Lake Creek"** – See the Will of Owen Shannon, April 12, 1835 [1834], "Old Probate Records," Austin County, Texas, Austin County Clerk's Office, Bellville, Texas. **"Precinct of Lake Creek"** – See the Deed from Margaret Shannon to Charles Garrett, September 17, 1835, Montgomery County, Texas, Deed Book F, p. 65-66, Montgomery County Clerk's Office, Conroe, Texas. **"Lake Creek District"** – See the Affidavit of Raleigh Rogers, April 21, 1837, Republic Claims, Name: Rogers, Raleigh, Claim #: 954, Type: AU, Reel #: 89, Frame: 544, Archives and Information Division, Texas State Library and Archives Commission. **"Lake Creek"** – See the Letter from R. R. Royall to Genl. S. F. Austin, Genl. Saml. Houston and Volunteers, October 31, 1835, John H. Jenkins, ed., *The Papers of the Texas Revolution, 1835-1836*, (10 vols., Austin: Presidial Press, 1973), Vol. 2, p. 279-281.

¹² Deed from William C. Clark to Wm. W. Shepperd, September 15, 1835, Montgomery County, Texas, Deed Book A, p. 29-32, Montgomery County Clerk's Office, Conroe, Texas. See File Number SC 000009:38, Archives and Records Program, Texas General Land Office, Austin for W. W. Shepperd's league [1831] in Austin's Second Colony in what is today Fayette County, Texas. Though often misspelled by others, W. W. Shepperd spelled his name SHEPPERD.

¹³ Exactly how many slaves W. W. Shepperd owned is a matter of speculation as the numbers changed with the buying, selling and trading of slaves. Mrs. Shepperd had at least eight slaves of her own that she had inherited from her father. The eight slaves Mary Steptoe Shepperd inherited from her father are specifically referred to in a deed from W. W. Shepperd to Mary Steptoe Shepperd, May 14, 1839, Montgomery County, Texas, Deed Book E, p.64-67, Montgomery County Clerk's Office, Conroe, Texas. In 1839, W. W. Shepperd entered into an agreement to sell his interest in the town of Montgomery to James McCown. McCown transferred the ownership of seven Negro slaves in return for Shepperd's remaining interest in the town of Montgomery. See Bill of Sale from James McCown to Wm. W. Shepperd, November 20, 1840, Montgomery County, Texas, Deed Book F, p. 73-74, Montgomery County Clerk's Office, Conroe, Texas.

¹⁴ "The store of W. W. Shepperd on Lake Creek" is mentioned in several different primary sources including the following six documents filed in the Montgomery County and Washington County, Texas courthouses. Deed from Charles B. Stewart to Benjamine [Benjamin] Rigby, June 24, 1836, Montgomery County, Texas, Deed Book B, p. 268-270, Montgomery County Clerk's Office, Conroe, Texas. Deed from William Busby to W. W. Shepperd, January 14, 1837, Montgomery County, Texas, Deed Book A, p. 50-53, Montgomery County Clerk's Office, Conroe, Texas. Bond from Samuel McCombs to W. W. Shepperd, January 17, 1837, Washington County, Texas, Deed Book A-1, p. 36 and 37, Washington County Clerk's Office, Brenham, Texas. Deed from William M. Rankin, Sr. to Daniel L. Richardson, June, 1837, Montgomery County, Texas, Deed Book F, p. 12-14, Montgomery County Clerk's Office, Conroe, Texas. Deed from William Busby to William F. Bowen, June 13, 1837, Washington County, Texas, Deed Book A, p. 175-177, Washington County Clerk's Office, Brenham, Texas. Deed from William Buchannon to C. B. Stewart, August 2, 1837, Washington County, Texas, Deed Book A, p. 241-243, Washington County Clerk's Office, Brenham, Texas.

¹⁵ W. W. Shepperd's Plat of the Town of Montgomery, January 1, 1838, Hart Addison Collection, Conroe, Texas. Copies of this map or plat can be seen in the N. H. Davis Pioneer Complex and Museum and the Fernland Historical Park Museum in Montgomery, Texas.

¹⁶ Billy Ray Duncan. Personal interview, July 7, 2012. At that time Mr. Duncan showed marker sponsor the spring on Town Creek.

¹⁷ [File Number 6-438](#), English Field Notes, Benjamin Rigby League, Archives Record Program, Texas General Land Office, Austin. [Click here](#) to see map showing Contraband Trace on the Benjamin Rigby League enlarged.

¹⁸ Ibid.

¹⁹ [Map/Doc #: 79](#), Title: [Surveys in Austin's Colony along the west bank of the San Jacinto River], Region: Austin's Colony, Citation Date: [1831], Surveyor: [E. R. Wightman], Texas General Land Office, Austin, Texas. [Click here](#) to see enlargements of the map showing Coushatta Trace and Grimes Road. Also see File Number 6-407, English Field Notes, Raleigh Rogers League, Archives and Records Program, Texas General Land Office, Austin, Texas.

²⁰ Howard N. Martin, "COUSHATTA TRACE," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/exc05>), accessed April 02, 2015. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

²¹ [Map/Doc #: 79](#), Title: [Surveys in Austin's Colony along the west bank of the San Jacinto River], Region: Austin's Colony, Citation Date: [1831], Surveyor: [E. R. Wightman], Texas General Land Office, Austin, Texas.

²² Ibid. It is interesting to note that the Contraband Trace is not indicated on Wightman's 1831 map of "Surveys in Austin's Colony along the west bank of the San Jacinto River". Identifying a road being used to bring contraband into Mexico from the United States on an Empresario's survey maps was probably not a politically wise idea and therefore the omission.

²³ See the six documents cited in endnote #14.

²⁴ Affidavit of Jacob Shannon, Pension Claim Application File of Mathew W. Cartwright, Republic Claims, Type PE, Reel #207, Frames 595-597, Archives and Information Division, Texas State Library and Archives Commission. Affidavit of Thomas Chatham, Pension Claim Application File of John M. Wade, Republic Claims, Type PE, Reel #243, Frames 523-526, Archives and Information Division, Texas State Library and Archives Commission. Affidavit of Evin [Evan] Corner, Pension Claim Application File of Evan Corner, Republic Claims, Type PE, Reel #210, Frame 265, Archives and Information Division, Texas State Library and Archives Commission. James J. Foster, *Telegraph and Texas Register*, (San Felipe de Austin, Texas), Saturday, December 12, 1835, Vol. 1, No. 9, p. 2. Raleigh Rogers, Republic Claims, Claim #954, Type AU, Reel # 89, Frames 544-547, Archives and Information Division, Texas State Library and Archives Commission. Petition of Jacob H. Shepperd: Letter from Jacob H. Shepperd to Jesse Grimes, (July 1, 1856), Memorials and Petitions, Texas Legislature. Archives and Information Division, Texas State Library and Archives Commission. Affidavit of Jacob H. Shepperd, Pension Claim Application File of J. H. Shepperd, Republic Claims, Type PE, Reel # 238, Frames 272-273, Archives and Information Division, Texas State Library and Archives Commission. A.U. Springer, Republic Claims, Claim #953, Type AU, Reel #99, Frames 579-583, Archives and Information Division, Texas State Library and Archives Commission.

²⁵ Ibid.

²⁶ *Telegraph and Texas Register*, (San Felipe de Austin, Texas) Saturday, December 12, 1835, Vol. 1, No. 9, p. 2.

²⁷ Affidavit of Jacob Shannon, Pension Claim Application File of Mathew W. Cartwright, Republic Claims, Type PE, Reel # 207, Frames 598-599, Archives and Information Division, Texas State Library and Archives Commission, Austin, Texas. Affidavit of Thomas Chatham, Pension Claim Application File of John M. Wade, Republic Claims, Type PE, Reel #243, Frames 524-526, Archives and Information Division, Texas State Library and Archives Commission.

²⁸ Affidavit of Thomas Chatham, Pension Claim Application File of John M. Wade, Republic Claims, Type PE, Reel #243, Frames 524-526, Archives and Information Division, Texas State Library and Archives Commission, Austin, Texas. This affidavit reads in part: "And Thomas Chatham says on his oath that he personally knew the said John M Wade now here present before him in the year 1835 in the month of October at the place then called Lake Creek Settlement now the town of Montgomery...that the said Wade and himself joined Capt W Wares Company and under his command joined the army of the Republic of Texas under the command of Genl Sam Houston on the Colorado River...said Wade and himself came with said Army to Groce's Plantation on the Brazos River and that said Wade was detailed to serve with the Artillery on the 16th or 17th of April 1836...That the said John M. Wade participated in the Battle of San Jacinto, to the best of his belief and knowledge on the 21st day of April 1836, that he returned from said Battle to the Lake Creek Settlement now the county and town of Montgomery where he resided for many

years in fact up to the present date save 6 years that he resided in Walker County, that he now resides in and has charge of the office of county surveyor of said County...”

²⁹ Texas Declaration of Independence, Archives and Information Division, Texas State Library and Archives, Austin, Texas. Also see Marriage Record of Charles B. Stewart and Julia Shepperd, Washington County, Texas, Deed Book A-1, p. 240-244, Washington County Clerk’s Office, Brenham, Texas. Also see Louis Wiltz Kemp, *The Signers of the Texas Declaration of Independence*, (Houston: Anson Jones Press, 1944), p. 333.

³⁰ John H. Jenkins, ed., *The Papers of the Texas Revolution, 1835-1836*, (10 vols., Austin: Presidential Press, 1973), Vol. 9, p. 366. Charles B. Stewart reappears in the “Journals of the Convention of 1836” on March 16, 1836.

³¹ *Ibid.*, p. 370.

³² Marriage Record of Charles B. Stewart and Julia Shepperd, Washington County, Texas, Deed Book A-1, p. 240, Washington County Clerk’s Office, Brenham, Texas which reads in part “I James Hall Judge of the Municipality of Washington authorised W. W. Shepperd of Lake Creek to celebrate a contract of marriage between C B Stewart & Julia Shepperd.” Also see Affidavit of Mathew Cartwright, Pension Claim Application File of Mathew W. Cartwright, Republic Claims, Type PE, Reel #207, Frame 596, Archives and Information Division, Texas State Library and Archives Commission which reads in part, “...he [Mathew Cartwright] then returned to his place of residence in Montgomery County then called Lake Creek Settlement in the Municipality of Washington.” Also see Affidavit of John M. Wade, Pension Claim Application File of Mathew Cartwright, Republic Claims, Type PE, Reel #207, Frame 597, Archives and Information Division, Texas State Library and Archives Commission which reads in part, “And the said John M. Wade says he knew the said Mathew Cartwright now present before him in the years 1835 & 1836 at the Lake Creek Settlement in the Municipality of Washington.”

³³ Box 2-9/44, Republic of Texas election returns, 1835-1845, Washington County, 1837: Sheriff, District Clerk, County Clerk, Coroner, Justice of the Peace, February, 1837, Texas Department of State, Republic of Texas election returns, Archives and Information Services Division, Texas State Library and Archives Commission.

³⁴ *Telegraph and Texas Register*, (Columbia, Texas), December 27, 1836, Vol. 1, No. 49, p.2

³⁵ John Sayles, *Annotated Civil Statutes of the State of Texas, Containing the General Civil Statutes of the Twentieth Legislature (Special Session), and of the Twenty-first, Twenty-second and Twenty-third Legislatures (General and Special), with Notes to Decisions of the Courts of Last Resort, Including Volume 85 Supreme Court and Volume 1 Appeals*, (St. Louis: Missouri: The Gilbert Book Company, 1894), p. 930-931.

³⁶ Box 2-9/44, Republic of Texas election returns, 1835-1845, Washington County, 1837: Sheriff, District Clerk, County Clerk, Coroner, Justice of the Peace, February 13, 1837, Texas Department of State, Republic of Texas election returns, Archives and Information Services Division, Texas State Library and Archives Commission.

³⁷ *Ibid.*

³⁸ “An Act, Organizing Justices’ Courts, and defining the powers and jurisdiction of the same, and also creating and defining the office and powers of commissioners of roads and revenues.” Act approved December 20, 1836, 1st Session, 1st Congress, reprinted in H.P.N. Gammel, *Laws of Texas 1822-97*, Vol. 1, p. 141-146, (Austin: Gammel Book Company, 1898).

³⁹ *Washington County Texas Court of Commissioners of Roads and Revenues 1836-1846*, (Fort Worth: GTT Books, 2001), originally transcribed by the WPA, Indexed by Pat Gordon 2002, p. 1-4. Also see WPA (Works Progress Administration) Historical Records Survey, Washington Co., Min. Comm. Court, File Box 4E 418, Book I, (Carbon and MSS), Dolph Briscoe Center for American History, University of Texas, Austin.

⁴⁰ *Ibid.*

⁴¹ Howard N. Martin, “BATTISE VILLAGE,” *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/bpb01>), accessed May 11, 2015. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

⁴² James M. Day (comp.), *Post Office Papers of the Republic of Texas, 1836-1839*, (2 vols., Austin: Texas State Library, 1966), Vol. 1, p. 60, p. 70-71, p. 168-169, p. 217.

⁴³ *Telegraph and Texas Register*, (Houston, Texas), July 8, 1837, Vol. 2, No. 25, p. 3. Major John Wyatt Moody was the First Auditor of the Republic of Texas. The advertisement anticipated the creation of a new

county and that the newly founded town of Montgomery would be its county seat. As Shepperd owned all the land and buildings in the new town of Montgomery, Moody's role in the founding of the town appears to have been one of political influence down in the capital in Houston. J. W. Moody had served as Auditor of the Provisional Government of Texas at the Consultation of 1835 at San Felipe and the Convention at Washington in 1836 alongside W. W. Shepperd's son-in-law Charles B. Stewart who had been the Secretary to the Executive Governor Henry Smith and a delegate from the Municipality of Austin to the Convention at Washington.

⁴⁴ James P. Bevill, *The Paper Republic: The Struggle for Money, Credit and Independence in the Republic of Texas*, (Houston: Bright Sky Press, 2009), p. 98.

⁴⁵ An Act Creating the County of Montgomery, 2nd Congress, Regular Session (1837), Texas Secretary of State. Archives and Information Division, Texas State Library and Archives Commission.

⁴⁶ Box 2-9/44, Republic of Texas election returns, 1835-1845, Montgomery County, 1838: District Clerk, County Clerk, Sheriff, Coroner, Justice of the Peace, Constable, 1838, Texas Department of State, Republic of Texas election returns, Archives and Information Services Division, Texas State Library and Archives Commission.

⁴⁷ Kameron K. Searle, *The Early History of Montgomery, Texas*, (Montgomery, Texas: The City of Montgomery, 2012), p. 34.

⁴⁸ Deed from Mary Corner to Julia T. Stewart, February 18, 1838, Montgomery County Texas, Deed Book A, p. 11-15, Montgomery County Clerk's Office, Conroe, Texas. This deed was filed in the town of Montgomery on February 26, 1838.

⁴⁹ Melinda Rankin, *Texas in 1850*, (Boston: Damrell & Moore, 1850), page 145.

⁵⁰ Deed from John Corner to Wm. W. Shepperd, February 26, 1838, Montgomery County, Texas, Deed Book A, p. 21-28, County Clerk's Office, Conroe, Texas.

⁵¹ *Minutes of the Montgomery County Commissioners' Court, 1838-1845*, March 1, 1838, p.1, Montgomery County, Texas, County Clerk's Office, Conroe, Texas.

⁵² *Ibid.* Also see Donation from W. W. Shepperd to Montgomery County, March 1, 1838, Montgomery County, Texas, Deed Book E, p. 285, County Clerk's Office, Conroe, Texas. Also see the "Plan of the town of Montgomery, January 1, 1838." A copy of this original plot or map of the town of Montgomery (front and back) is available for viewing at the N. H. Davis Pioneer Complex and Museum in Montgomery, Texas. See the reverse of this map for the original donation from Shepperd to the county.

⁵³ *Ibid.*

⁵⁴ *Ibid.*, p. 19.

⁵⁵ The county seat was briefly moved from Montgomery, Texas to Willis, Texas in 1874, but was officially returned to Montgomery in 1880. Following an election in 1889, the county seat of Montgomery County was moved to Conroe, Texas.

⁵⁶ Box 2-9/44, Republic of Texas election returns, 1835-1845, Montgomery County, 1838: District Clerk, County Clerk, Sheriff, Coroner, Justice of the Peace, Constable, May 30, 1838, Texas Department of State, Republic of Texas election returns, Archives and Information Services Division, Texas State Library and Archives Commission.

⁵⁷ James M. Day (comp.), *Post Office Papers of the Republic of Texas, 1836-1839*, (2 vols., Austin: Texas State Library, 1966), Vol. 1, p. 60, p. 70-71, p. 168-169, p. 217.

⁵⁸ *Telegraph and Texas Register*, (Houston, Texas), November 18, 1837, Vol. 2, No. 48, p. 4.

⁵⁹ *Telegraph and Texas Register*, (Houston, Texas), August 12, 1837, Vol. II, No. 30, p. 1.

⁶⁰ *Montgomery Patriot*, (Montgomery, Texas), July 2, 1845, Vol. 1, No. 10, p. 4. There is one known copy of this newspaper in the collections of the Sam Houston Memorial Museum in Huntsville, Texas.