

William B. Davis

On August 13, 1855 M.B. Bennett and L.W. Layton, executors of Peter McDermott deeded Lot 8 in Block 1 to John M. Bennett and A.K. Foster. The very same day, Foster deeded all his right, title, and interest to the lot to John M. Bennett.

John Bennett and Dr. Marshall Bennett, who previously became partners in the firm of Bennett & Bro, merchants, and druggists, rented part of the lower story of the McDermott building on Lot 8 in Block 1. Prior to the August purchase, Bennett & Bro. had been plagued by various lawsuits including the one filed by Leavitt & Parker of Victoria on an \$834.80 promissory note that had been due on January 1, 1855. Note: on October 17, 1855, the case was dismissed at the cost of the defendants, Bennett & Bennett.

September 5, 1855, William B. Davis purchased from Marshall B. Bennett and John M. Bennett trading as partners under the name Bennett & Bro. the stock of drugs, medicines, furniture, etc. located in the building on Lot 8 Block 1.

On September 6, 1855, local lawyers Wiley T. Rogers and Bluford B. Walker entered a partnership with Davis for the purpose of buying, selling and compounding medicines and drugs under the name of W.B. Davis & Co. to begin that day and continue for five years.

There was one stipulation to the deed. Davis, Rogers, and Walker were to equally bear the purchase price of the stock of drugs, medicines etc. that Davis had recently purchased from Bennett & Bro. as well as the future purchase of Lot 8 in Block 1 that Davis planned to purchase from John M Bennett. It was also agreed that Davis would put into the partnership by stock of drugs, medicines, etc. which he currently had on hand and Rogers & Walker would pay Bennett & Bro. the cost of their share of the stock on hand by paying the first payment due on the note to Bennett & Bro.

September 7, 1855, John M. Bennett sold Lot 8 in Block 1 to William B. Davis, Wiley T. Rogers, and Bluford B. Walker, one undivided half to Davis and the other undivided half to Rogers & Walker. The sale excluded the second floor of the building and the right of way to same which was reserved from the Murchison Lodge #80.

W.B. Davis entered this newly minted partnership with a lot of legal baggage concerning default on debts and promissory notes. Whether Rogers & Walker

were unaware of Davis' legal problems and his poor business decisions or just choice to ignore them, is unknown.

Prior to partnership with Rogers & Walker, Davis had partnered with P.S. Nolen as merchants and traders in the vending of merchandise and drugs under the firm of Davis & Nolen in Hallettsville. During 1855 and 1856, the now defunct firm of Davis & Nolen was involved in four different district court cases. The four cases were:

T.R. Theldkill vs Davis & Nolen

S.S. Nichols vs Davis & Nolen

C. Owens & Co. vs Davis & Nolen

Thomas Wilson vs Davis & Nolen

The District Court ruled against Davis & Nolen in all four cases with a total of \$1,974.74 plus 8 to 10% interest due to the plaintiffs in all four cases.

Note: \$1,974.74 in 2022 would amount to approximately \$57,732.16.

Davis' legal trouble began to affect the business agreement with Rogers & Walker and the partnership began to unravel.

First, by the Spring of 1856, Davis had involved his new partners in a civil suit filed by J.O. Wheeler in which the District Court ruled that Wheeler should recover from Davis, Rogers & Walker \$1,048.40 plus interest for a defaulted debt of W.B. Davis & Co.

Soon, Rogers & Walker became dissatisfied with the drug business and they proposed and entered into an agreement with Davis. In an agreement dated July 11, 1856, Rogers & Walker would sell to Davis all their interest in the drug business with the condition that Davis would indemnify them and secure them entirely against all outstanding debts and liabilities of the firm of W.B. Davis & Co. The agreement, if consummated, operated as a dissolution of the partnership.

However, to protect themselves, Rogers & Walker reserved to themselves an express lien upon all the drug store stock, lot and appurtenances to secure them against any failure on the part of Davis to comply with his part of the contract for sale. If Rogers & Walker had not retained a lien upon the property, it would have undoubtedly been taken in execution to satisfy the individual debts of Davis.

In September 1856, Davis lost yet another case this time to Josiah Dowling and John W. Kelly for an unpaid note. The court ordered that Davis pay \$179.00 with

8% interest. If not, then the lien of the plaintiffs be enforced and an order of sale was issued to the sheriff for a tract of 12 acres on which Davis resided.

Due to his mounting court costs, (that being an understatement!) on January 6, 1857, Davis sold to Rogers & Walker all his right title and interest to Lot 8 in Block on which the drugstore now occupied by Davis stands except the Masonic Hall (second story of building) and the right of way to same. In less than a month, Rogers & Walker, sold Lot 8 in Block 1, Lots 5 -8 in Block 11, all the drugs & medicines on hand in the Hallettsville Drug Store along with other property to Josiah Dowling and James A. York.

Even after the sale of the property to Dowling & York, Davis' creditors just kept pursuing any and all legal avenues open to them. Since W.B. Davis had become financially insolvent, the disgruntle creditors focused their attention on Davis' old partners, W.T. Rogers and B.B. Walker. It would be 1860 before Rogers & Walker would completely rid themselves of the legal shadow cast on them by W.B. Davis.

Note: All the legal cases generated a tremendous amount of paperwork and are available for your leisure reading, if the reader so chooses, at the Lavaca County Archives.

Reference:

\*Lavaca County Deed C/539, 540

\*Lavaca County Deed D/387

\*Lavaca County Deed E/121, 221, 255, 269, 286

\*Lavaca County Deed G/174

\*Lavaca County Civil Case # 274 Leavitt & Parker vs. Marshall B. Bennett & John M. Bennett

\*Lavaca County Civil Case # 380 & A/481 S.S. Nichols vs W.B. Davis & P.S. Nolen

\*Lavaca County Civil Case # 307 & A/380 T.R. Theldkill vs. W.B. Davis & P.S. Nolen

\*Lavaca County Civil Case # 364, A/436 & A/439 C. Owens & Co. vs W.B. Davis & P.S. Nolen

\*Lavaca County Civil Case # 387 & A/455 Thomas Wilson vs W.B. Davis

\*Lavaca County Civil Case # 382 & A/481 J.O. Wheeler vs W.B. Davis & Co.

\*Lavaca County Civil Case # 427 & A/492 Josiah Dowling & John Kelly vs W.B. Davis

\*Lavaca County Civil Case #458 W.T. Rogers & B.B. Walker vs S.S. Nichols et al

\*Lavaca County Civil Case #459 W.T. Rogers & B.B. Walker vs T.R. Theldkill

\*Texas Supreme Court Case #719, 721 & 953