

Dr. Thomas H. Hawks

Dr. Thomas H. Hawks was born in 1823 in North Carolina. He was still residing in North Carolina in January of 1846 when he was on a list of members of a convention representing Greene County, North Carolina.

In 1850, he had relocated to Wharton County, Texas and was listed as a 27-year-old doctor.

Sometime between 1850 and 1853, Dr. Hawks moved to Hallettsville in Lavaca County Texas and became associated in a medical practice with Dr. Walter W. Jones in the firm of Hawks & Jones. According to local history sources, Hawks was living west of the Hicks Hotel which was located on Block 2 in Hallettsville.

By March of 1853, Hawks had a new partner, Dr. Marshall B. Bennett of Hallettsville. In an ad placed in the March 19, 1853 issue of the *Texan Advocate*, "Having associated themselves together in the practice of medicine, offer their professional services to the citizen of Lavaca County. When consultation is necessary no extra charge will be made. Office in the Hallettsville Drug Store." However, according to court documents, at this time, Hawks was still in a partnership with Dr. Walter W. Jones.

Hawks soon involved himself in a quagmire of court cases and shaky land transactions.

The first court case was Civil Case #171 John and Phoebe Smith vs Bennett & Hawks. The case which was filed by the Smiths on services rendered during May and June of 1853. The verdict was awarded to the Smiths by the Lavaca County District Court.

Then came the first of several questionable land deeds involving Hawks. On September 21, 1853, Hawks sold to William Tate Lots 3 & 4 in Block 11 in the town of Hallettsville. The problem was while Deed B/400 states that the transaction between Hawks and Tate took place, no deed has ever been located that documented how Hawks obtained the property.

On September 23, 1853 Hawks married 14-year-old Louisa/Louise Kelly the oldest daughter of Robert Burns Kelly and his wife Delilah.

Again, on November 25, 1853, Hawks sold the West ½ of Lots 6 & 8 in Block 7 to John K. Whited. Again, no documentation has ever been located to explain how Hawks obtained this property.

Finally, the partnership between Hawks & Jones came to an end. According to Civil Court Case # 173, Robert A. Sanford vs. Thomas H. Hawks, in December of 1853, Hawks, growing tired of Jones' financial shenanigans, dissolved the partnership by mutual consent. However, Hawks was left with firm's debts as well as the debts of the drug store he and Jones had operated.

Months later when the drug wholesalers sued to recover their money, Hawks asked his father-in-law, Robert Kelly, to bail him out. Kelly gave Hawks part of the money he needed, but with conditions. Hawks gave Kelly a mortgage on his lot and office located on Lot 1 in Block 2 at the corner of Second and Fronts Streets.

Kelly then put his oldest son, Frank, in charge of the drugstore. Before the elder Kelly would turn the reins over to Frank, on January 3rd, Hawks and Frank Kelly sold to Robert Kelly all the property belonging to the drug store of Hawks & Kelly as security in the civil case filed by Nicholas & Wilson of Port Lavaca, one of the drug wholesalers that were owed money by Hawks.

On January 26, 1854, Hawks sold the West ½ of Lots 6 & 8 in Block 6 to William Tate with C. Ballard serving as trustee (Hawks owned Ballard money). Again, no documentation has ever been located to explain how Hawks obtained this property plus Block 6 was the block in town where the Lavaca County Courthouse was, and is still, located. Again, no documentation has ever been located to explain how Hawks obtained this property.

However, Hawk's partnership with Dr. Jones just would not go away. On April 10, 1854, Robert Sanford filed suit against Hawks in the Lavaca County District Court. Sanford was the current owner of a note made by Hawks to Dr. Jones. When the partnership had been dissolved, Sanford in charge of the books of the firm and he had purchased the note from Jones from Hawks. Hawks contended that Jones had entered fraudulent charges in the partnership books and that Sanford knew that some of the charges were fraudulent when he purchased the note. The court did not see it that way and it ruled that Hawks owed Sanford \$188.37.

Again Hawks sold land on May 14, 1854 this time to John Harrell. The deed was for ½ of Lot 6 & 8 in Block 7. Again, no documentation has ever been located to explain how Hawks obtained this property.

In June of 1854, Hawks & Kelly sold their drug store business to Dr. Marshall B. Bennett and the firm was legally dissolved on June 27, 1854. Note: Franklin C. Kelly left Hallettsville bound for California in March 1856 and did not return until 1857.

On June 16, 1854, Thomas H. Hawks and Dr. D.C. Jones of Matagorda County filed an agreement of partnership for the practice of medicine that would begin on July 1, 1854 for a term of two years. On July 1, 1854, Hawks purchased Lot 1 in Block 2 from Dr. M.B. Bennett.

Hawks then turned around and deeded the property to his father-in-law Robert Kelly as collateral for a mortgage. This was necessary due to the fact that Hawks had not paid Nichols & Wilson the money he owed them so the deed dated January 3, 1854 was still valid.

Hawks professional life stayed quiet for about six months until he found himself in court yet again. This court case involved two and 9/100 acres of land that Hawks had used as collateral on a note to Josiah Dowling that had come due without payment.

Later in March 1855, A.B. Levitt & William E. Parker, merchants and druggists in Victoria Texas, filed suit on Hawks and Frank C. Kelly. Hawks had previously delivered a note of \$600.00 to Levitt & Parker using Lot 1 in Block 2 as collateral. The note was unpaid, so the plaintiffs wanted the building and lot sold at a sheriff's sale to recover their money.

Robert Sanford also was a problem that would not go away. Sanford, now a resident of Jackson County, Texas filed suit on Hawks and seven other men for money all of them owed Sanford for a note dated November 8, 1854. For Hawks part, the court ruled that he owed Sanford \$197.95.

In January 1856, Hawks finally had to deal with the deal he had made with Nichols & Wilson. Once again, he mortgaged his 2 and 9/100 acre homestead to Thos. Wilson, the surviving partner of Nichols & Wilson. If payment of \$1,284.00 was made, this deed would be void. If not, the property would be sold for the money due.

Keep in mind, that this was the exact same property that he had mortgaged to Josiah Dowling in March of 1855.

Then in August 1856, one of the debtors of the firm of Hawks & Kelly, S.S. Nichols, decided to try to recover money owed him by the defunct firm. When the court ruled that Hawks & the estate of Kelly owed Nichols \$444.34 what did Hawks do but sell him the exact same 2 and 9/100 acres of land on April 10, 1857.

Then John Oldham and W. C. Holland, executors of Robert Kelly, decd. (who had died on March 15, 1857) also decided that it was time for Hawks to pay Kelly's estate what he owed.

This time, however, the executors of the Kelly estate got what they wanted. Lot 1 in Block 2 was sold at a sheriff's sale on November 3, 1857 to Collatinus Ballard and John W. Kelly to satisfy the judgment rendered against Hawks by Oldham and Holland.

Dr. Thomas H. Hawks died sometime in 1858 in Lavaca County notoriously insolvent.

Postscript:

In February 1859, Levitt & Parker returned to court concerning the unsatisfied judgment against Hawks for a \$600.00 note. Levitt & Parker wanted the Lot 1 in Block 2 sold to satisfy the debt, but they had waited too long to report that they had not received payment; Lot 1 in Block 2 had already been sold to satisfy another lien on it.

Note on Hawks' personal life.

On September 23, 1853 Hawks had married 14-year-old Louisa/Louise Kelly. Their first son, Frank Henry, was born in 1855 and their second son, Thomas H. Hawks Jr. in 1859 after the death of Hawks in 1858.

Despite the birth of his son, the luster of marriage had dimmed and his practice of medicine proved not to be a full time occupation. So Hawks began to frequent the establishment of Wm. Smothers, a public watering hole where liquor was sold and gambling was promoted by an associate of Smothers named George M. Burr. There Hawks found company where he could socialize, drink and place bets on the monte banks.

True to his nature, Hawks was arrested and indicted for gambling. He did not appear in court so his bond was forfeited.

After Hawks death in 1858, in the 1860 census, Lou and her sons, Henry and Thomas were living with her mother, Delilah Kelly.

Thomas Jr. eventually moved to Wyoming and Frank Henry disappeared after the 1878 shooting of his wife, Mary Garrett's', brother. Mary later divorced Frank in 1883. In May 1866, Lou Kelly Hawks married William Weatherford Day and had six children with Day. She died on January 5, 1913 in Gunter, Grayson County, Texas.

Stories like this are only possible with preservation of historic newspapers & records.

References

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Hallettsville Herald October 17, 1907

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Lavaca County Civil Case # 173 A/266

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Lavaca County Civil Case # 449 A516, B/42

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Lavaca County Deed B/400, B/466, B/503, C/14, C/130, C/143, C/161, C/175, C/219, C/516, E/
221, E/354