

## **The First Circuit Court of Fayette County**

The Alabama Constitution of 1819 provided that the state would initially be divided into six circuits that would contain no less than three or no more than six counties. Court was held twice a year in each county of the circuit and judges of the circuits could preside over the courts for each other. The courts had jurisdiction in all criminal matters and in all civil cases where the amount involved exceeded fifty dollars. These biannual court sessions were heavily attended by the local citizens.

Circuit Judges, Circuit Court Clerks and County Judges were elected by a vote of both Houses of the General Assembly (State Legislature).

Prior to a courthouse being completed in Fayette Court House town, the first Fayette County Circuit Court was held sometime during the year of 1824 in an old hatter's shop located on a hill above a little creek (Haley's Creek) on Highway 43, two or three miles north of the present town of Fayette. The building was constructed of hand-hewn logs. Seats for the judge and jurors were made from blocks of wood sawed to the right height.

Legend has it, when the first court was called and a jury was empanelled, the first case to be heard was a misunderstanding or dispute between two elderly women as to which one of them had the legal title to a wash pot. They had tried as neighbors to settle the question of ownership without resorting to court but had failed to come to a satisfactory agreement. Therefore, the wash pot case was eloquently and passionately argued by lawyers for each side and a verdict of ownership was rendered by the jury.

When all cases were heard and court was officially over, the judge told Fayette's first Sheriff, Mark Meeks, to announce the conclusion of court by saying, "Oh yes, oh yes, the Circuit Court of Fayette County is now adjourned sine die". The sheriff went to the door and cried out to the crowd, "Oh yes, oh yes, the Circuit of Fayette County is now adjourned 'til Simon dies".

Overhearing the sheriff, the judge called him back and explained to him that "sine die" meant "without naming a date" (when the next session would be held). Whereupon, Sheriff Meeks returned to the door and in a loud voice shouted, "Oh yes, oh yes, this court is now adjourned whether Simon dies or not!

Although we have no record of who was the first Circuit Court Judge to hold court in Fayette County, we know that Asa (Azor) Van Hoose was the first Circuit Court Clerk. The Van Hoose family was very prominent in Fayette County.

Jesse Van Hoose, an older brother to Asa, was known as the "second white man in this area". He had come to Russellville, AL from North Carolina to trade with the Indians and settled in Russellville in 1817. Jesse Van Hoose was elected by the General Assembly as the first County Court Clerk of Franklin Co. in 1819. He moved to Fayette Court House town in 1823 and was elected by the General Assembly as the first County Judge of Fayette County in 1824. The County Judge position was a precursor to the Probate Judge.

He resigned from the position of Fayette County Judge in November of 1824 and was elected in 1825 by a vote of the people in to serve as the first State Senator to represent the Senatorial District of Fayette, Marion, Pickens and Walker Counties in the State General Assembly. Fayette County at that time encompassed all the area of what is now Lamar County. Jesse was a powerful voice in the Senate for the relocation of the State Capital from Cahaba to Tuscaloosa, which occurred in 1826.

Jesse was joined in Fayette County by his brother, Asa, and father, Valentine (Felty) Van Hoose, a Revolutionary War veteran who fought on the American side under the Swamp Fox, Francis Marion.

Jesse was the Postmaster of Fayette CH town from 1826 until 1841 and received a total salary \$324.02 for those 15 years of service. He was also a trustee of the "Fayette Male and Female Academy", Fayette's first organized school. Asa became the postmaster after Jesse resigned in 1841.

Jesse was appointed as a Trustee of the University of Alabama and moved to Tuscaloosa in 1841 where he died in 1852 at the age of sixty-five. Asa died in Fayette in 1842 at age fifty-two and their father, Valentine, died in Fayette in 1851 at age ninety-six.

The Thorntons and Stewarts of Fayette County are among the direct descendants of the Van Hoose family.

*Information for this article was derived from the Fayette Historical Society's publication, "Sesquicentennial" and "Soldiers, Statesmen and Scalawags of Fayette County, Alabama" in addition to various internet web sites available upon request.*