

# Stewart County Genealogy Research Guide

Created by Jim Long

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This guide aims to educate the genealogy researcher about what Stewart County records were created in the past, which of those records have survived, where to find the original records and microfilmed copies, and what supplementary resources are available.

## Records Loss:

- A 25 Aug 1862 courthouse fire during the Civil War destroyed most records of the Chancery Court, and the loose papers of the County Court (marriage bonds & licenses, loose wills, probate packets)
- A 'water event' in 1881 or later affected some records of the County Court Clerk's office.

## Location of Original Records:

- In Stewart County, original records are either at the **Courthouse** or at the **County Archives**. This document makes general comments about the location of general *groups* of records, but it is vital to check the Book Inventory (on the [Archives website](#)) to see which repository holds the records you want to access.
- The county's Historical Society is a private entity not affiliated with the governmental Courthouse and Archives departments. It holds no original records for the county.

## Location of Microfilmed Records:

- The Tennessee State Library and Archives in Nashville microfilmed most surviving county records in the late 1960s. They hold the master negative of the microfilms and [sell positive copies](#) at about \$25 per reel.
- Non-circulating research copies of Stewart County microfilms are available at the Public Library in Dover, TSLA, the Public Library in Clarksville, and through the LDS Family History Library in Salt Lake City
- Most microfilmed records can be accessed online for free at FamilySearch.org

## Deeds

- What Records Were Created?
  - The grantee (buyer) kept the **original document** (deed, bill of sale, power of attorney).
  - The transaction was *probated* in County Court and ordered to be *registered*. Reference to the probate of the deed was written into the **County Court Minute Books**.
  - After being probated, a copy of the original document was written (registered) into the **Deed Book** by the Register of Deeds.
  - Since 1864, trust deeds have been recorded in their own **Trust Deed Books**, separate from the 'regular' deed books.
  - From 1932-1963, chattel mortgages were recorded in their own **Chattel Mortgage Books**, separate from the 'regular' deeds.
  - Since 2001, all documents have been transcribed into **Record Books**.
  - The Register of Deeds kept separate **Deed Index Books**, **Trust Deed Index Books** and also a **Register's Filing Book**.

- Which Records Have Survived?
  - All records from the Register of Deeds office have survived.
  - Although original deeds were never stored in the courthouse, some original deeds and land grants survive in the Loose Records of the Circuit Court, submitted as evidence in court cases that involved land disputes.
- Where Are the Records?
  - All Deed Books and Record Books are at the Register of Deeds office in the Courthouse
    - Note: some early deed books are in fragile condition and not accessible to researchers. The early deed books have been digitally scanned, and images can be printed via a computer/prINTER located in the Register of Deeds office.
  - Trust Deed books through the 1940s are at the Archives, later ones are at the Courthouse
  - Chattel Mortgage books are at the Archives
  - Register's Filing Books up to 1993 are at the Archives; later ones are at the Courthouse
- What's on Microfilm?
  - Deed Books and Trust Deed Books from 1804 through the mid-1990s
  - Deed Index Books and Trust Deed Index Books from 1804 through the mid-1990s
- What Else is Online?
  - Deed Indexes 1804 through 1938, at the TNGenWeb site (<http://www.tngenweb.org/stewart/researc3.htm>)
- What's in Print?
  - Transcription of Deed Index Books through 1905, available from the Archives and on Amazon
  - Some early deed book transcriptions by Barbara Crumpton and Laura Willis are available at TSLA

## Marriages

- What Records Were Created?
  - Marriage **bond** - signed by the groom and his security, and kept by County Court Clerk
  - Marriage **license** - issued to the couple, signed by the JP/Minister, and may have been returned to the County Court Clerk after the marriage
  - Marriage **book** - Clerk transcribed the names of the couple, license issue date and, if reported to him, the solemnization date
    - Marriage books begin in 1838 (due to a TN law requiring marriages to be recorded in a 'well-bound book')
    - Beginning in 1865, African-American marriages were recorded, but in separate marriage books until 1881
- Which Records Have Survived?
  - Marriage books 1849 and later, except 1876-1881 white marriages (end of book shows signs of water damage)
    - An 1838-1848 marriage book was still known in the 1930s when it was transcribed by the WPA, but has since been lost.
  - Marriage bonds and licenses have not survived

- Where Are the Records?
  - All marriage books are in the Courthouse
    - Special Note: the white and black marriage books covering the mid-1800s were re-bound at some later point, and the original pages were not bound in chronological order, nor were the white and black books sorted out before re-binding. Be careful when examining the originals or microfilms as the pages may not be in chronological order, and left/right-hand pages may not match each other.
- What's on Microfilm?
  - All marriage books 1849 and later have been microfilmed. See note above about some pages being out of order.
- What Else is Online?
  - Some user-submitted marriages are on the TNGenWeb site (<http://www.tngenweb.org/stewart/researc3.htm>)
- What's in Print?
  - TSLA holds the WPA transcription of the lost 1838-1848 marriage book
  - Marriage records 1838-early 1900s have been transcribed by Edythe Rucker Whitley, Don Simmons and Jim Long, and are widely available.
  - The Archives and Amazon sell Jim Long's books.

## Wills

- What Records Were Created?
  - The original **will** was kept by the testator until submitted for probate to the County Court after death, then was kept by the County Court Clerk.
  - A copy of the will was transcribed by the County Court Clerk into the **Settlements and Bonds Books**.
  - Beginning about 1916, wills were recorded in separate **Will Books**.
  - Beginning in 1980, the probate of wills was transferred from the County Court to the Chancery Court (Clerk and Master).
- Which Records Have Survived?
  - All Settlements and Bonds books and Will Books since 1804 have survived
    - The 1804-1806 Settlements and Bonds book survives in fragments. A typed WPA transcription is held at TSLA.
    - There are large gaps and out-of-sequence entries in the 1814-1824 Settlements and Bonds book, suggesting a loss of, and subsequent attempt to re-create, the entries in an original book.
  - The only *loose* wills that have survived are the ones that were contested in Circuit Court. These wills are contained as evidence in the Loose Records of those Circuit Court case files. Wills that were not contested have not survived.
- Where Are the Records?

- Settlements and Bonds Books through 1866 are at the Courthouse, and those from 1866-1916 are at the Archives
- Will Books 1916 and later are at the Courthouse
- Original wills found in Circuit Court Loose Records (as described above) are at the Archives
- What's on Microfilm?
  - All Settlements and Bonds and Will books 1806-1999 have been microfilmed.
  - Settlements and Bonds dated 1804-1806 are available only in typed format:
    - One copy exists in the Courthouse, in a large bound volume held in the Register of Deeds office
    - TSLA has a typescript made in the 1930s by the WPA.
- What Else is Online?
  - The TNGenWeb site (<http://www.tngenweb.org/stewart/research3.htm>) has Jim Long's book, *Abstracts of Settlements, Wills and Bonds, 1804-1896* online, which contains genealogical abstracts of the first 18 original books.
- What's in Print?
  - Archives and Amazon sell print copies of Jim Long's book, *Abstracts of Settlements, Wills and Bonds, 1804-1896*, which contains genealogical abstracts of the first 18 books, and *Settlements and Bonds, 1804-1824*, which contains a word-for-word transcription of the first 3 books.

## Court Cases

Note: the type of records created in a court case can vary widely depending on the type of case. Cases were heard in one of three courts:

**County Court** (originally called the Court of Pleas and Quarter Sessions): began in 1804 and met quarterly until the 1840s when it started meeting monthly; was presided over by a quorum of the county's Justices of the Peace, and heard minor legal matters, probated wills and deeds, issued road orders, and appointed executors, administrators and guardians. County Court is the body that spends county funds.

**Circuit Court:** began in 1809 and met quarterly until the 1840s when it started meeting monthly; was presided over by a Judge whose circuit included several counties; heard appeals from County Court, equity cases, divorce cases and criminal cases

**Chancery Court:** began in 1848 and met quarterly until 1865 when it started meeting monthly; presided over by a Chancellor; heard equity cases that had formerly been heard in Circuit Court; divorce cases involving division of a couple's property was heard in Chancery Court

- What Records Were Created?
  - **Minute Books** contain summaries of the cases heard in court and orders issued by the court
  - **Justice of the Peace Dockets** or **Magistrate Dockets** contain lists of cases heard by the JP or magistrate, usually the first step in the legal process (County Court only)
  - **Trial Dockets** contained lists of cases to be heard in court
  - **Appearance Dockets** contained lists of cases heard in court and court orders that were issued
  - **Execution Dockets** contained financial summaries of court costs incurred in a case

- **Witness Dockets** contained lists of witnesses called to testify
- **Jury Dockets** contained lists of jurors who heard the cases
- The **Loose Records of an estate settlement** included the following:
  - The **original will** of the decedent, if one existed
  - **Administrator's or Executor's bond**, signed by the administrator or executor and their securities
  - **Notes or papers** proving debts due the estate or owed by the estate
  - **Petitions** to the court from heirs to the estate
  - **Financial documents** prepared by the administrator or executor
- The **Loose Records of a court case** can include the following:
  - The original **pleading** in the case by the plaintiff and **response** by the defendant
  - **Summons** issued by the Court for witnesses to appear in court to testify
  - **Depositions** given by witnesses
  - **Bonds** signed by either plaintiff or defendant to prosecute the case
  - **Appearance bonds** for defendants or witnesses to promise to appear in court at a future date
  - **Bills of cost** showing the costs incurred by the legal process, since the costs had to be paid by plaintiff, defendant or both
  - **Original wills**, in the case of a contested will
  - **Original land grants or deeds**, in the case of a land dispute
- Which Records Have Survived?
  - Minute Books of the County Court have survived except for the February 1825 – August 1828 book, which was lost due to water damage
  - Minute Books of the Circuit Court have survived except for the period 1809-1821
  - Minute Books of the Chancery Court have survived except for the period 1848-1865
  - Few Justice of the Peace Dockets have survived, but most Magistrate Dockets have survived
  - Trial Dockets have survived mostly intact for the Circuit Court, but are sporadic for County Court in the 1800s and lost for the Chancery Court before 1865
  - Few Appearance Dockets have survived for any of the courts
  - All Execution Dockets of the Circuit Court have survived back to 1810; Chancery Court Execution Dockets since 1865 have survived; a few County Court Execution Dockets survive back to 1824
  - Most Witness Dockets for the Circuit Court have survived back to 1825. Only one Witness Docket for the County Court survives (1824-1836).
  - Most Jury Dockets for the Circuit Court have survived back to 1835.
  - Loose Records of the Chancery Court have not survived.
  - Loose Records of the County Court, including both estate settlements and legal cases, have not survived.
  - Loose Records of the Circuit Court have survived almost completely intact back to 1810, including thousands of case files and hundreds of thousands of pages.
- Where Are the Records?
  - Minute Books of the Chancery Court prior to 1847 are at the Archives; later ones are at the Courthouse.
  - Minute Books of the Circuit Court 1821-1978 are at the Archives; later books are at the Courthouse.

- Minute Books of the County Court 1808-1905 are at the Archives; the 1804-1807 book and post-1905 books are at the Courthouse
- Dockets are at the Archives
- Loose Records of the Circuit Court are at the Archives
- What's on Microfilm?
  - Minute Books of all courts up through the 1990s have been microfilmed.
  - Docket books are rarely microfilmed.
- What Else is Online?
  - Some County Court Minutes are on the TNGenWeb site (<http://www.tngenweb.org/stewart/researc3.htm>)
- What's in Print?
  - TSLA has the 1930's WPA transcriptions of the County Court Minutes from 1804-1807 and 1813-1819.
  - Jim Long has published transcriptions of County Court Minutes 1804-1844, and extracts of Circuit Court Minutes 1821-1881. His books are for sale through the Archives and on Amazon.

## Tax Records

- What Records Were Created?
  - **Loose tax lists** for each militia or civil district
  - **Tax books** into which the loose tax lists were transcribed and summarized
  - **Tax reports** accounting for the monies collected each tax year, and submitted to the State Treasurer
  - **Delinquent tax lists** showing persons who didn't pay taxes for a given tax year
  - **Tax exoneration lists** showing persons exempted by Court order from tax obligations for a given year
- Which Records Have Survived?
  - Tax books 1806-present have survived, except for 1812-1826 and 1867-1874
  - Tax reports sent to the State Treasurer have survived
  - Some delinquent tax lists and tax exoneration lists have survived back to 1841
  - Loose tax lists have not survived
- Where Are the Records?
  - Tax books, delinquent tax lists and tax exoneration lists 1804-2009 are at the Archives
  - TSLA has the tax reports (Record Group 23 – State Treasurer's Records and Record Group 204 – State Treasurer Property Tax Aggregates)
- What's on Microfilm?
  - Tax books through the 1990s are microfilmed, except for 1839, 1840, 1857, 1857 and 1876
- What Else is Online?
  - Some tax book extracts are on the TNGenWeb site (<http://www.tngenweb.org/stewart/researc3.htm>)

- What's in Print?
  - Jim Long has published transcriptions of tax books 1804-1888. His books are for sale through the Archives and on Amazon.