

Probate Records in Connecticut

By Barbara Jean Mathews, CG

In most states, probate records are kept by county-level government. In Rhode Island, they are kept by town and city government. In Connecticut, probate records are not kept by state, county, or local government. What, then, could possibly be left? It's the "probate district"--a concept unique to Connecticut. This column will discuss the history of probate record keeping as it pertains to wills, estates, and guardianships. Today probate courts cover many aspects of family law, but the column will only deal with those related to the processing of estates.

At different times during the colonial period, records were kept by different agencies. This early period can be confusing for a genealogist. After all, why would you expect the estate of a man dying in Connecticut in 1688 to be processed in Boston? It doesn't make much sense on the surface. Luckily, there are ways to find the more obscure items. The good news is that the system settled down by 1698. With the establishment of probate districts that year, we enter an era of predictability in record storage, always a plus for a genealogist.

Three Separate Colonies (1635-1662)

Connecticut began in the 1630s as three different colonies called Connecticut, New Haven, and Saybrook. Saybrook joined Connecticut Colony in the 1640s. King Charles II mandated union with New Haven in 1662. It took a few years, however, for New Haven to comply with this mandate. During this early period in Connecticut history, each colony had its own legislature, called the General Court. The upper house of this legislature would sit as a court, called the Particular Court, for criminal and civil proceedings. Probate records in the small colonies were processed in these courts.

New Haven Colony probates were filed with the colony's secretary and can be found in the colony records:

- C. J. Hoadley, *Records of the Colony and Plantation of New Haven* (Hartford, 1857-1858).

Connecticut Colony probates were filed with the General Court records until 1649, and afterwards with the Particular Court.

- Charles William Manwaring, *A Digest of Early Connecticut Probate Records*, 3 vols. (1904-1906; reprint, Genealogical Publishing Company), which includes probate records from the General Court, 1639-1649, the Particular Court, 1649-1677, as well as the first twelve volumes, 1635-1750, of Hartford Probate Court.
- J. Hammon Trumbull, *The Public Records of the Colony of Connecticut* (Hartford: Brown and Parsons, 1850).
- Connecticut Historical Society, *Collections*, vol. 22, *The Particular Court of the Colony of Connecticut* (Hartford, 1928).

Although most probate records at this period are found in these courts, there are some exceptions, most related to coping with the distance of travel from all points of the colony to Hartford. In what are today Fairfield and New London Counties, from 1649 to 1666, there were Special Particular Courts in addition to the Particular Court sitting in Hartford. Estates filed in the special courts are available today only in the originals and microfilm copies of the Fairfield and New London Probate Districts. A few probate records from 1639-1649 are scattered in town records, such as those of Guilford and Stamford.

County-Level Probate Courts (1662-1698)

After a few years of foot-dragging, New Haven Colony joined Connecticut Colony as required under the charter of 1662. It was also at this time that the first four original counties were established in Connecticut; they were Fairfield, New Haven, New London, and Hartford. In May 1666, probate courts were established in those counties. Although these county-level probate courts predate the probate district system, their records can now be found as the earliest records of the first four probate districts.

Administration of Gov. Edmond Andros (1687-1688)

From 1687 to 1688, during the reign of Gov. Edmond Andros over New England, probate records were again filed with the Particular Court, but for the period from 1686 to 1689, estates valued at more than £50 were filed in Suffolk County, Massachusetts.

- E. Trumbull, *Records of the Particular Court of the Colony of Connecticut, Administration of Sir Edmund Andros, Royal Governor, 1687-1688* (Hartford: Case, Lockwood, and Brainard, 1936).
- *The American Genealogist*, vols. 12-14, contains a list of the estates handled in Suffolk County, Massachusetts, from 1686 to 1689. Note that these old Suffolk County estates are now at the Massachusetts State Archives and available on microfilm.

Probate District Courts (After 1698)

In 1698 probate districts were established. The first four were the original four county probate courts. In 1719 the process of splitting districts began. By 1900 there were over 100 probate districts, and today the number approaches 140. This continuous process of subdividing probate districts has a very real impact on your ability to find records. You need a crib sheet that tells you when each district was daughtered-off its parent district. Then you need to sit down and determine in which district or parent district the records for a person dying in a particular year would be located. Fortunately, there are two widely available such crib sheets.

- Marcia Melnyk, *Genealogist's Handbook for New England Research* (Boston: New England Historic Genealogical Society, 1999) contains a list of Connecticut towns, their parent towns, and their probate districts.
- Charles William Manwaring, comp., *A Digest of Early Connecticut Probate Records*, 3 vols. (1904-1906; reprint, Baltimore: Genealogical Publishing Company, 1995) contains two "appendices" located at the front of the first volume. One concerns the daughtering-off of towns, the other the daughtering-off of probate districts.

Connecticut probate records from the probate district system are widely available in microfilm format. There are three resources to consult when doing a thorough probate record search:

- The statewide index to probate packages -- not to probate record books -- submitted by local probate courts to the state library for archival purposes, from the earliest records to 1880. This one massive index is arranged by name of the deceased as well as by name of the child for whom guardianship papers were filed. Each card shows the name of the deceased, the town of residence, the year the estate was filed, plus two important facts: the name of the probate district and the docket number. Each index card contains the quantity of each type of document filed in the probate package for that estate.
- Probate packages for each probate district. These were filmed in order by docket number. They could include all the paperwork submitted to the court for each estate, such as wills, distributions, administrator's bonds, accounts, receipts, and selections of guardians, as well as all other document types. Nearly all probate district packages have been filmed up to 1880 and many have been filmed up to estates filed in 1915.
- Probate court record books. These are arranged chronologically by session. Each book includes records of all business conducted in each session, such as administrative or guardianship bonds, will transcripts, inventory transcripts, and other business. Most probate record books have been filmed to 1915.

It is important to look in both probate packages and in probate record books for each and every probate you research. In fact, I have an example from Roxbury, Connecticut. My four greats grandfather, Philo Hodge, appears in the probate package card index. He died in 1842, when Roxbury came under the jurisdiction of the Woodbury Probate District. I was able to find Philo's will in his estate probate package, but not in the probate record book. He left his meager belongings to his wife Lucy. Lucy Hodge died in 1853, and her name does not appear in the probate package card index. At the time of her death, Roxbury was in the jurisdiction of the newly formed Roxbury Probate District. There, in the probate record book, I found transcriptions of receipts for \$25 from her estate from each of her surviving nine children. They had fanned out across the U.S., from Connecticut to New York, Ohio, and Indiana. I would have missed some of them without the probate record books to point the way. None of these receipts evidently survived to be placed in a probate package, so Lucy's name did not appear in the index.

Further Finding Aids

I have a personal favorite for my own pedigree problems in Fairfield County. Spencer Mead created his own set of abstracts to records for a few towns there in a county notoriously difficult for research. Leave it to my ancestors to live in a place where town, church, and vital records are all too frequently missing. These abstracts have been microfilmed and are available through Family History Centers. For probate records, Mead's abstracts can be used as an every-name index to probate record books. His three abstracts are:

- Abstracts of Probate Records for the District of Fairfield, County of Fairfield and State of Connecticut
- Abstracts of Probate Records for the District of Stamford, County of Fairfield and State of Connecticut, 1729-1802, also available at NEHGS
- Abstracts of Probate Records for the District of Stamford, County of Fairfield and State of Connecticut, 1803-1848, also available at NEHGS

The History and Genealogy Unit of the Connecticut State Library has prepared an excellent introduction to probate records, which is available on their [website](#).