



BRANTFORD PUBLIC LIBRARY

How to Find an Estate File

If you are looking for an estate file (will) for someone in Ontario go to the Archives of Ontario website (www.archives.gov.on.ca/) and use the **Ontario Court of Probate and Surrogate Court Records: Wills and Estate Files-a Pathfinder** which you will find by clicking on the following links: Accessing Our Collection, Microfilm Interloan Catalogue, Ontario Government Records, Court Records.

If you are looking for an estate file before 1859 check the listing of surnames under the section in the Wills and Estate Files pathfinder: **When was the deceased's estate dispersed? Before 1859?**

There are two surname indexes for this time period:

- 1) Inventory 22, Appendix A1 (Court of Probate), (will give the reel number needed), and
- 2) Inventory 22, Appendix A25 (Surrogate Courts) (record the county and year in which the court action took place and follow the additional steps listed in the pathfinder)

If you are looking for an estate file that was dispersed between 1859 and 1900 check the **Surrogate Court Index of Ontario, Canada, 1859-1900** (GenRef 929.3713 GIB) to see if the person you want is listed. This index will give you the estate file number; you will then have to look at the estate files listed for the specific county on the Archives of Ontario website (**Do You Know Which Court Handled the Estate? - Using the Indexes to Find an Estate after 1858**) to find the microfilm reel number that you will need.

Note: There are published indexes to all but six of the surrogate courts for 1859 to 1900. The missing indexes are: Middlesex, Oxford, Perth, Renfrew, Wentworth, and York.

If you are looking for an estate file that does not fall into either of the two time periods listed above try the following:

- 1) Use the Surrogate Court Indexes (MS 830 Reel 1, 1793-1858, MS 404 Reel 1-5, 20-33, 1858-1967) that we have at the library to look and see if the person's name appears.

Example: Eyre, Thomas, November 1901, #5383

- 2) Use the Archives of Ontario website (www.archives.gov.on.ca/) to find out which microfilm reel you need for the **Applications to Probate Books** (choose How to Access Your Records, Microfilm Interloan catalogue, Ontario government records, Court records, Ontario Court of Probate and Surrogate Court Records: Wills and Estate Files-a Pathfinder; Between 1859 and 1970, Don't know which court handled the estate). Click on Application to Probate Books and look up the year of application first (e.g., 1901 falls

between 1899 and 1904) and copy the appropriate reel number (e.g., MS 404 Reel 10) which you can order through interlibrary loan.

3) Look for the year of application on the microfilm with the Application to Probate Books (e.g., 1901) and then the application number (e.g., #5383). Look at the column **Court into which Application made** to find out which county handled the estate (e.g., Middlesex County).

4) Click on “Using the Indexes to Find an Estate after 1858” and choose the county that handled the estate (e.g., Middlesex County). Under Middlesex County Surrogate Court Records choose “Indexes 1846-1967” and request GS 2 Reel 98 (which contains the index for 1846-1923) through interlibrary loan (index for 1901 is needed in example).

5) The index is organized by surname initial and then by the date that the deceased’s estate was dispersed. This index will give you the estate file number you need to request the reel number containing the actual estate file.

6) Once you have found the number in the index (e.g., #7167) check the listing under the heading “Estate Files” to find out the reel number (e.g., MS 887 Reel 1293) that contains the appropriate estate file. Request this microfilm reel through interlibrary loan.

7) When you obtain the appropriate reel look for the estate file number (e.g., #7167) which will be written somewhere on the first page at the beginning of each file. This file will provide all of the documents connected with the estate file for the person including petitions for probate, the original will, oaths of executors and administrators, etc.

If you are looking for an estate file after 1931 they have not yet been microfilmed by the Archives so you must follow the instructions listed on the website to find out the estate file number and how you can obtain the estate file.

Estate files after 1970 are kept by the courthouse in the county or district where the will was probated or the estate was administered. You must contact the courthouse to obtain any estate files after this time period.

Note: Often a will was not probated in a surrogate court but may have been deposited on the piece of land that the deceased owned. The local land record offices may have a will index that lists all of the ones deposited there.