
How To Find a Will

206 Research
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Introduction

Are all Wills in the court records? No. If the deceased's estate consisted ONLY of real estate (e.g., farmers), the original Will may have been deposited in the local Land Registry Office to transfer the land to the heirs. Some Land Registry Offices hold over 60% of all surviving Wills. Because they were never probated, these Wills are not indexed or registered in the court records. Consult **Inventory 61** (Private Property Registrations) for further details.

Why should I be looking for an "Estate File" rather than a Will? An Estate File contains the documents used by the Surrogate Court to disperse the deceased's estate, whether he/she died with (testate) or without (intestate) a Will. The contents can include: Petition for Probate (with Will) or Administration (without Will), the original Will, the executors' or administrators' oaths, and an inventory of the assets (see the glossary at the end of this Guide for further details).

Step #1: When was the deceased's estate dispersed?

ca.1793-1858 These Estate Files are held by the Archives of Ontario. Go to Step #2.

1859 - 1963 The Archives of Ontario holds original Estate Files for all Counties and Districts in Ontario with the following exception: Prince Edward County (files up to 1930 are available at the Archives of Ontario on microfilm; original estate files up to 1963 are available at the Prince Edward County Archives in Picton); Manitoulin District (files up to 1961 are at the Archives; 1962 to the present at the District court house).

If you know which County or District Surrogate Court handled the estate, go to Step #3. If you do not know which Court handled the estate, go to Step #4.

1964 - present The Estate Files are only available through the County or District Surrogate Courthouse that handled the dispersal of the estate (except for York County which is available at the Archives on microfilm until 1967). Table #1 at the end of this Guide is a list of Courthouse addresses and telephone numbers. While most Courthouses have the original Indexes for 1964-present, the Archives may have a microfilmed copy covering up to 1967. If you are looking for an Estate File number during this period, go to Step #3. If you do not know which Courthouse handled the estate, go to Step #4.

Step #2: Using The Indexes To Find An Estate File Before 1859

Before 1859, estates were dispersed either by the provincial Court of Probate or the local Surrogate Courts. The **Court of Probate** (Series RG 22-155) handled estates with property in two or more Districts valued over £5. The **Surrogate Courts** handled estates with property within one District. With the abolition of the Court of Probate in 1858, the Surrogate Courts assumed complete responsibility for estate actions.

Search the **Archives Descriptive Database (Files and Items option)** for the name of the deceased. Alternatively, search one or both of the following paper indexes in the Main Reading Room.

Inventory 22, Appendix A1 (Court of Probate) and
Inventory 22, Appendix A25 (Surrogate Courts)

If the deceased's name is in Inventory 22, Appendix A1 (Court of Probate), the microfilm reel number will be listed in the margin. Go to the microfilm cabinets and retrieve the appropriate MS 638 microfilm reel.

If the deceased's name is in Inventory 22, Appendix A25 (Surrogate Courts), record the County and year in which the court action took place.

- **If the "No." column is blank** (e.g., Philip Wolf, Wellington Co., _____, 1843), the Estate Files for that County are arranged by surname or by the year and surname. Copy down the information given and go to Step #5.
- **If the "No." is given** (e.g. Abner DeCow, Haldimand Co., #74, 1855), the Estate Files for that County are arranged by the Estate File number. Copy down the information given and go to Step #5.

If I know the County and number or year of a pre-1859 Estate File, can I go straight to the microfilm? Yes. The **GS1** microfilm of most pre-1901 Estate Files are available on self-serve reels in the Main Reading Room and through the Archives of Ontario's Microfilm Interloan Service. This microfilm is arranged by the County and then by the Estate File number.

Step #3: Using The Indexes To Find An Estate File After 1858

If you are looking for an Estate File between **1859-1900** from a County listed below, the Archives of Ontario has alphabetical Indexes in the Reading Room bookcases. If you find the deceased's name, record the Estate File number and year, then go to Step #5. If your County or District is not listed below or if you are looking for an Estate File after 1900, go to the next paragraph.

Brant	Huron	Perth
Bruce	Kent	Peterborough
Carleton	Lambton	Prescott & Russell
Dufferin	Lanark	Prince Edward
Elgin	Leeds & Grenville	Renfrew
Essex	Lennox & Addington	Simcoe

Frontenac	Lincoln	Stormont, Dundas & Glengarry
Grey	Norfolk	Victoria
Haldimand	Northumberland & Durham	Waterloo
Halton	Ontario	Welland
Hastings	Peel	Wellington

The Archives of Ontario has microfilmed most of the Surrogate Court Indexes up to 1967. In the Main Reading Room, consult the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels** and look up the table for the appropriate County/District. Available indexes appear at the start of each table. Record the microfilm reel code for the appropriate index. Index microfilm is available on self-serve reels in the Main Reading Room and through the Archives of Ontario Microfilm Interloan Service.

Does every Courthouse have a straightforward Index of its Estate Files? Unfortunately, no. Because court files were stored in local Registry Offices, the Courthouse only kept a transcript of the Will in the on-site **Register Books** (see the glossary at the end of this Guide). Some Courthouses only listed the Estate File number in these Registers. If no Index is listed in the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels** for a particular County, retrieve the microfilm reel of the Register for the appropriate years. The Estate File numbers will either be listed in the index at the beginning/end of the volume or in the margin of the page indicated.

Were all estates dispersed shortly after the owner died? No. Many estates were not dispersed until the spouse had also died or the children had come of age. Delays of several decades are not unusual.

Should I also record the year that the courts handled the estate? Yes. Some Counties restarted sequentially numbering their Estate Files every January 1st. More populated Counties restarted every couple of decades when the Estate File numbers became too unwieldy.

Does every Index list the Estate File numbers in the same column? No. Courthouses used different columns in their Indexes to list the Estate File number beside the deceased's name. See the header for each County/District in the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels** if you have trouble determining which column to use.

Once you have found the deceased's name, record the corresponding **Estate File number** and, if given, the **year** of the court action and go to Step #5. If you do not find the deceased's name, go to Step #4.

Step #4: Finding Which Courthouse May Have Dispersed an Estate

If you are unsure which Courthouse dispersed the deceased's estate, check the **Applications for Probate - Application Books and Index Books** (Series RG 22-514) which list every 1859-1982 Estate File and the Courthouse which handled it.

If the Surrogate Court action occurred between 1859-1964, start with the **Applications for Probate - Index Books**. Go to the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels** and consult the Surrogate Clerk of Ontario table. The Indexes have been microfilmed on MS 404, Reels 1 to 5 and 20 to 31. Record which Index Book

you need. This microfilm is available on self-serve reels in the Main Reading Room and through the Archives of Ontario Microfilm Interloan Service.

- **If you find the deceased's name**, record the application number and year, then return to the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels**. The **Applications for Probate - Application Books** have been microfilmed on MS 404, Reels 6 to 19 and 32 to 78. Record which Application Book you need. This microfilm is available on self-serve reels in the Main Reading Room and through the Archives of Ontario Microfilm Interloan Service. Look up the year then the application number. Amongst the information recorded will be the Courthouse where the application was made. Once you have this, go to Step #3 and look up the Estate File number. The Estate Files ca.1793-1963 are available only at the Archives of Ontario; 1964-present, only at the Courthouse that handled the action (except York County, which the Archives has on microfilm up to 1967). Table #1 at the end of this Guide is a list of Courthouse addresses and telephone numbers.
- **If you do not find the deceased's name**, that means the estate was never handled by the courts.

NOTE: The deceased's application number has no relation to his/her Estate File number. Application numbers are assigned by the Office of the Surrogate Clerk for Ontario; the Estate File numbers by the local Surrogate Court.

If the Surrogate Court action occurred between 1965-1982, start with the **Applications for Probate - Application Books**. Go to the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels** and consult the Surrogate Clerk of Ontario table. These Application Books have been microfilmed on MS 404, Reels 79 to 85 and are in cabinet #7. Within each year, the applications are alphabetically arranged by the deceased's name and will list the Courthouse where the application was made.

- **If you find the deceased's name listed between 1965-1967**, the Estate File will be at the Courthouse that handled the action (except York County which the Archives has on microfilm up to 1967). Table #1 at the end of this Guide is a list of Courthouse addresses and telephone numbers. However, go to Step #3 to see if the Archives has a microfilm copy of their Surrogate Court Indexes.
- **If you find the deceased's name listed between 1968-1982**, the Estate File will be at the Courthouse that handled the action. Table #1 at the end of this Guide is a list of Courthouse addresses and telephone numbers.
- **If you do not find the deceased's name**, that means their estate was never handled by the courts.

Step #5: Ordering Estate Files at the Archives of Ontario

Does the Estate File date from before 1931 (or for York County before 1968)? These records have been microfilmed. Go to the **User's Guide to Surrogate Courts and Surrogate Clerk Microfilm Reels** and look up the appropriate County or District. The Estate File [Wills] entries appear below the Index and Register cards. Each row lists the year(s) covered and the number of the first and last Estate File on each reel. Record which reel you need and retrieve the appropriate microfilm.

The **GS1** microfilm of pre-1901 Estate Files; the **MS 887** microfilm of 1901-1930 Estate Files; and the **MS 584** microfilm of 1900-1930 York County Estate Files are available on self-serve reels in the Main Reading Room and through the Archives of Ontario Microfilm Interloan Service. The **MS 584** microfilm of 1931-1967 York County Estate Files are available on self-serve reels in the Main Reading Room only.

If I know the County and number of a pre-1900 Estate File, can I go straight to the microfilm? Yes. The **GS1** microfilm of pre-1901 Estate Files are available on self-serve reels in the Main Reading Room and through the Archives of Ontario Microfilm Interloan Service. The microfilm is arranged in the cabinets in the Main Reading Room by the County and then by the Estate File number.

On the microfilm of the Estate Files, where do I find the Estate File number? When Estate Files were folded and filed, a small wrapper was placed around the bundle. In most cases, only the wrapper will list the Estate File number. On most Estate File microfilm, the wrappers are smaller papers preceding the larger legal-sized pages of the file itself.

Does the Estate File date from 1931 to 1963? These Estate Files are held by the Archives but have not been microfilmed (except for York County which is available at the Archives on microfilm until 1967). They are stored at an off-site location and a minimum of one business day is required to retrieve them to the Archives of Ontario. Original files can only be viewed in the Archives' Main Reading Room in Toronto, Ontario. Copies can be ordered by telephone if you know which documents are required. Photocopying charges may apply.

Does the Estate File date from 1964-present? You must go to the County or District Surrogate Court (currently, the Superior Court of Justice) that handled the deceased's estate. With the exception of York County records on microfilm until 1967, Estate Files are only available through that Courthouse. See Table #1 at the end of this Guide for a list of Courthouse addresses and telephone numbers.

Glossary of Legal Terms

Administrator/Administratrix: man/ woman appointed by the Courts to distribute the estate of a person who died without a Will.

Dependents' Relief Act: Ontario law permitting a spouse or child to obtain benefits from an estate if not provided for in the Will.

Encroach: paying out of money or assets held in trust to a beneficiary.

Escheat: appropriation by government of an estate without a Will or next-of-kin.

Estate File: contains all documents needed to grant Letters Probate or Letters of Administration. Includes the petition for probate or administration, the original Will, oaths of executors or administrators, tally of assets, and related evidence.

Executor/Executrix: man/ woman named in a Will to distribute the estate.

Index: organized by surname initial and date. Gives the number of the deceased's Estate File and/or the Register and page number.

Intestate: a person, or the act of dying, without a Will.

Letters of Administration; with Will Annexed: court grant appointing an administrator to distribute the estate of a person dying without a Will; the same in cases where the Executor named in the Will has since died.

Letters Probate: court grant confirming the Executor named in the Will. Includes the official transcript of the will.

Life interest: benefits awarded by a Will to be enjoyed only during the beneficiary's life.

Register: contains a transcription of the Will (if it exists) and the Court's copy of the grant of probate or administration. Some Counties had separate Probate and Administration Books (the Will is in the former).

Succession Duty Act (1892): Ontario law requiring duty be paid on estates. The Act dictates a full valuation be made of the estate with a beneficiaries roll listing their relation (if any) to the deceased. Proof of payment of all duties had to be filed with the Court before the estate could be finally probated.

Testate: a person, or the act of dying, with a Will.

Testator/Testatrix: man/ woman who makes a Will.

Will: a deposition made before witnesses, outlining the deceased's final wishes. May include later codicils (amendments). The original was filed in the Estate File and a transcription copied into the Register. Early courts allowed Wills to be registered "in anticipation" but this does not mean they were eventually probated.

Archives of Ontario, 77 Grenville Street, 3rd Floor, Toronto, Ontario M5S 1B3
Tel: (416) 327-1600 Toll free (Ontario): 1-800-668-9933 Fax: (416) 327-1999
e-mail: reference@archives.gov.on.ca Website: www.archives.gov.on.ca

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This document may contain references to electronic links that can be activated only by using the HTML version found on the Archives of Ontario website.

This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of the information. Readers should where possible verify the information before acting on it.

This Guide was formerly Information Handout 15.

TABLE #1: Ontario Courthouse Addresses and Telephone Numbers

County or District	Courthouse Address
Algoma	Superior Court of Justice 426 Queen Street East Sault Ste. Marie , Ontario P6A 1Z7 705-945-8000, ext. 450
Brant	Superior Court of Justice 70 Wellington Street Brantford , Ontario N3T 2L9 519-752-7828
Bruce	Superior Court of Justice 207 Cayley Street PO Box 39 Walkerton , Ontario N0G 2V0 519-881-1052
Carleton	Superior Court of Justice 161 Elgin Street, 2 nd Floor Ottawa , Ontario K2P 2K1 613-239-1560
Cochrane	Superior Court of Justice 149 Fourth Avenue Cochrane , Ontario P0L 1C0 705-272-4256
Dufferin	Superior Court of Justice 10 Louisa Street, 1 st Floor Orangeville , Ontario L9W 3P9 519-941-5802
Durham, United Counties of Northumberland & - see Northumberland & Durham	
Durham	Superior Court of Justice 605 Rossland Road East Whitby , Ontario L1N 9G7 905-430-5800 <i>Before 15/10/1973, see Northumberland & Durham</i>
Elgin	Superior Court of Justice 145 Curtis Street PO Box 310, Station Main St. Thomas , Ontario N5P 3T9 519-633-1720
Essex	Superior Court of Justice 245 Windsor Avenue Windsor , Ontario N9A 1J2 519-973-6620
Frontenac	Superior Court of Justice 5 Court Street Kingston , Ontario K7L 2N4 613-548-6811

County or District	Courthouse Address
Glengarry - see Stormont, Dundas & Glengarry	
Grenville - see Leeds	
Grey	Superior Court of Justice 611 9 th Avenue East Owen Sound , Ontario N4K 6Z4 519-370-2430
Haldimand	Superior Court of Justice 55 Munsee Street Cayuga , Ontario N0A 1E0 905-772-3335
Haliburton - see Victoria	
Halton	Superior Court of Justice 491 Steeles Avenue East Milton , Ontario L9T 1Y7 905-878-4165
Hamilton-Wentworth - see Wentworth	
Hastings	Superior Court of Justice 235 Pinnacle Street Belleville , Ontario K8N 3A9 613-962-9106
Huron	Superior Court of Justice 1 Courthouse Square Goderich , Ontario N7A 1M2 519-524-2519
Kenora	Superior Court of Justice 216 Water Street, Room 211 Kenora , Ontario P9N 1S4 807-468-2842
Kent	Superior Court of Justice 425 Grand Ave. West Chatham , Ontario N7M 6M8 519-355-2200
Lambton	Superior Court of Justice 700 Christina Street North Sarnia , Ontario N7V 3C2 519-333-2950
Lanark	Superior Court of Justice 43 Drummond Street East Perth , Ontario K7H 1G1 613-267-2021
Leeds & Grenville	Superior Court of Justice 41 Court House Square Brockville , Ontario K6V 7N3 613-341-2800

County or District	Courthouse Address
Lennox & Addington	Superior Court of Justice 41 Dundas Street West Napanee , Ontario K7R 1Z5 613-354-3845
Lincoln	Superior Court of Justice 59 Church Street, 1 st Floor St. Catharines , Ontario L2R 7N8 905-988-6200
Manitoulin	Superior Court of Justice 27 Phipps Street Gore Bay , Ontario P0P 1H0 705-282-2461
Middlesex	Superior Court of Justice 80 Dundas Street London , Ontario N6A 6A3 519-660-3000
Muskoka	Superior Court of Justice 3 Dominion Street North Bracebridge , Ontario P1L 2E6 705-645-8793
Niagara North - see <i>Lincoln</i>	
Niagara South - see <i>Welland</i>	
Nipissing	Superior Court of Justice 360 Plouffe Street North Bay , Ontario P1B 9L5 705-495-8309
Norfolk	Superior Court of Justice 530 Queensway West Level 3 Simcoe , Ontario N3Y 4L2 519-426-6550
Northumberland & Durham	Superior Court of Justice 860 William Street Cobourg , Ontario K9A 3A9 905-372-3751 <i>After 15/10/1973, see Durham</i>
Ontario (pre-1974 files) - see <i>Durham</i>	
Ottawa-Carleton - see <i>Carleton</i>	
Oxford	Superior Court of Justice 415 Hunter Street, PO Box 70 Woodstock , Ontario N4S 7W5 519-539-6187
Parry Sound	Superior Court of Justice 89 James Street Parry Sound , Ontario P2A 1T7 705-746-4251

County or District	Courthouse Address
Peel	Superior Court of Justice 7755 Hurontario Street Brampton , Ontario L6W 4T6 905-456-4744
Perth	Superior Court of Justice 17 George Street West Stratford , Ontario N5A 1A6 519-271-1850
Peterborough	Superior Court of Justice 70 Simcoe Street Peterborough , Ontario K9H 7G9 705-876-3816
Prescott & Russell	Superior Court of Justice 59 Court Street, 2 nd Floor L'Orignal , Ontario K0B 1K0 613-675-4567
Prince Edward	Superior Court of Justice 44 Union Street Picton , Ontario K0K 2T0 613-476-6236
Rainy River	Superior Court of Justice 333 Church Street Fort Frances , Ontario P9A 1C9 807-274-5961
Renfrew	Superior Court of Justice 31 Riverside Drive Pembroke , Ontario K8A 8R6 613-732-8581
Simcoe	Unified Family Court 114 Worsley Street Barrie , Ontario L4M 1M1 705-739-6111
Stormont, Dundas & Glengarry	Superior Court of Justice 29 Second Street West Cornwall , Ontario K6J 1G3 613-933-7500
Sudbury	Superior Court of Justice 155 Elm Street Sudbury , Ontario P3C 1T9 705-564-7600
Thunder Bay	Superior Court of Justice 277 Camelot Street 2 nd Floor Thunder Bay , Ontario P7A 4B3 807-343-2700

County or District	Courthouse Address
Timiskaming	Superior Court of Justice 393 Main Street PO Box 609 Haileybury , Ontario P0J 1K0 705-672-3321
Victoria	Superior Court of Justice 440 Kent Street West Lindsay , Ontario K9V 6G8 705-324-1400
Waterloo	Superior Court of Justice 20 Weber Street East Kitchener , Ontario N2H 1C3 519-741-3200
Welland	Superior Court of Justice 102 East Main Street Welland , Ontario L3D 3W6 905-735-0010
Wellington	Superior Court of Justice 74 Woolwich Street Guelph , Ontario N1H 3T9 519-824-4100

County or District	Courthouse Address
Wentworth	Superior Court of Justice 55 Main Street West Hamilton , Ontario L8P 1H4 905-645-5252
York 1967-1980 City of Toronto 1980-present	Superior Court of Justice Estates Office 330 University Avenue 7 th Floor Toronto , Ontario M5G 1R7 416-326-2940
York, Regional Municipality 1980-present	Civil Office Superior Court of Justice 50 Eagle Street West Room 2025 Newmarket , Ontario L3Y 6B1 905-853-4809