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# How to Find a Will

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**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 - 1967** The Archives of Ontario holds original Estate Files for all Counties and Districts in Ontario with a few exceptions,

Please note that Prince Edward County files up to 1930 are available at the Archives of Ontario on microfilm; original estate files up to 1967 are available at the Prince Edward County Archives in Picton.

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.

**1968 - present** The Estate Files are only available through the County or District Surrogate Courthouse that handled the dispersal of the estate. 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.

Entries for estate files from the **Court of Probate** include the name of the deceased, date of probate, occupation, location and microfilm reel number. Entries for estate files from the **Surrogate Courts** include the name of the deceased, year of probate, county and microfilm reel number; entries for some counties also include a file number, which you need to write down.

Write down the information you have found, then retrieve the microfilm reel (in the Archives' Reading Room) or order it through your local library.

**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 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 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 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 1<sup>st</sup>. 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 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 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 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 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 Reading Room and through the Archives of Ontario Microfilm Interloan Service. The microfilm is arranged in the cabinets in the 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 1967?** 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' 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 1968-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.

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**Archives of Ontario, 134 Ian Macdonald Blvd., Toronto, ON M7A 2C5**  
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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
<b>Algoma</b>	Superior Court of Justice 426 Queen Street East <b>Sault Ste. Marie</b> , Ontario P6A 1Z7 705-945-8000, ext. 450
<b>Brant</b>	Superior Court of Justice 70 Wellington Street <b>Brantford</b> , Ontario N3T 2L9 519-752-7828
<b>Bruce</b>	Superior Court of Justice 207 Cayley Street PO Box 39 <b>Walkerton</b> , Ontario N0G 2V0 519-881-1052
<b>Carleton</b>	Superior Court of Justice 161 Elgin Street, 2 <sup>nd</sup> Floor <b>Ottawa</b> , Ontario K2P 2K1 613-239-1560
<b>Cochrane</b>	Superior Court of Justice 149 Fourth Avenue <b>Cochrane</b> , Ontario P0L 1C0 705-272-4256
<b>Dufferin</b>	Superior Court of Justice 10 Louisa Street, 1 <sup>st</sup> Floor <b>Orangeville</b> , Ontario L9W 3P9 519-941-5802
<b>Durham, United Counties of Northumberland &amp; - see Northumberland &amp; Durham</b>	
<b>Durham</b>	Superior Court of Justice 605 Rossland Road East <b>Whitby</b> , Ontario L1N 9G7 905-430-5800  <i>Before 15/10/1973, see Northumberland &amp; Durham</i>
<b>Elgin</b>	Superior Court of Justice 145 Curtis Street PO Box 310, Station Main <b>St. Thomas</b> , Ontario N5P 3T9 519-633-1720
<b>Essex</b>	Superior Court of Justice 245 Windsor Avenue <b>Windsor</b> , Ontario N9A 1J2 519-973-6620
<b>Frontenac</b>	Superior Court of Justice 5 Court Street <b>Kingston</b> , Ontario K7L 2N4 613-548-6811

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

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

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

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

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