

Inheritance Interrupted: WWI reflected in Ontario Estate Files

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The Great War cut short many lives and disrupted the expected passing of property and goods to the next generation. Laws were changed, society changed, the world changed. Drawing from estate files from across the province, this presentation will show examples of these changes and demonstrate how reading between the lines and understanding the process and implications of inheritance records can enhance your family history—in any era.

It isn't difficult to imagine that a war that caused the deaths of some 60,000 young men and women would affect the plans families had to pass on the goods and property they had accumulated over a lifetime or perhaps several lifetimes. The four years of war saw fathers acting as executors for their sons—young wives administering their husbands' estates decades earlier than they expected.

But there were so many other changes in Canadian life at this time—legal, social, financial, technological. Some we can look back on with pride, others not so much.

The records noted below are from Ontario, but some aspects of the changes were Canada-wide, and similar provincial regulations were enacted across the country and throughout the British Commonwealth.

SURROGATE COURTS

During the War years in Ontario, probate matters were handled by the surrogate court in the county where the deceased usually resided. Ontario's Surrogate Clerk ensured that each estate was only handled in one jurisdiction, even though it may have included properties in more than one county. Surrogate court records for this period are held on microfilm at the Archives of Ontario and are available on interloan.

Each court created a cumulative semi-alphabetical index so the estate files in its custody would remain accessible if needed. These indexes were transferred to the Archives of Ontario and are available on microfilm and interloan. Modern published indexes are available for Algoma District, Oxford County, Renfrew County, and Simcoe County. For all other counties, you'll need to use the court's own index on microfilm.

The indexes and estate files for each court are listed on the Archives of Ontario interloan page: http://www.archives.gov.on.ca/en/microfilm/c_contents.aspx#location

ESTATE FILES

In Ontario, instead of looking for a will or administration, we look for the whole estate file. It is literally a file folder full of the documents used in the court process. It exists whether or not there was a valid will. Some of the documents were created for the court's benefit, and some were created by the court. For the War years expect a file of at least 20 pages.

It is very useful to relate the contents of the estate file to the process rather than thinking of it as a handful of papers. Considering what each document was intended to accomplish and how that

moved the court process forward makes it more meaningful and helps you see some of the more subtle clues about the people and families involved.

The purpose of going to the court was to get its approval of an administrator who could distribute the assets of the deceased person. So in any era, there's going to be an **application** from someone who seeks to be appointed as administrator. It will contain some basic information about the applicant and the person who has died. If the testator wrote a **will**, it will be in the file. There will an **inventory** of the assets. The final essential piece of the process is a document that **authorizes the administrator**—by having them swear to do the job and perhaps posting a substantial bond.

In the years 1914–1918, however, there were many more required documents that can shed light on the life of the deceased person and his or her family. Of particular note:

- **Affidavit re alien enemies:** The administrator must attest that the deceased was not an enemy alien and more importantly, explain how they know that fact. The also had to assure the court that no part of the estate would go to enemy aliens.
- **Affidavit of Value and Relationship (Succession Duty Act):** This document lists the relatives or other people who will inherit, with their relationships and locations—often full addresses.

For men and women on active service:

- **Military certificate of death:** lists place and circumstances of death and often a burial place.
- **Military will:** Enlistees were encouraged to make a will before they went into action. Forms were provided if necessary.
- Regulations for “Soldiers Wills” allowed for **nuncupative wills** to be admitted.

ESTATES BRANCH

The Estates and Legal Services Branch of the Overseas Military Forces of Canada, operating in London, England, and later in Ottawa, was the depository of 250,000 soldiers' wills. The Branch also oversaw sending the deceased soldier's effects to his family in Britain or Canada.

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