

Retention and Classification Report

Agency: Weber County (Utah). Probate Court (1301)

, UT

Records Officer

01593 *Civil and criminal case files
83901 *Civil and criminal case registers of actions
20786 *Declarations of intention record book
05134 *Fee book
83900 *Guardians record
05142 *Probate minute books

AGENCY: Weber County (Utah). Probate Court

SERIES: 1593

4

TITLE: Civil and criminal case files

DATES: 1852-1887.

ARRANGEMENT: Chronological by filing date through 1879, thereafter numerical by case number.

DESCRIPTION:

In 1852 the Utah Territorial Legislature provided that the Probate Court should have jurisdiction not only in estate and guardianship matters, but original jurisdiction in civil, criminal, and chancery cases. The Probate Court could act as an appellant court to the Justice of the Peace Courts in the County, and decisions made in the Probate Court could be appealed to the District Court. This series includes those cases handled by the Probate Court which are not probate or estate cases. Civil cases include primarily divorce, debt, and damages cases. Criminal cases include larceny, assault, and disturbing the peace charges. Other case types include appeals and habeas corpus hearings. In 1874 the federal Poland Act revoked the jurisdiction of the Probate Court over all but divorce and probate cases. In 1887, the federal Edmunds-Tucker act revoked Probate Court jurisdiction in divorce cases, and with that Act, the creation of this series ended.

RETENTION:

Retain Permanent. In Archives custody.

DISPOSITION:

Transfer to the State Archives with authority to weed.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently after microfilming.

Microfilm master: For records beginning in 1852 through 1887.
Retain in State Archives permanently with authority to weed.

Microfilm duplicate: For records beginning in 1852 through 1887.
Retain in State Archives permanently with authority to weed.

AGENCY: Weber County (Utah). Probate Court

SERIES: 1593

TITLE: Civil and criminal case files

(continued)

APPRAISAL:

Historical

This series documents early divorces, civil, and criminal court proceedings in Weber County.

PRIMARY DESIGNATION:

Public

AGENCY: Weber County (Utah). Probate Court

SERIES: 83901

4

TITLE: Civil and criminal case registers of actions

DATES: 1868-1887.

ARRANGEMENT: The first volume is chronological by date, the second volume is alphabetical surname.

DESCRIPTION:

These volumes were used to record the filing of individual documents in each case file heard by the Probate Court. The entries include the names of the parties involved in the case, names of counsel, the case type, dates on which documents were filed, and a brief description of the document. The entries act as a chronology for each individual case. Many entries also include a note if the court costs were paid in the case. Case types include criminal hearings and various types of civil suits. The Probate Court had jurisdiction over many types of actions until 1874 when the federal Poland Act revoked the jurisdiction of the Probate Court over all but divorce and probate cases. In 1887, the federal Edmunds-Tucker Act revoked Probate Court jurisdiction in divorce cases, and with that Act, the creation of this series ended.

RETENTION:

Retain Archives custody.

DISPOSITION:

Transfer to the State Archives with authority to weed.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 03/1989

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently after microfilming.

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AGENCY: Weber County (Utah). Probate Court

SERIES: 83901

TITLE: Civil and criminal case registers of actions

(continued)

APPRAISAL:

Historical

This retention is based on the value of these records in documenting early court proceedings in Weber County.

PRIMARY DESIGNATION:

Public

AGENCY: Weber County (Utah). Probate Court

SERIES: 20786

4

TITLE: Declarations of intention record book

DATES: 1860-1866.

ARRANGEMENT: Chronological, although a few were inserted out of sequence.

DESCRIPTION:

This book documents the first stage in becoming a United States citizen. To become a citizen, an individual normally filed a "declaration of intention to become a citizen" at least two years prior to applying for citizenship. Each declaration, recorded by the court clerk, gives the name of the individual, the date, and the country of origin combined with a statement that the individual has sworn his intention to become a U.S. citizen and renounce allegiance to his native country.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is authorized by Archives general schedule CNT 14, Item 13.

AUTHORIZED: 10/08/1998

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently and then microfilm.

Microfilm master: Retain in State Archives permanently with authority to weed.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Historical

This disposition is based on the historical and genealogical research information on Utah residents.

PRIMARY DESIGNATION:

Public

AGENCY: Weber County (Utah). Probate Court

SERIES: 5134

TITLE: Fee book

DATES: i 1890-1893.

ARRANGEMENT: Alphanumerical

DESCRIPTION:

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RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

AGENCY: Weber County (Utah). Probate Court

SERIES: 83900

3

TITLE: Guardians record

DATES: i 1884-1895.

ARRANGEMENT: Chronological.

DESCRIPTION:

This volume contains completed probate forms, including orders appointing guardians, letters of guardianship, and orders appointing appraisers. The forms are completed by the clerk of the probate court. The book is identified as Book 1.

RETENTION:

Retain Archives custody.

DISPOSITION:

Transfer to the State Archives with authority to weed.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

Paper: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. This record is a vital record essential for the operation of the court and its ability to fulfill obligations to the public.

PRIMARY DESIGNATION:

Public

AGENCY: Weber County (Utah). Probate Court

SERIES: 5142

4

TITLE: Probate minute books

DATES: i 1883-1896.

ARRANGEMENT: Chronological by date of court session

DESCRIPTION:

This series is made up of minute books in which are recorded the official acts and proceedings of the Weber County Probate Court (which was eliminated at statehood in 1896) while sitting in Ogden, Weber County, Utah. These records were created and maintained by the court clerk, who was required by statute to enter "all orders and decrees of the court or judge...at length in the record books of the court provided and kept for that purpose" (Compiled Laws of Utah, 1888, volume 2, part 11, chapter 12, section 4286, page 537).

Originated by the Weber County Probate Court during the territorial period, entries in the minute books begin in February 1883. A typical probate or guardianship case spans multiple dates. Copies of court orders and decrees, discharges, petitions, and notices are typical. Most cases involve the estates of deceased persons but cases involving commitment to the state mental hospital and adoption are included throughout the entire series. Entries in all volumes are handwritten.

RETENTION AND DISPOSITION AUTHORIZATION:

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FORMAT MANAGEMENT:

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Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Minute books have legal and administrative value to the court through dismissal or satisfaction of the final judgment. Because they enforce or protect private rights and prevent or redress private wrongs, the value of the judge's decrees and final judgments to parties in

AGENCY: Weber County (Utah). Probate Court

SERIES: 5142

TITLE: Probate minute books

(continued)

the action may well extend indefinitely.

RETENTION JUSTIFICATION:

PRIMARY DESIGNATION:

Public

Judicial records are public unless restricted under rules of civil procedure (UCA 63G-2-301-[1][f]). Included are custody proceedings, guardianship files, minutes, and probate records.