

public planners, geographers, neighbourhood groups, and heritage planners. If this is a “conceit,” it is one of a different sort than that mentioned by Gordon Dodds.

We have found through this endeavour, and through our ongoing work with the Project, that discussing issues of central importance across disciplinary or professional boundaries is an activity which demands a sensitive antenna. At times, as Gordon Dodds points out, our antennae missed important nuances in language usage. For that we apologize.

We do not apologize for allegedly missing Kent Haworth’s “advocacy of local institutional and organizational responsibility” (Dodds p. 5) — because we did not miss it (p. 179). Nor is this a straw issue — as Richard Berner’s traditional, if not time-worn, arguments in favour of centralization attest (p. 7). Since the nature of our concern with provenance is the central issue of the published responses to our article, that concern bears restating.

Our reading of archival literature, our experience working in archives, and our involvement with the Vancouver Island Project, have given us healthy respect for the importance of provenance. As we explained in our article, and as Dodds recognized, our Project integrates “provenance and subject access without diminishing the former principle.” Provenance forms the “context” (Dodds, p. 6) of our paper because of the burden that archivists have placed on it primarily as an administrative tool. That perspective, we argue, must change if archivists are to meet the emerging needs of an information-based society. In that sense we are in sympathy with Richard Berner when he asserts that “provenance . . . has so rarely been fully employed to extract the information that is inherent in provenancially given data.” (Berner, p. 8) Unfortunately, inferentially based access dominates provenancially organized archives. We think, as now do many archivists, that this is insufficient. And in that context we are exploring how modern technology can provide new approaches for access.

What it boils down to, then, is, as Terry Cook points out, a matter of “priorities.” As “researchers” we believe more emphasis must be put on the problem of access — this is not to abandon provenance, nor is it to be circumscribed by its traditional usage.

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Court Records in Saskatchewan

Professor Knafla’s article, “‘Be It Remembered’: Court Records and Research in the Canadian Provinces,” which appeared in *Archivaria* 18, contains a statement about the amount of court records in Saskatchewan which is misleading and requires some clarification. On pages 111-12 he says:

The survival of court records in the two prairie provinces created in 1905 was more chequered. In Saskatchewan the great bulk of

records was destroyed over the years, most recently by floods. Scattered case files are extant for both the local district of the Supreme Court of the Northwest Territories (1886-1905), and for the Supreme and Provincial Courts. The best collections extant for local districts comprise those of Battleford, East Assiniboia, Moose Jaw, and Prince Albert from about 1890 to 1931. Located at the provincial archives offices in Regina and Saskatoon, much of the organization and cataloguing of these records remains to be done.

This seems to imply that very few court records for the Territorial and Provincial periods have survived in Saskatchewan. Professor Knafla gives as his authority for this statement an article by Thomas Thorner, "Sources for Legal History in the Archives of Saskatchewan and Alberta," which was published in *The Canadian Society for Legal History/La Société de l'Histoire de Droit — Proceedings 1977* — a publication edited by Professor Knafla. In his acknowledgement Professor Knafla noted that many of the records listed in the Thorner article are no longer extant. This is simply not correct. The Thorner article makes the following statement on pages 79-81 about the extent of our holdings of court records:

Proceedings of other courts in the territorial period also exist. Records of the Regina Judicial Centre from 1876 to 1886 (PASR), and the Regina Judicial District 1883 to 1931 (PASR), contain both case files and court correspondence. Meanwhile, under the auspices of the Provincial Archives of Saskatchewan, but housed at the local court house in Saskatoon, there are extant collections of court records for the Judicial Districts of Battleford, 1891-1931; East Assiniboia, 1887-1907; Moose Jaw, 1894-1931; and Prince Albert, 1888-1932. Each of these collections contains a great deal of material on the earliest courts of the region. However, the judicial files for these districts have yet to be indexed and organized, making the exact nature of their contents unknown. . . .

For the period after 1905 the number of court records preserved is very large. In Saskatchewan the records of the Supreme Court of Saskatchewan, the Saskatchewan Court of Appeals, and the King's or Queen's Bench (PASR) contain both civil and criminal actions which came before the courts. . . .

Much of the bulk of legal materials for many Saskatchewan communities during the period of 1910 to 1930 has been preserved in the Judicial District Records. With the exception of the records of the Regina Judicial District which are held in Regina (PASR), this material is housed in the Saskatoon Court House. These records consist of the Judicial Districts of Arcola, 1908-31; Assiniboia, 1922-45; Battleford, 1891-1931; East Assiniboia, 1887-1907; Estevan, 1913-31; Gravelbourg, 1918-32; Humboldt, 1913-45; Kerrobert, 1913-31; Kindersley, 1914-44; Leader, 1923-31; Maple Creek, 1923-32; Melfort, 1920-31; Melville, 1913-31; Moose Jaw, 1894-1943; Moosomin; Prince Albert, 1888-1932; Saskatoon, 1908-46;

Shaunavon, 1918-31; Swift Current, 1913-31; Wilkie, 1913-31; Wynyard, 1913-32; and Yorkton, 1907-31. However, like the territorial court records within this group, the lack of indexes and inventories creates obstacles for the researcher.

The Thorner article is, with one exception — that the Saskatoon court records have not been transferred to our jurisdiction — substantially accurate as to our holdings of records. Thorner does not, however, mention that in addition to the Supreme Court and King's Bench records, our holdings also include the records of the District Court which was established in 1907 and was the level of court below the King's or Queen's Bench. Our holdings of pre-1931 court records total over 800 metres, which is a substantial quantity of records.

It is true, as Professor Knafla says, that we did lose some records stored in the Saskatoon Court House as a result of a flood. The flood was caused by a broken water main in 1974. Only about 15 per cent of the records were affected by the flood, and of this total we were able, through prompt action, to save about 80 per cent. We got as many of the records as we could into a freezing plant where they were stored safely until they could be thawed and dried. We treated the procedure books after they were dry with a thymol solution to prevent the spread of mold. The whole area was also treated by professionals to kill mold.

With two exceptions, Arcola and Prince Albert, no post-1931 court records have been transferred to the archives. The post-1931 records are still in the various judicial centres. The procedure for the disposition of court records is spelled out in the Archives Act, and I do not think there is any danger of any court record in Saskatchewan being destroyed unless it is by some disaster such as fire or flood.

Mention is made of the lack of indexes to the court records. Access to the records in our jurisdiction, and to those still in the judicial centres, is through the docket or procedure books. For the civil cases, the books usually have indexes of the names of the plaintiff and defendants; records can be located as long as the court of jurisdiction is known. To prepare one comprehensive index for all the records, given the quantity of records, would, though desirable, require a great deal of work. Using the indexes available, we have been able to locate records required for legal or historical purposes.

Professor Knafla raises a number of interesting points about court records. A problem of particular interest to me is knowing how to reduce the bulk of records and yet preserve essential material for research. The approach Professor Knafla suggests (p. 122) for removing superfluous material appeals to me but would require an immense amount of staff time and could only be undertaken after proper procedures had been established (in consultation with legal experts) to ensure that no vital records are inadvertently destroyed. There are also many other problems associated with the conservation and preservation of court records that will have to be addressed if these records are to be maintained as a valuable archival resource. At present we are doing all we can within the limits of our resources to ensure the preservation of these historical records.

In conclusion, I want to assure readers of *Archivaria* that in Saskatchewan great quantities of court records have been preserved and losses over the years have been minimal.

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“Navel Gazing” in Archival Literature

Archivaria 17 is a substantial achievement: the careful organization, attractive layout, sharp and pleasing illustrations, erudite editorial, lively letters, and “special feature” on history and archives are all worthy of praise. The articles have been well chosen for their varied appeal and most were well written and timely. However, I am driven to write by Gordon Dodds’ navel-gazing piece of self-congratulation which was inexplicably found to be not only worthy of inclusion but of being placed as the issue’s lead article. (See his “Canadian Archival Literature: A Bird’s-Eye View”.)

There is no doubt that Dodds can write. His style is energetic and ornamented with finely crafted adjectives. One must question, however, whether what almost amounts to a page-by-page synopsis of *The Canadian Archivist* and *Archivaria* from 1967 to 1983 (with, it seemed to me, particular concentration on the role played by one Gordon Dodds in steering the archival flagship) needed to be written at all. Is it really imperative for the profession to be told, for instance, that the inaugural issue of *The Canadian Archivist* contained a piece on the procedure for cleaning glass negatives? Is it essential for us to know that *Archivaria* 13 is much smaller than the previous nine issues or important to trace reverently the variations in the journal’s binding size? Surely, with only sixteen issues to survey, the specialist can locate the wisdom on glass negatives unassisted; and Dodds’ observations on cosmetic changes rightly belong to some yet-to-be-created archivists’ version of *Trivial Pursuit* not a lead article.

Although most of Dodds’ survey, particularly when it deals with the years of his own editorship, is suffused with an air of rosy nostalgia better befitting the somewhat inebriated reminiscences of a grizzled pioneer, the author wields a sharp knife when discussing the contributions of his fellow trail-blazer, Hugh Taylor. While it is undeniable that in the impressive body of Taylor’s *oeuvres* there are some contributions which fall short of the high standard he has usually attained, the importance of his contribution to archival lore lies partly in his willingness to investigate, in his unfailingly witty and elegant prose, areas which other Canadian archivists have for too long left untouched. Eloquent testimony to Taylor’s continuing importance, if such were needed, is provided by citations of his writings in no fewer than three other articles in *Archivaria* 17.

But to leap to Taylor’s defence (and I am sure he is more than capable of leaping to his own) is to grace Dodds’ self-serving piece with more credibility and significance than it deserves. When the grandiloquently dubbed “Canadian Archival Literature” consists of little more than a survey of sixteen issues of