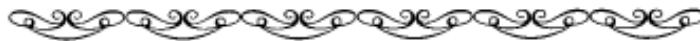


Irwin was first and foremost a family man. Born into a life of privilege, he was trained by his parents to be incredibly well mannered. After every dinner, lunch or other social occasion that Irwin attended, the host or hostess would receive a cream-coloured envelope with note paper embossed with "Irwin Davis" and Irwin's hand-written thank you. Friends would tell him that he didn't have to keep sending notes after social engagements, but he would never compromise good manners. An e-mail or a telephone call would not suffice in these situations.

As with many people of "old" money, Irwin was famous for watching the pennies, and yet he was extremely generous. Spending on himself was difficult for him, but spending on his partner, Bob, or on others was not. As a result there are many organizations, notably UBC and the Vancouver Opera, which have benefited and will continue to benefit from Irwin's largesse, perhaps no longer in time, but certainly in financial support.

Irwin saw many changes and innovations during his 90 years—things most of us take for granted as having always existed. Irwin's was a life well lived and one that enriched many family members, friends and acquaintances.

Robert Laing



Richard Fraser Gosse, Q.C.

Richard Fraser Gosse, Q.C., known across Canada as Dick Gosse, was a lawyer of many careers, all of them pursued with flair and verve. He died in Vancouver on November 18, 2008. Few have had a legal career filled with such adventure, changing positions and new challenges, all of which were characterized by enthusiasm, delight in novel circumstances and great success. At his core were charm, energy, a firm grasp of the undoubted virtues of law and legal process, seriousness in meeting responsibilities and a wonderful gaiety in his dealings with the people with whom he strove to serve society.

Dick Gosse was born in Vancouver in 1924, a grandson of a Newfoundland sea captain from whom, one might surmise, he gained his indifference

to hollow formality and his penchant for unorthodoxy. He attended Prince of Wales High School in Vancouver and upon graduating joined the RCAF. He became a pilot and served during the Second World War with a bomber command squadron based in Yorkshire. Following war service, he attended McGill University and obtained a B.A. in 1947. He then studied law at the University of British Columbia, obtaining an LL.B. in 1950. He articulated in Kamloops to E. Davie Fulton.

In 1954, Dick Gosse co-founded with Graham Wright the first law office in Kitimat, where he developed a profitable practice. In his early teaching years, an admiring legend circulated among law students that he had made a fortune through this timely initiative. A fortune probably not, but he did well enough to leave law practice after several years, travel to England and enrol in the D.Phil. program at Oxford. He wrote his thesis under the supervision of Professor F.H. Lawson, who held the chair of comparative law and produced a leading text on constitutional law. To have landed such an esteemed thesis supervisor, Dick Gosse must have arrived with a strong academic record and glowing letters of recommendation. Indeed, in the preface to the book that evolved from his D.Phil. thesis, he thanked Dean George Curtis, "without whose encouragement the venture which has resulted in this book would not have been undertaken". This book was *The Law of Competition in Canada*, published by Carswell in 1962. Dick Gosse, however, spent almost none of the rest of his career in competition law. He turned his enthusiasm to new topics and new careers, as a law professor and law reform scholar.

In late 1957, he married Jean Milne. They had three children: Richard, born in Oxford, and twins Gisela and Alexandra, born in Kingston, Ontario. In 1960, he joined the recently established Faculty of Law at Queen's University and stayed there for almost a decade. He was most renowned for his teaching of property law, a difficult and tedious subject that he taught with awesome knowledge of technical detail as well as with flair, enthusiasm and humour. He was immensely popular with students, perhaps because of his lively and somewhat embellished stories of harrowing moments in his Kitimat practice, but more likely because of his amiability, graciousness and love of the flamboyant—loud ties, histrionic reactions to wrong answers, an ancient Jaguar and the Oxford gown which he wore occasionally to make some point or other about academic traditions. In his time at Queen's, he became both a member of the university senate and president of the faculty association.

Not surprisingly, given his finely tuned ability with the niceties of subjects such as future interests and the rule against perpetuities, Dick Gosse became enthralled with law reform—law reform of the old school, the

modernization and simplification of legal ordering that has now unfortunately become weighed down by the accretion of endless revision and refinement. He served as general counsel to the Ontario Law Reform Commission in the late 1960s. There, among other issues, he tackled limitations of actions and his old favourite, perpetuities. In 1970, he moved to British Columbia to become the first full-time member of the B.C. Law Reform Commission until 1972, when he became professor of law at the UBC Faculty of Law. His departure from the commission was lamented in a *Vancouver Sun* editorial which blamed the B.C. government for its dispiriting indifference to the reform of laws.

In keeping with his adventurous spirit, Dick Gosse left Vancouver in 1977 to go to Regina to become Saskatchewan's deputy attorney general, succeeding another notable B.C. legal scholar, Ken Lysyk. The premier was Allan Blakeney, and the attorney general, Roy Romanow. Dick Gosse welcomed both the chance to play a part in the policy and political processes that senior public officials engage in and the chance to pursue the justice initiatives begun under Romanow and Lysyk—creating an in-house prosecutorial branch, building a lawyer-based provincial court, defending the province's interest in fair rents from resource revenues, initiating a program to place Aboriginal people in northern police services and creating commissions to deliver legal aid and protect human rights. These changes, and the urge to professionalize and modernize the province's justice system, appealed to Dick Gosse's strong activist and reformist spirit.

The relationship between Gosse and Romanow could not have been more mutually supportive and admiring. Dick Gosse was exactly what Roy Romanow wanted and needed as a deputy—someone who represented the most rigorous understanding of the requirements of government under law and who managed legal service departments that were marked by the highest professional standards and the ingrained sense of neutrality that marks the best Crown counsel. For his part, Roy Romanow brought a deep appreciation of legalism and legal process and the intellectual and rhetorical skills to build public confidence in the administration of justice. At that time, the Attorney General's department also supervised policing. Romanow's fine sense of political balance, together with Dick Gosse's charming perseverance in promoting careful policing, produced an uncommon harmony between police and government.

Two projects in particular captured their imagination. The first was the prolonged process of constitutional patriation, and the second stemmed from the growing concern that the justice system had become an instrument for prolonging the colonization and oppression of Aboriginal communities. Dick Gosse was tireless in attempting to adapt the

administration of justice to respond better—more appropriately and effectively—to social dysfunction and the other consequences of systemic exclusion. He established reform committees, commissioned studies and sought to adapt policing so that it represented not only the pursuit of suspects but also participation in community growth.

As for the constitutional file, Dick Gosse early recognized that Saskatchewan was not well equipped to engage with Prime Minister Pierre Trudeau's constitutional legionnaires over the many difficult constitutional reform issues. He worked—and cajoled—to build up that capacity within the department, ultimately forming a large and impressive constitutional law group. He was fully engaged in the constitutional debates, easily grasping the details of these complex issues. He invariably found ways to insert the constitutional lawyers' perspective into the rough and often expedient politics of patriation.

Dick Gosse's deputy minister career continued after the Conservative electoral victory in April 1982. In his first encounter with the new premier, Grant Devine, at a meeting with deputies, he stood up and corrected Mr. Devine when the premier stated that all deputies should expect to take instructions from him. To the premier's credit, when Dick Gosse backed this up with a John L.J. Edwards-laden brief on the role of the attorney general, it was accepted and he became a fully trusted adviser with a fine working relationship with Attorney General Gary Lane. While an admirer of the Blakeney/Romanow team, Dick Gosse never for a moment expressed regret or unhappiness that the electorate had chosen new principals for him.

During his period as deputy attorney general, he gave up his long-term project of writing a biography of Chief Justice Sir Lyman Poore Duff, a member of the Supreme Court of Canada from 1906 to 1944. Perhaps the longevity of Duff's career appealed to Dick Gosse. More likely, he admired the powerful combination of intellectual strengths demonstrated by Duff—technical mastery of law's elements deployed and explained without flourish, pretence or rhetorical grandeur, and a great appreciation of law as a living organism possessing, in Duff's words, "the power to adapt itself to changing circumstances". Dick Gosse not only admired these qualities, he shared them. In 1975, he wrote an illuminating *Canadian Bar Review* article on Duff: "The Four Courts of Sir Lyman Duff" (vol. 53, p. 482). Although he wanted to write more, his deputy ministership precluded the hours required for extracurricular writing. When, in 1980, David Ricardo Williams wrote to Dick Gosse asking for access to his Duff papers, he—as reported by Williams—"turned over all his research notes and material, a magnanimous gesture..."

In 1985, Dick Gosse left Regina for Ottawa, spending six years there, first, as the first inspector general of the then newly created Canadian Security Intelligence Service, and then as the first chairman of the RCMP Public Complaints Commission. It is in the nature of these offices that the details of his work are not fully known. The former position is particularly sensitive; the balance between national security and fairness and due process in dealing with citizens is impossible to set in the abstract. The public complaints commissioner is a somewhat more public office, and there were undoubtedly frustrations over a tendency to police defensiveness. Both these positions reflect the Gosse willingness to take on challenges, especially ones that go to the heart of sustaining a just and stable state. Dick Gosse took on many new roles in his life, and in each case he understood the precise nature of the social responsibility that the position carried. In this sense, his professional life was marked by strong moral vision.

Following his Ottawa career, he taught at the McGill University Faculty of Law and the University of Saskatchewan College of Law, where he was the law foundation professor. In the latter position, he organized one of Canada's largest conferences on Aboriginal legal issues, and this led to his co-editing the impressive collection of essays *Continuing Poundmaker and Riel's Quest*.

This ongoing interest in Aboriginal policy led to his becoming in 1995 the special representative of the Minister of Indian and Northern Affairs on the role of Saskatchewan First Nations in the management of resources. He wrote a position paper that was imaginative and constructive, although ahead of its time. It was not accepted by the Saskatchewan government (the relevant jurisdiction with respect to regulation of natural resources), although what it recommended did not go beyond the obligations that now, ten years later, have become accepted. Dick Gosse's dynamic appreciation of law's mandate again led to work that was more valuable than was appreciated at the time.

It is fitting in light of his long-term and growing concern over reforming laws and practices to better meet the needs of Aboriginal people that the College of Law at the University of Saskatchewan, with help from the Saskatchewan Ministry of Justice, has decided to establish a Dr. Richard Gosse Fund that will provide financial assistance to Aboriginal law students.

Dick Gosse's enthusiasms went beyond law. Extensive travel, skiing, playing bridge, hiking, canoeing and long-distance running—especially running—all gained his devotion. He was not a man for half measures. In all things, he was a man for the full measure of life. It is to the benefit of Canadian law, legal education, legal reform and legal administration that law resided at the centre of his energies and his passions.

John D. Whyte