

**IN MEMORIAM:  
WILBUR F. BOWKER, O.C, Q.C.  
1910-1999**

W.F. Bowker — “the Dean” to Albertan lawyers of the decades following the Second World War — died last spring. His works, and memories and tales of his unique and delightful personal qualities, survive as some consolation for the loss of one who occupied such a large and influential place in the experience of so many.

Wilbur Fee Bowker was born in 1910 in Ponoka, Alberta, and grew up and received his early education there in the Alberta heartland. From 1926 to 1932, he attended the University of Alberta, earning degrees in Arts and Law. Admitted to the Alberta Bar in 1933, he practiced law with the late George H. Steer, K.C. and, after its formation, in the Milner Steer law firm.

In 1942 he enlisted as a private in the Canadian army and served in National Defence Headquarters in Ottawa before his discharge, with the rank of captain, in 1945, when he became a lecturer in the Faculty of Law. In 1947 he became acting Dean, and, in 1948, the Dean of the Faculty. Dean Bowker received the Master of Laws degree from the University of Minnesota in 1948 and spent the 1952-1953 academic year at Yale University on a Sterling Fellowship.

In 1940, Wilbur Bowker married Majorie Montgomery, also a graduate in Law of the University, who was to earn recognition as a Judge (from 1966 to 1983) of the Juvenile and Family Court for innovations in conciliation and counselling services and, in later years, for thoughtful and vigorous commentaries on the Meech Lake constitutional reform proposals and on national trade and economic policy. The Bowkers raised three children in their happy and hospitable home in Garneau.

Wilbur Bowker’s services to his country, the law, the legal profession, the University, legal education, and law reform are too numerous even to list. He served as a member of the Scott Committee on Legal Research of the Canadian Bar Association; was an early member, and later President, of the Canadian Association of Law Teachers; co-ordinated the Special Committee of the Benchers to review the *Land Titles Act* following the famous *Turta* case; was an indispensable member of the old Law Reform Committee that preceded the Law Reform Institute; made an outstanding contribution to the work of the Conference of Commissioners on Uniformity of Legislation and was its president in 1965. In the University, he was known as one who never sought an office and never declined a duty; the revision of the *Universities Act* in 1966, for example, was largely based on spadework he had quietly done. Even a full account of all his many works and offices, however, would be an incomplete picture, missing the enormous assistance quietly given to colleagues, graduates, and organizations who sought the benefit of his knowledge and advice. Even what he called a “curbstone opinion” would always be thoroughly considered and soundly formulated.

Dean Bowker was appointed Queen’s Counsel in 1951; in 1972, the University made him Doctor of Laws; and 1981, the Province named the handsome building that

accommodated the Attorney General's Department the Bowker Building. The Dean was grateful for these unsought honours, but one suspects that he prized even more the invitations he regularly received from former students to join them at their class reunions (where invariably they would press him to render yet once more his celebrated recitation of "Casey at the Bat" — which he did with such enthusiasm that, as Chief Justice Moore said in his moving memorial tribute to the Dean, no matter how often one had heard the verses, there seemed fresh hope that this time Casey would hit one out of the park).

We remember Wilbur Bowker for many reasons.

The first, perhaps, is his achievement in resuscitating the law school and creating with Dr. Alexander Smith and a gradually expanded group of colleagues, the foundation of the modern Faculty of Law. In 1945, the school was in a bad way. Its great first dean, John Weir, had died in 1942; enrolment had fallen during the last year of the War to a handful of students; Dr. Malcolm MacIntyre, who had valiantly carried on its work, had left to join his father in practice in the Maritimes; and the University was about to be struck by the first wave of returning veterans. It was in these circumstances that George Steer, who had assumed the administration of the school, called on his former associate for help and in which the young captain, with hardly a day's preparation, began his career as a law teacher, working day and night, with the invaluable help of his wife, to keep a few strides ahead of the students. And it was from this base that Dean Bowker and his colleagues built the school anew in the years that followed.

Scarcely less important, perhaps, in his contribution to the reform and improvement of the law — achieved as a constructively critical teacher and scholar, assessing the coherence and effects of the law in terms of intended or desired effects; through his work on uniformity of legislation; and, of course, during his tenure as its director in the first years of the Alberta Law Reform Institute, whose thorough and original reports have reshaped much law in Alberta and influenced law reform throughout the common law world.

But it is primarily as a teacher that "the Dean" is remembered and, I think, would wish to be remembered — a teacher who cared for his students, sought to help them to develop fully all their nascent talents, presented the law in its full historical and social context, respected their opinions, valued their efforts, and, above all, made an indelible impression as an example of personal and professional integrity.

And, of course, as teacher, colleague and friend, Dean Bowker was a memorable and original character. So innately modest and self-effacing, so quiet and reserved in manner, he was nonetheless a vivid and unforgettable personality. All who knew him will share for many years recollections of his extraordinary memory of all sorts of information, his wry self-deprecating humour the fascinating byways into which discursive conversation sometimes led, his empathetic understanding of others' problems and viewpoints, his unalloyed delight in the achievements and happiness of students, and various little distinctive mannerisms of speech and motion while he lectured or conversed.

But in these pages, perhaps, it is as a scholar of the law that Dean Bowker should be particularly remembered. His first published work appears to have been a practical outline of procedure in divorce actions in Alberta published in the *Alberta Law Quarterly* in 1938.<sup>1</sup> Many hundreds more pages of articles, reviews and lectures were to follow.<sup>2</sup> They are notable for the dependability of analysis and reference, the extraordinary range of subjects and issues considered, the reasonable and civil tone of discussion, and often a combination of acute criticism and constructive suggestion. The writing is plain and lucid — perhaps to the point, sometimes, of almost concealing the originality and depth of analysis and the perceptiveness with which important topics and issues are brought into focus.

Dean Bowker wrote helpfully on dower law and other real property questions, torts and limitations of actions, legal education, professional ethics, and many other subjects. What stands out, however, in this substantial corpus of work is the attention he gave to civil liberties, to legal and ethical issues in medical experimentation and treatment, and to the legal history of Western Canada. Another legal historian has said:

On the history side alone, Bowker's contribution has been remarkable. "The Honourable Horace Harvey, Chief Justice of Alberta" is an exceptional piece of judicial biography and is, possibly, the best article in this genre yet published in Canada. Similarly, each of his works in the field of legal history represents invaluable research. Often, Bowker's contribution is the only scholarship available in the particular area under study.<sup>3</sup>

He was the living memory of the legal profession in Alberta.

Dean Bowker encouraged his students to read and to add to Canadian legal literature. He thought that when someone had something new and useful to say, it should be said; and, recalling amusedly how his 1938 article on divorce practice, a subject he taught for only one year, was used in 1962 to qualify him in a B.C. court as an expert witness on Alberta procedure, he told students their work might have unexpected rewards. He also thought it invaluable to students to have their handiwork rigorously reviewed and tested, recalling appreciatively (possibly, not without some recollected pain) what he had learned when one of his own early manuscripts had been thoroughly and severely blue pencilled by a great editor of the *Canadian Bar Review*, the late George V.V. Nicholls. Dean Bowker introduced the first substantial legal writing program in a Canadian law school, in a valuable omnibus course on cases and developments in the law. He expressed its goals modestly — merely, to teach students how to write a defensible opinion — but, in the 1950s, no fewer than nine notes by students were published by the *Canadian Bar Review*; and the Dean proudly said that such was their quality that they passed Mr. Nicholl's stern inspection much more readily than his own work had done.

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<sup>1</sup> W.F. Bowker, "Procedures in Divorce Actions in Alberta" (1938-40) 3 Alta. L.Q. 51.

<sup>2</sup> A comprehensive collection is to be found in M. Bowker, ed., *A Consolidation of Fifty Years of Legal Writings 1938-1988 by Wilbur F. Bowker* (Faculty of Law, University of Alberta, 1989).

<sup>3</sup> W.W. Pue, "The Making of Canadian Legal Scholarships" (1993-94) 22 Man. L.J. 176.

Still, it was with some caution that the Dean received in 1954 the suggestion from Hugh Lawford that a new journal, the *Alberta Law Review*, be created in the Faculty.<sup>4</sup> When he had arrived in 1945, the old *Alberta Law Quarterly* had become a casualty of wartime conditions: boxes of the last issue remained undistributed, the subscription list was missing, and outstanding printers' bills consumed whatever funds were in hand. So he wanted some solid assurances that the responsibilities to be undertaken by the students would be met and even cautioned against the excessive optimism implied by describing the new publication as an "annual." But once that groundwork was in place, he readily agreed to be the *Review's* first faculty advisor and thereafter was its most staunch friend.

Even after he ceased to be Dean, he was always pleased to meet and assist the editors. In a delightful address on the occasion of the *Review's* twenty-fifth anniversary, he offered them some gentle advice: criticism need not be stringent to be effective; writers should not strive after a style not naturally their own, but plain writing need not be dull; and brevity is preferable to prolixity.<sup>5</sup>

Over the years, Wilbur Bowker wrote for the *Review* notes on the lives and achievements of some of the judges and lawyers deserving a special place in Alberta's legal history. His own part in that history is large and secure.

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<sup>4</sup> W.A. Stevenson, "The 'Emergence' of the *Alberta Law Review*" in *Twenty-Fifth Anniversary Issue* (Edmonton: Alberta Law Review, 1980).

<sup>5</sup> W.F. Bowker, "Extra-Judicial Writing: The *Alberta Law Quarterly*, the *Alberta Law Review* and *Reviews in General*" (1980) 18 *Alta. L. Rev.* 458.