

LET THE SKY FALL: LAWYERS IN THE HISTORY OF BRITISH COLUMBIA MOUNTAINEERING

PART II – THE MOUNTAINEERS

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Part I of this article “The Mountains” appeared in (2017) 75 Advocate 75. It detailed the topography of British Columbia that owes so much to the legal history of this province.

Part II of this article focuses on the mountaineers: judges and lawyers who have at least given mountaineering, climbing, scrambling or backcountry skiing a try. We will avoid the question as to “what is a mountaineer?” To paraphrase a famous remark by a judge with regard to obscenity, we know one when we see one. Of course, many may dabble, but few (so to speak) are called to a lifetime avocation in the mountains.

JURIST MOUNTAINEERS

Sir Matthew Baillie Begbie

The assizes and circuits of **Chief Justice Sir Matthew Baillie Begbie** (1819 Mauritius–1894 Victoria) put him among the greatest adventurers in British Columbia history. His first assize, in March 1859, took him from New Westminster to the gold fields of Yale and beyond, up the Fraser Canyon. Travelling on foot, Begbie’s four-man party went from Yale to Spuzzum, crossed the Fraser at Chapman’s Bar to the east bank, and followed the Hudson’s

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Bay Company brigade road over the hills to the Anderson River, and down to the present town of Boston Bar. They traversed **Jackass Mountain** (2006 m) north to Lytton, and then to Lillooet.¹ In September 1859 he made his second circuit, this time from New Westminster to the Cariboo; Begbie's notes record his admiration for the mountains visible along the route.² During this circuit, Begbie extensively explored the Cariboo and decided upon his preferred route to the towns and gold fields of the area: via McLeese Lake and Beaver Lake, to the Forks of the Quesnel River, then to Keithley Creek, and over **Snowshoe Mountain** (1930 m) to Richfield, Barkerville and Williams Creek. In 1861 a traveller reported that "[o]n going up the Snowshoe Mountain I met with Judge Begbie and suite toiling their way over the snow-capped peaks of Cariboo ..."³ Returning from the circuit, Begbie deliberately opted to take the rough 1849 Hudson's Bay Company Brigade Trail over a steep section known as Manson's Mountain, because it was reputedly the worst trail in the Colony. Begbie's friend and travelling companion Peter O'Reilly recounts the journey: "Top of Manson's Mountain at 8½, 3,000 ft. above the sea, fearful hard work. At every turn a dead horse or a mule ..."⁴

Begbie has no fewer than three British Columbia peaks named after him: the tallest is the most prominent mountain viewed from Revelstoke (2733 m);⁵ the next is located between 70 Mile House and 100 Mile House (1276 m); and the third is on Graham Island in Haida Gwaii (632 m).

Early Mountaineering Explorations

The completion of the Canadian Pacific Railway through the Rockies in the 1880s brought international mountaineers to new realms of exploration in the Selkirk and Rocky Mountains. These visitors included two lawyers of note in the history of mountaineering. In 1895 **Philip Stanley Abbot** (1867 Cambridge, Massachusetts–1896 Lake Louise), a young lawyer, was climbing **Mount Lefroy** (3423 m) above Lake Louise with a group from the Appalachian Mountaineering Club of Boston. While scouting ahead to lay the rope for his companions, he fell 330 metres to his death, becoming North America's first mountaineering death.⁶ **Mount Sir Sandford** (3630 m) is the highest peak in the Selkirk range, located north of Glacier National Park. The peak became an obsession for **Howard Palmer** (1883 Norwich, Connecticut–1944 Connecticut), a Harvard-educated Boston lawyer who had first spotted the peak while climbing with The Alpine Club of Canada ("ACC") near Rogers Pass. From 1908 until 1912 Palmer made four attempts to climb the peak, stymied every time by difficult route-finding and steep, icy cliffs. Finally, in 1912, Palmer returned with Swiss guides. Proceeding past the twin hazards of an overhanging ice cliff and an avalanche-ridden

slope guarding the peak, Palmer and his party finally slew his great white whale and reached the summit. They returned to camp after 15 hours climbing the mountain, retiring to a “night of that sound, death-like slumber, which only the mountaineer can know”.⁷ In his climbing career Palmer made some 50 first ascents, extensively exploring the Rocky and Selkirk Mountains.⁸ **Mount Palmer** (3019 m), near Mount Sir Sandford, is named for him.

The British Columbia Mountaineering Club

Lawyers have played a prominent role in the history and development of the British Columbia Mountaineering Club (“BCMC”), founded in October 1907 as the Vancouver Mountaineering Club, and given its present name in March 1909.⁹ In its early days, the BCMC was particularly known for its explorations and summer camps on the west side of what became Garibaldi Provincial Park in 1927, after persistent lobbying by the club, its offshoots the Vancouver Natural History Society, the ACC (Vancouver Section), and others. The BCMC continues to be the largest and most active such club in British Columbia.

From its start, the BCMC was an egalitarian organization, welcoming mountaineers from both sexes and all walks of life. In his 1957 article, “Early Days of the BCMC”, founding member Fred Mills noted the wide variety of occupations: “two lawyers, two land surveyors, three salesman, two railwaymen, two exporters, two nurses, seven stenographers, one meteorologist, three printers, one postman, one civil engineer, one cigar-maker, one piano tuner, two real estate men, all gentlemen and gentlewomen”.¹⁰

One of the two BCMC founding lawyers was **Leslie Cleland Ford** (1867 Sydney, Australia—1952 Vancouver), who worked at several law firms, as both a solicitor and barrister, ending his career in the office of the Official Administrator.¹¹ He served as president of the BCMC from 1922 to 1924 and honorary president from 1933 to his death. His story of the 1913–1920 struggle to preserve what became Garibaldi Provincial Park was found amongst his papers after his death, and was published in the club’s 50th anniversary publication.¹²

The other one referred to may have been **Rey Agler Sargent** (1890 California—1975 West Vancouver), who joined the BCMC at age 17 in its first year. Sargent was called to the bar in 1920 and served as a County Court judge from 1944 to 1965. Sargent grew up near Lower Lonsdale in North Vancouver and has a park in Upper Lonsdale (at 21st Street) named after him. In 1967 he was Commissioner of the Inquiry into Invasion of Privacy, commonly known as the “Bugging Inquiry”, arising from a vicious war between unions. A 1990 *Advocate* article remembered him as “one of a group

of eccentric and difficult County Court judges in Vancouver during the 1950s.”¹³

Atwell Duncan Francis Joseph King Jr. (1877 Montreal–1947 Victoria),¹⁴ one of British Columbia’s most accomplished early mountaineers, was called to the British Columbia bar in April 1914. King served as Deputy Registrar of the Supreme Court of British Columbia and later as in-house solicitor for the British Columbia Electric Railway in Victoria.¹⁵ As a law student, he was one of the founding fathers of BCMC and held the initial post of editor; he was later made an honorary member.

King gained media attention as part of the first ascent of the **West Lion** (1654 m), on August 11, 1903. King, accompanied by George Martin and Arthur Tinniswood Dalton, took the Steamship Terminal boat from Vancouver to Hood Point on Bowen Island, and then sailed with the innkeeper across to the east shore of Howe Sound, near present Lions Bay. They then commenced what would have been a shredding bushwhack up to the West Lion, roped together for safety during much of the ascent. King reported to the *Vancouver Daily Province* that “I have been on Crown Mountain and thought the view from there was exceedingly fine, but the prospect from the Lions is infinitely more magnificent.” The trio marked their triumph by flying a Union Jack from the summit, and leaving a signed note in a bottle, asking the next climbers to return it to Vancouver. The flag and note were found the next month, on September 7th, by William, John, and Robert Latta who proceeded to make the first ascent of the East Lion the next day.

King gained further fame for his August 8, 1907 first ascent of **Mount Garibaldi** (2678 m). His party took the steamship *Britannia* to Squamish (then known as “Newport”), and then followed the Cheekye River to Garibaldi. They bushwhacked up to Brohm Ridge, and climbed the summit from the north. In his account in the *Canadian Alpine Journal*, A.T. Dalton described the peak as “some terrible monarch of the skies not to be approached by man”.¹⁶ Their trip took eight days in total. King is memorialized in **Atwell Peak** (2655 m), the prominent pyramidal subpeak of Garibaldi, seen from both Squamish and the popular hike to Elfin Lakes.¹⁷

The jagged peak of **Mount Cayley** (2377 m), between the Cheakamus and Squamish Rivers is on the shortlist of Coast Range volcanic features most likely to erupt. The peak was first climbed in 1928 by friends of the then recently deceased **Beverley Cochrane Cayley** (1898 Rossland–1928 Vancouver), a young lawyer.¹⁸ Cayley was an active member of both the BCMC and the ACC Vancouver section. His significant climbs included one of the first winter ascents of the **West Lion** (February 1924), and first



Mt. Cayley, centre (Pyroclastic Peak left). Photo by Simon Chesterton



Slesse Mountain. Photo by Simon Chesterton

ascents of **Foley Peak** (2293 m) in the Cheam Range (Easter 1924) and **Mount Robie Reid** (then called “Old Baldy”) (May 1925). His premature death came not from a climbing mishap, but rather from tuberculosis. His parents endowed the Beverley Cayley Scholarship at UBC, for a first-year student of English. His father was Judge Hugh St. Quentin Cayley of the Vancouver County Court, a former premier of the Northwest Territories.¹⁹

Fred Harrison H. Parkes (1903 Seattle–1961 West Vancouver) was another prominent BCMC alpinist in the 1920s. In 1927 his group made the first ascent of **Slesse Mountain** (2429 m), west of Chilliwack Lake. Long considered unclimbable, it is famous for its jagged peaks (its name comes from the Halq’eméylem word for “fang”) as well as being the site of a 1956 plane crash that killed all 62 people on board.²⁰ Parkes’s group was momentarily stymied by a sheer rock face at 2500 m, before finding the route to the peak up a rock chimney. Parkes made many other Chilliwack area first ascents in the 1920s and the 1930s. **Mount Parkes** (2116 m), northwest of Slesse Mountain, is named for him. In 1925 he practised in Ashcroft. Later, Parkes was a partner at McMaster, Parkes, Ray and Cameron, operating out of the Marine Building in Vancouver. David Roberts, Q.C., recounted his first encounter with the jovially shambolic Parkes in 1954, opposite counsel on a very small file, at the beginning of Roberts’s career, and towards the end of Parkes’s career; Parkes gave the youthfully zealous and ultra-prepared Roberts the following advice: “You know, David, if you work hard enough and are really diligent and devoted and run all your cases really efficiently and build up a large enough County Court practice, sooner or later you will go broke.”²¹ Parkes’s ashes were scattered on Slesse.

Roderick Alfred Pilkington (1908 Vancouver–1978 Agassiz), called in 1948, was an active BCMC alpinist from the 1930s to the 1950s. He made a

series of first ascents of mountains between the Coquitlam River and Pitt Lake, and north of Widgeon Lake:²² **Middle Finger**²³ (1890 m) (1938), **Mount Lou** (1741 m) (1938), **Consolation Dome** (1803 m) (1939), **Obelisk Peak** (1777 m) (1939) and **Peneplain Peak** (1707 m) (1939).²⁴ He also made the first ascent of **Ipsoot Mountain** (2576 m), due north of Whistler and due west of Pemberton. He was an officer in the Irish Fusiliers; during the Second World War, he trained troops in the Rockies in mountaineering. Pilkington served as the editor of the BCMC Bulletin (1950–1952) and as BCMC president (1954–1956). With Ralph Hutchinson,²⁵ he served on the BCMC 50th Anniversary Committee, and in the anniversary publication, published a rueful essay on the quintessential west coast climbing activity: shin-lacerating bushwhacks up steep, shrubby, soggy slopes:

Probably the most neglected aspect of mountaineering is bushwhacking. Not only is it avoided whenever possible by climbers, but it is ignored by all writers of alpine manuals ... Be patient and don't fight the forest. Here is a posse of devil's club,²⁶ snaky, prickly and just rarin' to tangle with you in a bout of scratch as scratch can. If you slap it with your ice-axe it swings away and smacks right back at your face with the unerring aim of a medieval quintain. If you trample it, it lashes up at your hands as soon as you remove your weight. All you can do is wiggle your way through trying to avoid contact between your bare skin and the horrid stuff.²⁷

Mount Pilkington (2828 m), just southwest of Taseko Lakes, is named after him.

Jack Cade was a prominent member of the BCMC who participated in first ascents of **Weeskinisht Peak** (2747 m), the tallest of the Seven Sisters, east of Cedarvale (1941) and **Icefall S1** (3063 m) in Banff National Park, near the Ram River Glacier (1972).²⁸ He practised in Prince Rupert in 1941 and the Cariboo in 1971.

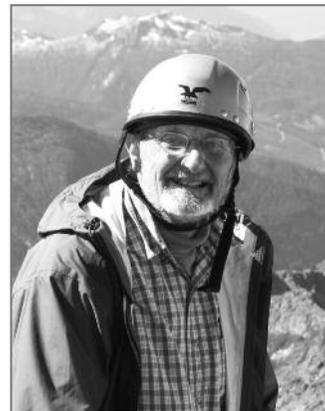
John Beltz (1923 Vancouver–2013 Vancouver) was both a teacher and lawyer. **Phyllis's Engine** (2570 m), at the east end of Garibaldi Lake, is named for his mother, who saw it from the Black Tusk area on a summer camp, and exclaimed that it looked like a railroad engine. John was active in the BCMC for much of his life, and latterly was very involved in the Right to Quiet Society, establishing the Friends of Cypress Provincial Park, and various environmental causes. John was perhaps the first person in Canada to be arrested for protesting in support of public access to parks, after that park was largely privatized by the provincial government in 1984.

'**Jim**' **James Adam Craig** (1924 Sangudo, Alberta—2012 Vancouver) came from an ethnic German family that emigrated from Hungary to Alberta after World War I. After wartime service in the RCAF, travels, and school, he articulated with Victor Butts, and was called to the bar in 1957. Jim

was a sole practitioner solicitor. The Craigs had a cottage near Hollyburn Lodge, which they delighted to visit.²⁹ He was an honorary member of the BCMC, and its president 1977–1978. He was active from the late 1950s, and his notable climbs include a traverse of the Cheam Range (1961), **Mount Waddington** (4019 m) (1962: the first BCMC ascent of the highest peak entirely in British Columbia), **Mount Zeus** (2982 m) in the Pantheon Range near Mount Waddington (1966), an attempt on the north ridge of **Mount Logan** (5959 m) (1967), and many others. He made the first ever ascent of **Metacarpus Peak** (2983 m) (1964) (southwest of Taseko Lake), so named as he broke his hand in a fall on that climb. One of his more notable climbs was the first ascent of **Mount Kennedy** (4250 m) in southwest Yukon, in 1965. It was then the highest unclimbed peak in Canada, and was named after the assassinated U.S. president. A strong U.S. expedition was mounted to climb the cold, snowy, and high, but not overly difficult peak, and Jim was chosen as the Canadian representative. The climbers ensured that Robert Kennedy got to the top, but it was apparently a rather unusual expedition, with many stories that cannot be told.

Justice Ralph Hutchinson

The most accomplished British Columbia mountaineering jurist was **Justice Ralph Maurice James Hutchinson** (pronounced ‘Rafe’) (1930 Tanzania–2008 Nanaimo); the leading history of Canadian mountaineering describes him as a “legendary figure”.³⁰ Hutchinson was appointed to the County Court of Prince Rupert in 1980, and in 1991 he became a Supreme Court judge with the merger of the two courts; he retired in 2002.³¹ He immigrated to British Columbia in 1954 from Kenya via Cambridge and immediately joined the BCMC. The BCMC transformed his life in two ways. A climb of Golden Ears,³² with its vista of unnamed and unclimbed peaks, inspired him.



Justice Rafe Hutchinson's last summit, seven months before his death: Mt. Serratus, near Squamish. Photo: Joe Bajjan

He was also entranced by a fellow BCMC member, Dorothy Johnstone, whom he married in 1957.

Hutchinson soon made a name for himself as a climber and adventurer. His annual expeditions included the headwaters of Kwoiek Creek (1958) (west of Boston Bar),³³ **Mount Raleigh** (3132 m) (1959) (between the Toba River and Chilko Lake),³⁴ and the Lillooet Icefield (1960).³⁵ On his Kwoiek Creek expeditions his group made first ascents of **Kumkan SE2** (2503 m), **Mehatl Peak** (2719 m), **Kumkan Peak** (2742 m), and **Tachewana Peak** (2482 m).

In planning the Raleigh exploration, aerial reconnaissance indicated that it might be possible to land a float plane on Icewall Lake, and then walk 40 kilometres across the Filer Glacier to reach Mount Raleigh. The presence of icebergs on the lake, however, made the landing of the plane a terrifying experience. Hutchinson wrote, “we all waited breathlessly as the plane hopped over the moraines at the north end of the Lake, then effortlessly sank into the water before taxiing through the small icebergs to deposit us on the shore.”³⁶ On his Raleigh and Lillooet Icefield expeditions, his group made first ascents of **Mount Raleigh** (3132 m), **Garrulous Peak** (2594 m), **Compton Mountain** (2879 m), **Toba Peak** (2795 m), and **Mount Tisiphone** (3021 m).

In 1961, Hutchinson was on the first Canadian expedition to climb **Denali** (formerly Mount McKinley) in Alaska, the highest peak in North America (6190 m). While successful in gaining the peak, he endured great personal hardship, as his feet were badly frostbitten.³⁷ At base camp, Hutchinson's toes were described as white and hard, feeling like blocks of ice; when tapped, they sounded like wood. He was flown to Anchorage where the doctor removed the first four of Hutchinson's toes, all without anesthetic: necessary in order to preserve the circulation in his legs. Hutchinson's remaining six toes were removed upon return to Nanaimo. Justice Hutchinson was featured on the cover of the *Advocate* in July 2002.³⁸

The loss of his toes did not slow him down, or deter him from mountaineering. In 1963 he made a first ascent of **The Beauty** (3099 m), east of Chilko Lake. His 1963 ascent of **Mount Winstone** (3135 m) was either its first or second.³⁹ In 1964 his group made the first ascent of **Mount Harrison** (3360 m) near Elkford in the Rockies. In 1967 his group led the first exploration of the Yukon's Centennial range, one range north of Mount Logan. A peak in the range was named for each (then) province and territory, more or less in geographic order from west to east; he considered it his most difficult adventure.⁴⁰ On this trip he made the first ascent of **Mount British Columbia** (3100 m). He was the first to climb **Mount Noel** (3062 m) in the Stikine (1981). His climbing exploits were international: he climbed peaks on every continent except for Australia and Antarctica, and several of his climbs in Peru (1969 and 1978) and Afghanistan (1975) were first ascents.⁴¹ In autumn 1974 Hutchinson blazed the Judge's Route on the impressive multi-peaked **Mount Arrowsmith** (1819 m), towering over Port Alberni: steep but accessible, it is the most popular and direct route up the mountain.⁴² The story of that route has multiple legal connections.⁴³ At the time, Hutchinson was practising in Nanaimo with his partners Jim Shabbits and Jim Taylor; all three would be appointed to the Supreme Court (in 1991, 1992, 1995, respectively). That week, Hutchinson had been offered a judi-

cial appointment; he asked for a week to consider. To assist his ruminations, and to discuss it with his partners, he invited them both on the climb. Thus a popular trail was born, and Hutchinson's judicial career deferred, giving the name of the route some irony.⁴⁴ Thereafter, it became a tradition that Hutchinson would lead his articulated students up his route; in 1978 Kathy Downs (Madam Justice Downs since 1995) made this articulated ascent. Justice Hutchinson's ashes were scattered on the mountain.

Hutchinson also contributed to the development of climbing and trails. He served as a director of the BCMC, editing its *Bulletin* from 1956 to 1958, and was the western vice-president of the ACC from 1979 to 1982. After his retirement he contributed significantly to the development of trails on Mount Benson, above Nanaimo, through the Nanaimo Area Land Trust. One of those trails, Rafe's Way, is named for him.

Modern Mountaineering

Climbing and mountain adventuring is an increasingly popular and active pursuit of the bench and bar. There are too many such adventurers to mention, and the authors apologize for any mentions, or inevitable omissions.

Paul McEwen was a Nanaimo personal injury lawyer and energetic climber. He shared the first ascent of **Mount Noel** (2541 m) with Rafe Hutchinson. He was particularly active climbing Vancouver Island peaks, and forged new routes up the Strathcona Provincial Park peaks of **Mount Colonel Foster** (2134 m) and the north ridge of **The Golden Hinde** (2197 m).⁴⁵

Bruce Fairley, who has practised in Golden for many years, may be British Columbia's most accomplished living mountaineer-jurist. He began mountaineering in the 1970s with UBC's Varsity Outdoors Club. He has around 75 first ascents and new routes to his name, including both the East and Southeast Face (2006) of **Mount Sir Donald** (3284 m), the northwest face of **Welch Peak** (2438 m) (Feb 1982),⁴⁶ and the North Edge and East Ridge of **Mount Lindeman** (2310 m) (Aug.–Sep. 1982).⁴⁷ He has climbed numerous challenging routes and peaks, including **Mount Steele** (5073 m) (1974), the south face of **Viennese** (2074 m) (1980), **Mount Waddington** (4019 m) (1982), the winter ascent of **Mount Sir Sandford** (3519 m) via the south face (1989), the north ridge of **Mount Monarch** (3555 m) (2000), the east face of **Mount Queen Bess** (3298 m) (2005), the east face of **Reliance Mountain** (3147m) (2009), the Friendly Giant on **Mount Gilbert** (3019 m), and others. He is the author of the classic climbing book, *A Guide to Climbing & Hiking in Southwestern British Columbia*,⁴⁸ and the editor of *The Canadian Mountaineering Anthology*.⁴⁹ He was awarded the ACC's Distinguished Service Award (1990) and the Silver Rope for Leadership (2013).⁵⁰

Bruce's climb up the Articling Blues Buttress on **Wahoo Tower** (2846 m), near the glacial headwaters of the Lillooet River, during his articles in 1986, has a special legal connection, apparent from the name. The ski plane pilot disregarded the group's instructions to land on the high icefield at the base of Wahoo and instead landed on the lower glacier in a crevasse field. The tail ski (one of three) broke off. The pilot refused to come back for the climbers. Bruce had only 24 hours to get back to Vancouver from the heart of the Coast Mountains, or else be late for work. Amazingly, the group made it: after two major river crossings they arrived at the Lillooet logging camp, where one of the party telephoned his former Scout leader, who drove through the night to pick them up and return them in time for Bruce to report to his desk at Richards Buell Sutton.

Patrick Dearden and **Gerry Kent**, who share a law office in Cranbrook, were some of the first climbers to make solo ascents of **Mount Robson** (3959 m).⁵¹ In 1972 Pat made the first solo climb of that glorious peak via the Kain Face. Pat trained Canadian Armed Forces in mountain skills in the 1970s. In 1973 he rescued a British climber on the Matterhorn, surviving repeated lightning strikes and a long, cold, stormy night just below the summit in the process. In addition to his 1987 solo Robson ascent, Gerry has also made the arduous climb up the north face of **Mount Temple** (3544 m),⁵² and may have been the first to solo all of the peaks at Lake O'Hara: **Victoria**, **Lefroy**, **Huber**, **Wiwaxy**, **Glacier**, **Yukness**, **Ringrose**, **Biddle**, **Park**, **Schaeffer**, **Odaray** and **Hungabee**.

Andrew Wilkinson, Q.C., presently the Minister of Advanced Education, is a *rara avis* in that he is both a physician and a lawyer. He was active in the BCMC in the 1980s and 1990s, and president from 1992 to 1994. Wilkinson led or took part in numerous BCMC trips, both winter and summer, including the peaks and slopes of **Mounts Ratney**, **Mehatl**, **Baker**, **Wedge**, **Ipsoot**, **Joffre**, **Overseer** and **Cayoosh**. He repeatedly disemboweled his Volkswagen Jetta getting to and from these mountains.

Wilkinson was succeeded as BCMC president (1994–1998) by author **Anders Ourom**, a pioneering specialist in advising societies, charities, co-operatives and other not-for-profits. He started climbing at an early age: his parents were both BCMC members, his Scout leader was Bruce Fairley, and he articleed for Dave Nicol, long after they had started climbing together. He is best known for his technical climbs in the Squamish area, with several first ascents and first free ascents:⁵³ among them, **Limbo** (1976), **Seasoned in the Sun and a Question of Balance** (1977), **Penny Lane** (1978), and others. Some of his major mountain routes include the northwest face of **Mount Austerity** (3337 m) (1972), the north ridge of **Sphinx** (2402 m) (1973), the

northeast buttress of **Mount Slesse** (2429 m) (1982), the west face of **Overseer** (2749 m) (1985) and the west buttress of **South Howser** (3364 m) (1991), and numerous minor routes in southwest British Columbia. He was the founding director and president of the Climbers' Access Society of B.C. (1995–2007), and the executive director of the Federation of Mountain Clubs of B.C. (1991–1994). He has climbed and volunteered extensively in Yosemite National Park and in 2014 was named the “Yosemite Facelift Volunteer of the Year”.⁵⁴ He is the author of *A Climber's Guide to the Squamish Chief* and a forthcoming history of climbing in the Squamish area, as well as co-editor of *A Guide to Climbing and Hiking in Southwest B.C.*⁵⁵ He has also written articles on climbing in *Mountain Magazine*, *Canadian Alpine Journal* and *Alpinist*.

While not a mountaineer in the same league as most of those mentioned, author **David Crerar** is the co-author of the forthcoming *The Glorious Peaks of Vancouver's North Shore: A Peak Bagger's Guide*, a guide to the routes and history of the 67 North Shore and Howe Sound peaks south of Capilano Mountain.⁵⁶ In 2009 he started the Bagger Challenge, an amiable contest to see who can climb the most North Shore peaks in a season.⁵⁷

Wesley Mussio is an enthusiastic mountaineer and the co-author and editor of the popular and omnipresent *Backroad Mapbook: Outdoor Recreation Guide* series, which sets out peaks and routes for most of British Columbia.⁵⁸

Few people explored the territory between Vancouver and Gold Bridge more extensively than did **Chuck Harrison**. He wrote hundreds of trip reports on his adventures for the leading local hiking webpage, <www.Clubtread.com>. Chuck died just before this article was published, and the authors dedicate this article to him.

Finally, several lawyers spend more time in the mountains than they probably wish to, rescuing hikers and climbers in trouble. **Ryan Morasiewicz**, **Curtis Jones** and **Kevin Tilley** are responder volunteers with North Shore Rescue; **Garry Mancell** is with Coquitlam SAR; and **Don Blakely** is with Vernon SAR.

This is a far-from complete list, but rumours are that the following are or have been active mountaineers, and may have an adventure or two of which to tell: **Mr. Justice Elliott Myers**,⁵⁹ **Judge William Rodgers**,⁶⁰ **Judge Michael Hubbard**,⁶¹ **Stephen Schachter, Q.C.**,⁶² **Ray Schachter, Q.C.**, **David Roberts, Q.C.**, **J.J. Camp, Q.C.**, **Chris Harvey, Q.C.**, **David Nicol**,⁶³ **Monika Bittel**,⁶⁴ **Nils Preshaw**,⁶⁵ **Raymond Leong**,⁶⁶ **Ross Beaty**, **Jay Straith**,⁶⁷ **David F. Sutherland**, **David Wotherspoon**,⁶⁸ **Pat Haberl**,⁶⁹ **Greg Diamond**, **Corey Steinberg**,⁷⁰ **Lisa Rae**, **Adam Campbell**,⁷¹ **Todd Gerhardt**,⁷² **Brad M. Caldwell**, **Serge Lakatos**, **Robert Dawkins**, **Don Montrichard**, **Michael Waters**, **Jane Luke**, **Jeremy Thom**, **Doug Lonsbrough**, **Sarah**

Pike, Yasmine Mehmet, Michaela Donnelly, David Sliman, John Hutchinson, Gavin Marshall, Sean Muggah, Chuck Harrison, Gavin Marshall, Sean Muggah, Roy Millen, Scott Turner, Peter Senkpiel, Eric Little, Allan McDonell, Q.C., Jana McLean, Deborah Carlson, Lee Lau, Anna Trinh, Jim Fraser, and Kalie McCrystal.

EPILOGUE

The inevitable prospect of death is the greatest emancipator from sloth, mediocrity and dullness. Many of those profiled in this article died too young. Justice Hutchinson was diagnosed with terminal cancer and died three months later at age 77, but in a lifetime of physical and intellectual vigour, he experienced tenfold lifetimes of adventure and accomplishment. He and those profiled send an urgent appeal to their fellow lawyers. Push over the precipice the ungrateful clients, the unnecessary applications, the trifling disputes, the worthless teleconference calls, and the unproductive Human Resource and Information Technology training sessions: all are vampires to the soul on your precious short time on Earth. Instead, to paraphrase John Muir, “The mountains are calling, and you must go.”

ENDNOTES

1. David R Williams “... *The Man for a New Country*”: *Sir Matthew Baillie Begbie* (Sidney, BC, Gray’s Publishing: 1977) at 44–46. The slope of Jackass Mountain, located 18 km southeast of Lytton, was the steepest, narrowest and most precarious point on the Fraser River land route, and, after 1865, on the Cariboo Wagon Road: the Fraser lay a near-sheer 500-foot drop below. It was so named after a loaded pack mule (or, in some tellings, a train of mules) suffered a fatal fall into the Fraser.
2. *Ibid*, at 49.
3. New Westminster *British Columbian*, October 31, 1861, quoted in Williams, *supra*, at 49–50.
4. O’Reilly Diaries, 18 September 1859, quoted in Williams, *supra*, at 152. Manson’s Mountain is in fact not a mountain, but is a ridge located on the north slopes of Peers Peak (1848 m): an infamously nasty and steep section of the trail. The route over the ridge is and was known as “Fools’ Pass.” A 74-kilometre section of the trail, between Hope and Tulameen, has recently been rehabilitated for public hiking online: <www.hopemountain.org/trails/hbc-heritage-trail/> [accessed 26 July 2016]. The dead horses seen by Begbie were the remnants of the unfortunate train of 70 horses caught in a surprise snowstorm on the ridge in 1857.
5. And the namesake of the excellent Revelstoke-based Mount Begbie Brewing Co, the cream ale of which features His Lordship on the label.
6. Chris Jones, *Climbing in North America* (University of California Press, 1979) at 37. Below Mount Lefroy, on the Abbot Pass, named for him, is an austere 1923 stone climbing cabin: a national historic site.
7. Chic Scott, *Pushing the Limits: The Story of Canadian Mountaineering* (Rocky Mountain Books, 2000) at 83–87.
8. Obituary online: <www.publications.americanalpineclub.org/articles/12194540600/Howard-Palmer-1883-1944> [accessed 24 July 2016].
9. It is one of the older surviving incorporated societies in the province. It is also sometimes twitted as the “Be Cheap Mountaineering Club”.
10. RM Mills, “Early Days of the BC Mountaineering Club.” *BC Mountaineer 50th Anniversary* edition (1957) at 5.
11. His *Nos Disparus* obituary in the *Advocate* noted that “[h]e lived quietly, effectively, and did well anything he undertook”: (1952) 10 *Advocate* 13.
12. *B.C. Mountaineer 50th Anniversary* edition (BCMC, 1957) at 10.
13. [1990] 48 *Advocate* 175 at 178. The others listed were “late Judge Boyd, the late Judge McGeer (Gerry McGeer’s brother) and Arthur Lord who later served on the Court of Appeal.” That article also recalled that “Sargent had been born in California and it was rumoured that his grandfather had been scalped by Indians during the Indian Wars in the States.”
14. He is buried in Royal Oak Cemetery, Victoria.
15. (1948) 6 *Advocate* 17. He was also a founding father, in 1907, of the Vancouver Law Students’ Society: [1943] 1 *Advocate* 7.
16. Vol I, No 2 (1908) at 205.

17. King was accompanied by Arthur Tinniswood Dalton, W Dalton, T Pattison, James Trorey and GB Warren. Dalton Dome, Mount Pattison, Mount Trorey and the Warren Glacier are all features in Garibaldi Park named after these early climbers. *BCMC, BC Mountaineer*, vol 28, issue 12 (1951) at 3.
18. The Vulcan's Thumb, a subpeak of Mount Cayley, is one of the very few unclimbed peaks within 100 km of Vancouver. It is fearsomely loose and steep.
19. His obituary, the first obituary to appear in the BCMC monthly newsletter, eulogizes him: "The passing of Mr BC Cayley, who for many years was an active member of our organization, came as a great shock to us. Possessed with the true spirit of the Mountaineer, Bev was one whose genial personality made for him a great circle of friends, who held him high in their esteem ..." He is buried in Ocean View Cemetery. See also Janet Turner, *The Chronicle That Memory Keeps: Beverley Cochrane Cayley (1898-1928)*, *The Express* (December 2008).
20. See Paddy Sherman, *Cloud Walkers*, (MacMillan, 1965) at 60.
21. [2004] 62 Advocate 95.
22. Access to the mountains was an ongoing challenge; the Seaview Highway from Horseshoe Bay to Squamish—now the Sea to Sky Highway—did not open until 1958. To reach peaks around and north of Squamish, it was necessary to take the steamer to that port, the Pacific Great Eastern Railway, and then possibly a horse packer to a destination such as Black Tusk Meadows.
23. The highest peak in the pointy "Five Fingers Group", visible from North Shore mountains and from upper Pitt Lake. Alpinist poses in modern summit photographs on the Middle Finger are lamentably predictable.
24. So called based on the (now doubted) theory that its flat, bald summit is a remnant of the ancient surface that predates the formation of the Coast Mountains: essentially a flat surface of low relief (a "peneplain"). Uplift and subsequent glaciation and erosion have destroyed most of the original peneplain surface.
25. Who was one of the few to have attended both the 50th and 100th anniversary dinners of the BCMC, the latter shortly before his death.
26. Devil's club (*Oplapanax horridus*), the bane of hikers across the Pacific Northwest, is distinguished by its massive leaves, clusters of red poisonous berries and nasty thorns. The thorns, found all over the plant, break easily and can become embedded in skin. To add insult to injury, a rash usually develops.
27. *BC Mountaineer 50th Anniversary* edition (BCMC, 1957) at 21.
28. [2012] 70 Advocate at 904-906.
29. Scott, *supra* note 7 at 230-231.
30. For more extended biographies of Justice Hutchinson, see: David Roberts, Q.C., "On the Front Cover: The Honourable Mr Justice Ralph MJ Hutchinson." [2002] 60 Advocate 503; David Roberts, Q.C., "Nos Disparus: The Honourable Mr Justice Ralph MJ Hutchinson" (2008) 66 Advocate 430; and Lindsay J Elms, online: <www.beyondnootka.com/biographies/r_hutchinson.html> [accessed 22 July 2016].
31. Once known as the "Golden Eyries".
32. Roy Mason, "New Ascents in Kwoiek Area" *Canadian Alpine Journal*, vol 42. *The Alpine Club of Canada* (Banff, Alberta: 1959) at 36-38.
33. Ralph Hutchinson, "Mount Raleigh." *Canadian Alpine Journal*, vol 43. *The Alpine Club of Canada* (Banff, Alberta: 1960) at 30-36.
34. Ralph Hutchinson, "The Lillooet Icefield." *Canadian Alpine Journal*, vol 44, *The Alpine Club of Canada*. (Banff, Alberta: 1961) at 17-27.
35. Scott, *supra* note 7 at 230-231.
36. Ralph Hutchinson, "Mount McKinley, South Peak." *Canadian Alpine Journal*, vol 45. *The Alpine Club of Canada* (Banff, Alberta: 1962) at 89-101.
37. Scott, *supra* note 7 at 230-231.
38. [2002] 60 Advocate 505.
39. Geoff Suddaby, "First Ascent of Mout Winstone, Taseko Lakes Area, BC, 1963", *Canadian Alpine Journal*, vol 47. *The Alpine Club of Canada* (Banff, Alberta: 1964) at 64-67. There may have been an ascent the previous year. Online: <www.bivouac.com/MtnPg.asp?MtnId=1829> [accessed 22 July 2016].
40. [2008] 66 Advocate 433. Ralph Hutchinson, "First Ascent Mount British Columbia", *Canadian Alpine Journal*, vol 51, *The Alpine Club of Canada* (Banff, Alberta: 1968) at 52-54. Trivia: Mount Saskatchewan, named for the flattest province, remains unclimbed. It was attempted in 1967 by a women's group as part of YACE, and has been attempted at least once since then.
41. Ralph Hutchinson. "Koh-I-Baba Capers", *Canadian Alpine Journal*, vol 59, *The Alpine Club of Canada*. (Banff, Alberta: 1976) at 25-26.
42. Arrowsmith is often visible to westbound drivers on Highway 1, just before Horseshoe Bay. Mount Waddington, which Hutchinson also climbed, is visible from Arrowsmith's summit, and indeed was 'discovered' from Arrowsmith and named "Mystery Mountain" by famed mountaineers Don and Phyllis Munday in 1925.
43. Lindsay Elms, *Mount Arrowsmith: The Judges Route*, online: <www.beyondnootka.com/articles/judges_route.htm> [accessed 22 July 2016].
44. And given the initial ascent by three future judges, perhaps a change in punctuation—"Judges' Route"—would be in order.
45. Paul McEwen died on August 28, 2016, in Nanaimo, while this article was being written.
46. Fred Beckey, *Cascade Alpine Guide: Rainy Pass to Fraser River (The Mountaineers, Seattle, 1995)* at 150.
47. *Ibid* at 157.
48. Gordon Soules, 5th rev ed (January 1986).
49. Lone Pine (1994).
50. Online: <www.alpineclubofcanada.ca/bio/bruce-fairley/>.

51. Gerald Kent, "Robson: A Climber's Baptism", *Explore Magazine*, vol 48 (fall 1990).
52. (Greenwood/Locke route). Gerald Kent, "A Guided Fantasy", *Canadian Alpine Journal* (1993) at 28.
53. That is, with no ropes for support or safety.
54. Anders is an honorary member of the BCMC (1989) and was extensively involved in Mountain Equipment Co-op, serving as a director (1981–1986 and 1988–1992), and president (chair) (1989–1991). MEC made him an honorary member in 2006. He also once appeared before Mr Justice Hutchinson, and competed for the Beverley Cayley scholarship.
55. (BCMC, 1980); *supra* note 53.
56. With Harry Crerar and Bill Maurer (Rocky Mountain Books, 2018). Online: <www.facebook.com/baggerbook/?notif_t=page_fan>.
57. Online: <www.facebook.com/groups/baggerchallenge/>.
58. Online: <www.backroadmapbooks.com/back-country-maps/backroad-mapbooks>.
59. Mr Justice Elliott Myers, of Supreme Court, was a director of Mountain Equipment Co-op ("MEC") in the mid-1980s.
60. Judge Rodgers was active as a hiker and skier, and a director of MEC from 1980–1984. In 1986 he was elected as a councillor for the District of North Vancouver. He tied for the last position in the polls, with the result being decided by toss of coin—hence his sometime nickname "Landslide" Rodgers. He served his town faithfully, and was appointed to the bench in 1991.
61. Who was, bizarrely, asked to recuse himself from hearing the prosecution of a man accused of hunting and trafficking in eagles, on the basis that the judge was a member of the Alpine Club of Canada, which "provides support for" environmental issues. His Honour declined, which decision was affirmed on appeal: *R v Seymour*, 2014 BCSC 1886, leave to appeal denied 2015 BCCA 305.
62. Also a former MEC director.
63. Active in the rock climbing and mountaineering communities in the 1970s and early 1980s, later adding surfing to his repertoire. His most notable ascent was Hypertension (1975), a very difficult climb at Squamish.
64. On the executive of the Federation of Mountain Clubs of BC.
65. Well travelled in Rockies and Bugaboos, his resume includes a first ascent of a route on Snowpatch Spire.
66. Active locally and internationally including ascents in China, Japan, Malaysia, Nepal, Bhuta and Tanzania.
67. Extensive climbs in the Rockies and internationally. On the first Canadian climb in the Pamir, in the former USSR (now at the boundary of Kyrgyzstan and Tajikistan), in the early 1980s, they arrived at the top of Pik Lenin (7134 m). Jay was duly photographed beside the bust of Lenin on the summit. At the time, he was practising in Calgary, and very politically involved. When he returned, the *Calgary Herald* published the photo, with a caption along the lines of "Jay Straith with his Communist Friend."
68. Long-time director of the Climbers' Access Society of BC.
69. Pat climbed Logan and Denali with his brothers Kevin and Jim, the latter being the first Canadian to climb K2, and after whom the ACC's Jim Haberl Hut, located in the Tantalus Range, northwest of Squamish, is named.
70. Diamond and Steinberg practise as Double Diamond Law, with offices in Squamish and Whistler.
71. Not only a climber, but also one of the leading mountain runners in the world: he was struck by lightning in one of the world's most gruelling races, the Hardrock 100 Mile Endurance Race, in the San Juan Mountains of Colorado. The electricity shattered his headlamp, but he still finished third in the race. Online: <www.nationalgeographic.com/adventure/activities/outdoor-survival/lightning-safety-tips/> [accessed 25 July 2016].
72. He has climbed throughout the Rockies, Coast Range, Bugaboos, Purcells and Cascades, including a solo of the north face of Mount Athabasca.