

ACCESS TO MOUNTAINS BILL.

IN the House of Commons on May 13th an Access to Mountains Bill was brought in and read a first time. In asking leave to introduce the Bill, Mr. Gilchrist Thompson, M.P. for Torquay, said it was not a new Bill, because it was first introduced in the House in 1908. It applied to England, Scotland and Wales, and was urgently needed in Scotland, where there had been so much depopulation, and where exclusion from open spaces was notorious.

The Bill which is backed by Mr. Gilchrist Thompson, Mr. Acland, Sir Martin Conway, Dr. Hastings, Mr. Johnstone, Mr. Macpherson, Mr. Rea, Mr. Remer, and Mr. Cecil Wilson, provides that, subject to certain provisions, no owner or occupier of uncultivated mountain or moorland shall be entitled to exclude any person from walking or being on the land for the purposes of recreation or scientific or artistic study or to molest him in so doing.

In any action or other proceeding at the instance of any owner or occupier of uncultivated mountain or moor land founded on alleged trespass, it shall be a sufficient defence that the lands referred to were uncultivated mountain or moor land, that the defendant entered only for the purposes of recreation or of scientific or artistic study, and that no special damage resulted from the alleged trespass.

The important part of the Bill is the clause setting forth the exceptions. The defence set forth above is not to be valid—

Where the defendant is in pursuit of game or wild birds, or taking eggs, or is accompanied by a dog, or carries firearms.

Where he encamps on the land, lights a fire, or does any damage to the surface, the trees, building, or fences.

Where he destroys or removes the roots of any plant or shrub.

Where he disturbs sheep and cattle so as to cause damage.

Where he goes on the land with any malicious intent, or wantonly disturbs or annoys any person.

The Bill does not apply to any park or pleasure ground near a dwelling-house or to any plantation of young trees.

The Duke of Atholl, in a letter to the *Times* pointed out that the Bill as it stands mixes up Scotland and England, in which the laws of trespass differ. In Scotland there is really no law of trespass; people can go where they choose, and if they cause annoyance or damage, the landlord has to prove it, and can apply for an interdict. The result is that an interdict is seldom applied for except in cases of deliberate poaching or fire-raising, or repeated offences where annoyance has been proved. The Duke proceeded to refer to the danger of people accidentally setting fire to woods and observed "Many thousands of pounds' worth of damage has been done by a wax match, a lighted cigarette-end, or an unstamped-out fire, and the restrictions which the Bill proposes to impose in this respect would be of value; they are restrictions which do not now exist in Scotland. But I fancy this is not the purpose of the Bill, and the promoters would probably be wise, in the interests of the public, to leave well alone.

The need for some such Bill as the present is particularly strong in the north of England. The *Manchester Guardian* says that "the case of the higher parts of the Derbyshire Peak, over which anyone could ramble at will in 1890, and which now are strictly preserved, to the exclusion of walkers and climbers, is only typical of what has been taken away, at almost every part of the Pennine range, from the inhabitants of East Lancashire and the West Riding."

So far as Scotland is concerned the case is somewhat different, there being no law of trespass here. Land-owners and shooting tenants—who are, if anything worse—attempt to keep climbers off the hills by putting up threatening notices and sending ghillies to warn them; and this sort of thing, though actually only a bluff, causes so much unpleasantness to the average peace-loving walker that it is often effective in depriving the public of ready access to the mountains. This state of matters is not universal, though most annoying, where it occurs. Out of the shooting season one can wander pretty much everywhere without challenge, and even in the shooting season one can with the exercise of a little discretion and tact cover great parts of the Highlands. Unfortunately, however, the shooting season is also the chief holiday-season for the hill-walker and undoubtedly, as things stand at present, the visitor coming to the Highlands in August and September will find difficulties put in his way in many districts. These difficulties will not be entirely removed by such a Bill as that now introduced in Parliament and what the promoters must guard against, so far as Scotland is concerned, is giving land-owners more definite rights of exclusion than they actually possess

under the existing law. There is a risk of making the position worse rather than better unless the clauses applying the Bill to Scotland are most carefully worded. And if real access is to be given to mountains, better facilities will have to be afforded for the accommodation of travellers. We do not suggest that the State should necessarily build hotels and rest-houses, though it did this in the Highlands in the eighteenth century, but it should forbid proprietors to close hotels already existing and convert them into shooting lodges, as is being done to-day, and it should free tenants and others from the restrictions now put upon them in some districts against the housing of visitors. It is by these and other measures of an insidious kind that considerable tracts of the Highlands are rendered inaccessible to the climber.

MOUNTAIN MEMORIES.

(Written of Helvellyn but applicable to many hills.)

May one of those who normally essay
The lightest themes of superficial rhymers
Presume, unchecked, to criticise the way
Of certain mountain-climbers?

I clambered lately to Helvellyn's crest.
There, if you share my notion of aesthetics
You'll sympathise with the implied request
In these my homiletics.

Round the full circle when your eyes have gone,
To mark what scenes the far horizon fringes,
Observe the decorative scheme that on
Your nearer view impinges.

Chocolate-wrappers, orange-peel, and string ;
Of sandwich-papers, white and brown, say twenty ;
A "Daily Shout" ; a mangled chicken-wing ;
Banana-skins in plenty.

I lit a fire and tended it with care.
I felt a longing that was frankly cruel.
I only wished I had those tourists there
To serve as extra fuel.

F. H. J.

In the "Manchester Guardian."