

Evaluation of Historical Documents

Early Commercial Maps

A number of map-makers (such as Isaac Taylor, Thomas Milne and C. and J. Greenwood) were producing small-scale maps (often one inch to the mile or less) during the 17th to 19th centuries. They were often sponsored by local landowners, and purchased as works of art rather than aids to navigation. The quality of surveying varied and, prior to 1800, was generally poor, compared with similar scale Ordnance Survey maps produced from 1808 onwards. They are, nonetheless, useful in proving the early origin of a highway. Although, of themselves, they do not prove the status of roads and tracks shown on them, it is likely that only roads or tracks of some physical and strategic significance would be shown.

A set of strip maps showing main road and their junctions, first produced by Ogilby in the late 1600s, but later plagiarised by others, carry similar weight.

Estate Maps and Surveys

Prepared by landowners for their own estate management purposes, estate maps and surveys carry less evidential weight than maps which were prepared under statutory authority, or with public scrutiny. They are, however, extremely useful as they often contain more detail than other maps and have the strength of having been prepared by, or for, people with an intimate knowledge of the land in question. They are frequently made immediately before, or after, a land transaction, such as a sale or inclosure.

Tithe Maps and Awards

The Tithe Commutation Act 1836 completed a process that had been going on piecemeal for some years, and required the payment of tithe (i.e. local taxes payable (usually) to the church or its representative) to be converted from a percentage of the produce of land, to a money payment. In order to calculate and record the titheable value of land, detailed maps were drawn up for each parish. These are valuable pictures of land use and ownership at the relevant time (usually between 1838 and 1845). The way in which roads and tracks are recorded on the map and in the award can be helpful in determining their status (public roads were often untitheable, because they did not have a value for agriculture and might be recorded in the 'Public Roads and Waste' section of the award). These maps have a high evidential value, because they were part of a statutory process which was open to public scrutiny. However, they were not prepared with a view to recording the existence or status of public highways and, in the past, their significance for rights of way has been overstated. It is impossible to apply a general set of interpretative rules for all tithe maps: different maps treat public highways in different ways and each must be

studied and evaluated individually if any reliable conclusion is to be drawn from them.

Railway and Canal Plans

Plans of the intended routes of railways (and, more rarely, canals) were deposited before Parliament at the same time as bills seeking authorisation for their construction. The plans and accompanying details were required to provide details of the crossing of public highways. They were open to public scrutiny and formed the basis of compulsory purchase and compensation payments. In consequence, they are normally regarded as good evidence of the status of highways crossed by the proposed lines. Not all of the railways and canals were constructed and so many more plans survive than routes were eventually constructed. There are sometimes inconsistencies between different plans which must cast some doubt on their reliability but, in general these are seen as a good source of evidence for the existence and status of public highways.

Ordnance Survey Maps and Records

The first maps of Hampshire produced by the Ordnance Survey, and commercially available, date from the early 19th century, and were a great improvement on contemporary maps of a similar genre. The most valuable series of maps are the 1:2,500 County Series maps, produced at intervals between the late 1860s and the 1940s. These maps provide an accurate picture of the landscape at the date of survey, and carry strong evidential weight, but it should always be borne in mind that the surveyors mapped physical features and not legal rights. Rarely can these maps alone be taken as evidence of the legal status of the paths and tracks shown on them.

Highway Minutes

Minutes of the Turnpike Trusts, the local Vestry, Parish and District Councils can provide valuable evidence of the existence and status of highways and their management and these records have strong evidential weight.

Maintenance Maps (the 1929 'Handover' Map)

These maps were prepared by the Surveyor of each district within Hampshire when responsibility for the maintenance of rural, unclassified roads was transferred to the County Council. The maps must be given some weight because they are good evidence of what the highway surveyor believed to be publicly maintainable and, of anyone, he ought to have known which these roads were. Having said that, however, we do not know how rigorous were the inquiries that resulted in the colouring that appears on the maps, and there is the further complication that the key to the map does not make provision for the recording of bridleways.

The important thing about maintenance maps is that they should reflect existing public responsibilities and should therefore be consistent with the known history of

the roads shown on them at that date. They add weight to a body of evidence where they are consistent with it, but great care needs to be taken before attributing too much importance to them where they contradict earlier evidence of the use and status of a path.

Private Conveyance Documents and Sales Particulars

These might provide useful supporting evidence, but generally carry fairly low evidential weight.