

Evaluation of Historical Documents

Early Commercial maps

A number of map-makers (such as Issac Taylor, Thomas Milne and C & J Greenwood) were producing small-scale maps (often one inch to the mile or less) during the C17th – C19th 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 the roads and tracks shown on them, it is likely that only roads or tracks of some physical or strategic significance would be shown.

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 were frequently made immediately before, or after, a land transaction, such as a sale or enclosure.

Quarter Sessions and Petty Sessions Records

The Court of Quarter Sessions, and Magistrates (acting either independently or in Petty Sessions) used to carry out many administrative functions, including the maintenance and protection of highways. Minutes of proceedings, or papers lodged with the either Sessions (although far fewer records survive for the business of the Petty Sessions or Magistrates than for the higher court) can provide strong evidence of the existence and status of highways. Stopping up and diversion orders made by the Quarter Sessions have the legal effect stated in the order in the same way as orders made by the County Council and Magistrates now do.

Ordnance Survey Maps and records

The first maps of Hampshire produced by the Ordnance Survey and commercially available date from the early C19th 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.

Additional help in determining the status of a path can be found in other Ordnance Survey Records: the first edition County Series Map is accompanied by a Book of Reference, which identifies 'Roads', and sometimes 'Public Roads' or 'Occupation Roads'; the object name books (some have survived for the third edition, circa 1909) use local knowledge to describe a features, including public roads; boundary books can record public highways where they also form parish boundaries and levelling records may also refer to roads and other features.

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.