

Ordnance Survey First Edition 6" map

These records may be viewed at Hampshire Record Office without prior appointment. Hampshire sheets were published in the 1870s. These maps are a good starting point. Apart from the historical evidence they contain, 6" maps are useful as a reference tool because the scales and orientation of earlier maps can make them difficult to interpret.

Ordnance Survey First Edition 25" map

Hampshire sheets were published in the 1870s. Some were hand coloured by the Ordnance Survey with carriageways and footways - as distinct from highway waste - marked in yellow. The colouring is not significant as to status, however. They include more detail; for example, areas of highway waste - which were not normally used for passage - within a track were left uncoloured and distinguished from the carriageway by broken lines. Fields and roads are numbered and relate to reference books which record the acreage and description of each plot or, in the case of tracks, a description which may be simply 'road', but sometimes a 'public road' or an 'occupation road.' The description is not legally definitive, but it can be valuable evidence of the perceived status of the road at the time of the survey.

The books of reference are compiled on a parish basis. Hampshire Record Office only holds a small selection of these. Others may be available in the British Library, London or in the Bodleian Library, Oxford.

Ordnance Survey Later Edition 25" maps

The second and later editions of these maps may be useful, especially where the track is of more recent origin. Plot numbers and acreages are printed on the maps but there are no books of reference relating to them. Therefore, the first edition OS 25" map is the only one from which evidence about the status of tracks may be directly deduced.

Tithe Award and Map

These records may be viewed at Hampshire Record Office without prior appointment. The main series of tithe maps and awards form part of the Winchester Diocese records and can be found using the Finding Number prefix 21M65/F7 on the [online catalogue](#).

Tithe maps and awards were produced for most Hampshire parishes between 1837 and the early 1850s in response to the Tithe Commutation Act of 1836. A tithe map depicts a particular parish or part thereof. The fields and sometimes the tracks are numbered and keyed to a separate schedule, the tithe award. The tracks on a tithe map may be numbered and/or coloured. The colour generally indicates carriageway or driftway routes of some importance, but is not conclusive evidence of status - a driftway is a route along which cattle were driven and may, or may not, also be a public right of way of some description. In the award the plots in private ownership are set out first which includes names of owners and occupiers. Then follows a public section entitled 'Commons, Roads and Wastes' or similar; in this section no owners or occupiers are given. A tithe map and award may show a track in one of the following ways

- the track may be numbered on the map and listed in the public section of the tithe award - the track may be assumed to be part of the parish highway system.

- the track may not be numbered on the map, and is therefore not referred to specifically in the award - should the track lead without any barriers or cut off marks into other tracks which are known to have been public highways at that time, there are strong grounds for thinking that the track was then regarded as part of the parish highway system.
- the track is numbered on the map and listed in the award as part of the property holdings of a private individual - the track must be regarded as having been of an essentially private character.

Ways, whether public or private, were not usually subject to tithe rent charge. This was because a track was regarded as unproductive land from which no titheable income arose, and it was therefore generally tithe free. The charge of tithe rent on a track may indicate either that the herbage growing upon it was extensive enough to be valued and used for animal grazing, or that its use as a way of passage post dates the tithe commutation.

It is not uncommon for tracks to be omitted from some areas of land (often common or downland) either because the land was not titheable, or where it had no material effect on the amount of tithe payable.

In some tithe awards tithe rent is charged only on a group of plots. Where a track is included in such a group, it is very difficult or impossible to deduce whether the charge has been levied on the track. Footpaths are rarely shown on tithe maps. This is because the existence of a footpath over a field did not affect the level of tithe rent apportioned on the field. Where a footpath is the subject of research, the tithe map should be still be checked, however, in case the path is shown.

Enclosure Award and Map

These records may be viewed at Hampshire Record Office without prior appointment. The main series of enclosure records form part of the Quarter Sessions records and can be found using the Finding Number prefix Q23 on the [online catalogue](#).

Enclosure awards can be of great importance, because they can have the legal effect of extinguishing old rights of way, creating new rights of way, or confirming rights on existing routes. Before the General Enclosure Acts of 1836 and 1845, there will in many cases be a private Act of Parliament which sanctioned the enclosure. Some early private enclosures took place by local agreement rather than by statutory authority, however. Where a private Act exists, it may be worthwhile to look it up as it sometimes includes useful information about tracks. The status of a track may be defined in the enclosure award in a number of ways, for example:-

- a public carriage road and driftway
- a private carriage road
- a private carriage road and public footpath.

Should the track be described as a 'private road', there may be clauses requiring those deriving benefit of access to repair and maintain certain lengths of it, and/or stipulating that the frontagers erect fences against it. Such clauses may not follow those defining the tracks; they are sometimes found in another part of the document.

Not all of the older enclosure maps survive. Where this is so, the related awards are difficult to use. In many cases it is hard to tell whether a certain track is mentioned in the award. An attempt must therefore be made to identify the roads. This is best done by using a modern map to pinpoint the topographical features mentioned in the enclosure records.

Ordnance Survey Drawings and 1" maps

The Ordnance Survey was founded in 1791. The first survey of southern England, which resulted in the production of the surveyor's' drawings, was in response to military needs for a 1" map during the Napoleonic wars. The fact that the maps were produced in response to military demands should be borne in mind when using them.

The surveyors' drawings of Hampshire were produced at 2" and 3" scales between 1797 and 1808.

The printed 1" maps of Hampshire were published in 1810 for southern Hampshire, and in 1816-17 for the northern part. Facsimile reproductions of the maps have been published by Harry Margary in "The Old Series Ordnance Survey , Volume III, South - Central England (1981). The book is kept on the map enquiries desk in the search room.

Other County maps

Other published 1" maps commonly consulted in rights of way enquiries are :-

- C and J Greenwood's 1" map of Hampshire, published in 1826. This is basically the 1" Ordnance Survey Map of 1810 or 1817 revised in 1825-6 by local surveyors employed by the Greenwoods.
- Thomas Milne's map of Hampshire, surveyed 1788-1790, published by William Faden in 1791. This map is superior to that of Isaac Taylor (see below).
- Isaac Taylor's 1" map of Hampshire, published in 1759. Distances are not always accurate and some areas were not surveyed, and so were left blank.

Facsimilies and evaluations (by Paul Laxton) of the maps in this section as well as of other Hampshire maps appear in "Two Hundred and Fifty Years of Map Making in the County of Hampshire", published by Harry Margary in 1976. It is available in a folder on the ledge under the map table.

Estate maps

The index of maps might reveal an estate map of possible relevance either in the Record Office or elsewhere. The topographical information on the map is sometimes keyed to a separate schedule. The schedule may have a reference number different from that of the map. Permission will be needed before privately owned records may be consulted in legal enquiries (please consult staff).

Deposited Plans of Public Utilities

These records may be viewed at Hampshire Record Office without prior appointment. The main series of deposited plans form are part of the Quarter Sessions records and can be found using the Finding Number prefix DP on the [online catalogue](#).

Should the track lie near a proposed canal, turnpike road or railway, the relevant deposited plan should be consulted. The fields, houses, and roads, etc., adjoining the proposed line of the utility are numbered and keyed to a schedule. The track might be referred to on the schedule as, for example, a public road or an occupation road. This is not legally definitive, but it is good evidence of the perceived status of the track at the time that the plan was made.

Finance Act 1909-1910 Maps, and Valuation or "Domesday" Books

The working copies of these records may be viewed at Hampshire Record Office without prior appointment. The finalised records are available at The National Archives.

Check the lists of the maps [HRO references 47M68 (south-west Hampshire), 53M91 (northern Hampshire), and 160M86 (central southern Hampshire)] to see whether there is a map relevant to the area in question. The colouring on the map may indicate that the track was not taxed, which may indicate that it was a public highway. If the track is within a coloured hereditament, the register of valuations (or "Domesday" Book (HRO reference 152M82) may include a reference to an abatement or claim for abatement of tax in respect of a right of way. Where more than one track crosses a hereditament, it is often difficult or even impossible to ascertain whether the track in question is that referred to in the register. The sources can be useful in indicating the existence of a public right of way but they rarely prove its status.

A brief account of the documentation relating to the Finance Act appears as an introduction to list 160M86 (on catalogue shelves in the search room). (See also the section on "Further Reading" below).

N.B. the Field Books referred to in the introduction to list 160M86 have been deposited in the Public Record Office at Kew. (PRO reference IR58).

Later Ordnance Survey Maps

The second and later editions of the Ordnance Survey maps (from the mid 1890s) may be useful, especially where the track is of relatively recent origin.

Stopping Up and Diversion Orders

These records may be viewed at Hampshire Record Office without prior appointment. Before 1840 orders were recorded in the Quarter Sessions Order Books. Indexes to these are available for the period 1607-1716 (Finding Nos. QX1/1-QX1/7) and 1790s-1870s (card index). There is also an index of files relating to stopping up and diversion orders from 1840 to the present day. None of these indexes are currently available online.

An index of files relating to stopping up and diversion orders from 1840 to the present is available on the map counter in the search room (in the "rights of way" binder). No files exist before 1840, and it is necessary to have recourse to the Quarter Sessions Order Books in which the orders were recorded. There are two series of indexes to the Order Books:-

- manuscript volumes compiled by J.S. Furley, for the period 1607 - 1716. (HRO reference QX1 - QX7).
- card indexes relating to the period 1790's - 1870's (in drawer 47 in search room).

Definitive Maps of rights of way

The maps include former RUPPs (roads used as public paths, now known as restricted byways), bridleways, and footpaths, etc. under the provisions of the National Parks and Access to the Countryside Act, 1949. The maps relate to district council areas.

The first series of Definitive Maps relates to the review undertaken in the period 1954-1957 under the provisions of the National Parks and Access to the Countryside Act, 1949 (Finding Nos. H/CL1/2/1-11). Each map covers a district council area and includes former RUPPs (roads used as public paths, now known as restricted byways), bridleways, and footpaths, etc. (See the list in the "rights of way" binder on the map counter in the search room). (The current Definitive Map is available for consultation in the rights of way Section, Mottisfont Court, Tower Street, Winchester).

Other Records

These records may be viewed at Hampshire Record Office without prior appointment. Additional records of possible relevance might include

- Title Deeds - Conveyances of property might record rights of way
- Sale catalogues - might contain references to lands being subject to rights of way
- Newspapers - might record disputes about rights of way, or carry notices about stopping up and diversion orders
- Estate records - may mention the use of tracks by estate workers or others
- Manorial Records - there may be references in presentments to a manorial court about use of a track

Where any of the above-mentioned records are privately owned, permission will be needed before the records may be consulted for legal purposes.

Method

When each map is examined, an extract of the relevant section should be taken by photocopy, if this is allowed, or otherwise by tracing. A protective sheet of melinex must be placed on original material before tracing. If the map is too fragile even for tracing, a photograph will have to be taken. Alternatively, it might be possible to make a print by enlargement from a microfilm.

Where reference to a track occurs in a document, a note should be made or photocopy taken. (Photocopies are not allowed of tithe and enclosure awards and manuscript volumes.) A note should also be made when there is no reference to a track on a document or map. Remember that in the final assessment negative evidence may be as important as positive references. The final task is to bring the evidence from the documentary sources together so that it can be used, with evidence from other sources, in an evaluation of the status of the track in question.

Further reading

Ordnance Survey Pamphlets

Some information about how tracks are represented on Ordnance Survey maps later than 1900 appear in the undermentioned pamphlets. (Complete copies of all the pamphlets are kept in the library of the Ordnance Survey at Maybush, Southampton).

- P668 Instructions to One-Inch Field Revisers (1900), pp. 12 - 15 only
- P668 Instructions to Field Examiners by Col. Duncan A. Johnston, Director-General of Ordnance Survey (1905)
- P668 Instructions to Draftsmen & Plan Examiners by Col. R.C. Hellard, Director-General of Ordnance Survey (1906)
- P668 Instructions to Field Examiners and Revisers (1912) (pp. 16 - 17 plus amendment only)

For additional information about valuation records see "An Edwardian Land Survey: the Finance Act (1909-1910) Act, 1910 Records" by B Short and M Reed in Journal of the Society of Archivists, vol. 8 no. 2 October 1986. (Consult the member of staff at the map desk).