



## Introduction

The following six lessons are a guide to the period of British history during which convicts were shipped from England to penal colonies in Australasia – one of the largest mass migrations of the 19<sup>th</sup> century. This transportation was recorded in such great detail that the Tasmanian Convict Records have been included in UNESCO's Register of the World.

Study of this period supports the Key Stage 3 curriculum descriptor “ideas, political power, industry and empire: Britain, 1745-1901”.

The lessons are based around “The Voyage”, a digital experience that is not only a game, but also a series of learning exercises exploring the workings of the transportation and its impact on the convicts:

- Lesson 1: introduction to the transportation and the game
- Lessons 2-5: exploration of the themes explored within the game
- Lesson 6: consolidation and critical self-assessment of learning

Throughout the game, pupils have the opportunity to keep a digital record of events in the ship surgeon's journal. Teachers may want them to repeat some game elements for homework, to try and improve the convicts' experience.



## Lesson One – Background Information

### ***Crime and punishment in the late 18<sup>th</sup> and 19<sup>th</sup> centuries***

During the latter half of the 18<sup>th</sup> century and also during the 19<sup>th</sup> century, crime in Britain appeared to increase. This was partly a result of changes due to the industrial revolution and the increase in the populations of towns and cities.

In the 19<sup>th</sup> century, the Victorians began to change the way crime and criminals were treated. Some reformers were interested in prisoner welfare and improvements, but others were focussed on a more effective response to crime and criminals.

In 1829, Home Secretary Sir Robert Peel introduced the Metropolitan Police Act, creating the first professional police force. This streamlined the process of recording crimes and pursuing criminals.

### **How did the law work?**

For centuries, England had a series of laws governing what was considered right and wrong. There were already courts, legal processes and punishments. However, until the 19<sup>th</sup> century, the responsibility for reporting crime and identifying and catching culprits was usually left to the victim or victim's family, aided by companions or a parish constable. The local magistrate had the authority to try a case, and it was up to him to accept a crime had taken place and a case could be brought.

The local Parish Constable was not like a modern-day police officer. He (only men were allowed) had very little authority and was thought of as a custodian of the accused until the appointment with the magistrate.

### **Being sent to trial**

The accused would be held in the local gaol until they could be examined by a magistrate. The victim of the crime or victim's family needed to produce a witness or witnesses to testify before a magistrate. The magistrate would then decide whether or not the accused could be put on trial. There were three options:

- Petty sessions for minor cases: the case would be heard before two magistrates, who would decide on the outcome.
- Assizes or Quarter sessions: these were for more serious crimes. Quarter sessions were in front of a number of magistrates, and were for quite serious crimes; very serious cases, such as violence and murder, would go to the Assizes where a jury would decide a verdict, with the judge choosing the sentence.
- Dismissal of the accused: if the magistrate did not believe there was a crime to answer, the accused would be dismissed.



## Serious crimes were called felonies

Crimes were either called felonies and misdemeanours – these old fashioned terms have been used to describe crimes since the middle ages. A felon was someone who had committed a serious crime that could result in them “forfeiting life and goods”. A misdemeanour was a more minor offence.

Only felonies were capital offences, which could be punished by execution. Felons could also be arrested by force.

Over time, however, different attitudes to some crimes meant that minor offenses like theft were reclassified as felonies, while serious crimes were sometimes called misdemeanours. In 1823, capital punishment was abolished for over 100 offences.

## The court

Main cities across England had court houses. One of the most famous was the Old Bailey in London, which was the central criminal court for the City of London and the County of Middlesex. All serious crimes (felonies) in the London area north of the Thames were tried here, as well as some misdemeanours, so an Old Bailey case could address everything from murder to civil unrest, forgery, petty theft and much more.

## The trial

Serious crimes were held in a proper court with a jury and a judge. Unlike today, a jury was not picked at random. Instead, knowledge of the accused or their community was considered an advantage for a juror. Most jurors were men, unless it was felt that a female jury was required (which was very rare). Unlike today, jurors usually served more than once, which meant that trials could be conducted quickly.

It was usual for a jury to include men who held civic offices, or were considered to be ‘of good repute’. The more serious or high-profile a crime, the more likely it was that a Grand Jury would be called, and that the jurors would be of higher standing in the community.

## What were the punishments?

- Imprisonment – until the late 18th century, people were not sent to prison for a long time. Hanging and transportation were the main punishments for serious offences. Prisons were terrible places. In addition to the terrible conditions, prisoners were usually expected to pay for their food and for any creature comforts, such as clothing! It wasn’t until 1815 that the law changed so that gaol keepers were paid from local rates (taxes). In 1830, the government began to pay part of the cost of local prisons.
- Hard labour – it was felt that those who had committed a crime should be made to pay by doing very difficult physical work.
- Physical punishments – such punishments as the stocks or flogging had mainly died out by the late 18<sup>th</sup> and 19<sup>th</sup> century.
- Fines – not common as most people would be unable to pay.
- Conscription to the Armed Forces – used in times of war.



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- Hanging – this was the most severe punishment for serious offences, and it was common. The death sentence was applied for treason or murder, but also for pick-pocketing or stealing food. Petty theft was common due to the high levels of poverty, so hanging started to cause unease in a society where many families lived in poverty. Towards the end of the 1700's, the number of people hanged for petty crimes began to lead to public unrest. Eventually the sentencing that led to hanging was changed.
- Transportation – in the 18<sup>th</sup> century, transporting convicted criminals to British colonies became a popular form of punishment. People who had been found guilty of a felony could be transported to work in a foreign country under British control rather than be hanged or imprisoned.



## Lesson One – Teaching & Learning Plan

### **Key questions:**

- How were people charged with a crime and sent to court?
- What punishments were there for crimes?
- How might someone be sentenced to deportation?

Ask pupils what they know about crime, courts and how the law works. Do they think the law has always been as it is today?

Introduce pupils to the theme of crime and punishment in the 19<sup>th</sup> century using the information provided on the previous pages.

Ask pupils to design a diagram to show the processes and how the different elements fit together.

Discuss what pupils know about prisons? Are prisons the only way to punish or imprison someone? Explore the different types of punishment. What types of crimes might fit what punishment in the 18<sup>th</sup> and 19<sup>th</sup> century.

Visit the Old Bailey website ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)) and ask pupils to explore some of the case studies for different crimes and the punishments that they received. Using this information, create a series of case studies for exploring what is known about the criminal, their crime and sentence.

| Crime | Date | Name | Personal info | Sentence/punishment |
|-------|------|------|---------------|---------------------|
|       |      |      |               |                     |

Describe to pupils what transportation meant, and introduce them to The Voyage game. Tell pupils to start the game and move through the stages, taking notes, until they get to the point of selecting convicts. At this point, explore in detail the characters and convicts – do they match the types of case studies they have collected from Old Bailey records?

Either as individuals or in groups, organise the information they have compiled to complete the task of selecting convicts? Then complete the task in the game and begin the online journal to record why decisions were made on who they selected.

*Extension:* What else can pupils find out about attitudes to crime and punishment in the 18<sup>th</sup> and 19<sup>th</sup> centuries? Write a report on attitudes to crime using a particular case as the focal point.



## Lesson Two – Background Information

### ***Going to sea – exploration and travel***

#### **The British Empire**

In the 17<sup>th</sup> and 18<sup>th</sup> century, Great Britain had a large Empire throughout the world. This included Australia, parts of South East Asia, the Caribbean and some of what is now the United States. The British Empire was used for trade and power. As the Empire had grown some parts were attractive for settlement for people from Great Britain. Usually the individuals that wanted to settle in those places did so for financial gain or because they felt persecuted or threatened back in Britain, and sometimes people did it for adventure. The British government encouraged settlements of colonies in some places as a way of establishing permanent power and authority in those areas. Colonies often also had good natural resources or were on important trade routes. Establishing a colony of British subjects would leverage resources to the benefit of the English (irrespective of the native population), and further increase British authority, power and trade, and subsequently wealth.

#### **Why transport people?**

As part of the policy of Empire settlement and colony creation, cheap labour was needed to carry out work. For some parts of the Empire, the use of enslaved labour was common practice. In addition to slavery, and also later when slavery was abolished, convicts from Britain were transported to the colonies to work on these new settlements. The criminals selected for transportation had usually been found guilty of a felony and this was the alternative to the death sentence. Work varied according to what was needed; it could be anything from hard physical labour to specialised trades such as seamstress work, metalwork or farming.

#### **Where were people taken to?**

The convict was transported to a place called a penal colony, which was organised specifically to use the skills of the convict to help set up and develop the local area. Initially, the British-controlled parts of what would become the United States were popular destinations. As the American War of Independence began in 1775, it was no longer possible to send people there, and so in 1787, the first ships sailed to Australia. The first convicts were sent to New South Wales in 1787-8, to the natural harbour of Port Jackson, north of Botany Bay. As well as New South Wales, convicts were also sent to Van Dieman's Land (Tasmania) and Western Australia.

#### **What sort of convicts were transported?**

To begin with, only those who had committed serious crimes were sentenced to transportation. Many crimes were classified as felonies at the time, and therefore carried the death sentence. Political prisoners, such as political reformers involved in riots and those campaigning for better working conditions e.g. the Tolpuddle Martyrs, could be sentenced to death for unrest. It was common to sentence this type of criminal to transportation rather than hang them.



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Burglary and theft were also considered serious crimes, and these criminals were often transported, regardless of their circumstances (e.g. hunger or desperate need), and particularly for a second offence. Men, women and children (sometimes as young as nine years' old), could be sentenced to transportation, especially if they had a trade that could be useful to the penal colony.

### **How were people transported?**

Travel was by ship, from Britain across the Empire. The convict ships were regular cargo ships with two people in charge: the captain was in charge of the ship, ensuring the journey was completed, but the ship's surgeon was in charge of the convicts. This was because convicts were considered an important cargo, as the driving force behind the building of the Australian colonies. Despite their importance, the conditions for convicts in the early years of transportation were often very poor. Disease and illness were common as the journey took many months and provisions were limited.

How the captain and senior members of the crew viewed the convicts could make a huge difference to their treatment. Although classified as a precious cargo, attitudes toward the daily existence of the convicts, such as exercise, treatment and access to provisions could mean the difference between surviving the journey and death.

### **How many were transported?**

Between 1788 and 1868, approximately 165,000 convicts were transported to Australia. The sentence was usually for 7 or 14 years.



## Lesson Two – Teaching & Learning Plan

### **Key questions:**

- Why were people transported to penal colonies as a form of punishment?
- What type of criminal was transported to the colonies?
- How important was the planning for the journey?

Recap on the previous lesson.

Using the information provided on the information sheet and drawing on pupils' work from lesson 1, ask them to create a grid of convict types. Why would those who had been convicted of certain crimes be favoured for transportation and life in the colonies?

Ask pupils to discuss and develop a priority list for planning a transportation. What should be done to plan for taking convicts from England to a Penal Colony?

Play the first part of 'The Voyage' so that the pupils can explore how a sea journey is planned. They should stop just before setting course, and keep a record of decisions in their journal.

As a class, discuss what has been discovered so far about the people transported to a penal colony in Australia.



### Lesson Three – Background Information

#### ***The perils of a journey – impact of travel, exploration and survival***

##### **A long sea journey in the 19<sup>th</sup> century**

Travel from England to Australia and other parts of the British Empire in the 18<sup>th</sup> and 19<sup>th</sup> century involved a sea voyage. Sea journeys were long and often full of danger, whether from the risk of disease due to lack of facilities and limited food and fresh water, or from navigation and weather issues. Although sea travel and measurement and navigation instruments had improved enormously, there were still huge risks.

##### **Conditions on board**

In the 18<sup>th</sup> century, when the transportations first began, the conditions on the journey were terrible. Reminiscent of the way enslaved Africans were transported, convicts were routinely shackled throughout the whole journey and provided with inadequate food and drink; many died before reaching their destination. Many of the convicts already had diseases before leaving England, either as a result of the poverty they had lived in before committing the crime, or as a result of spending time in gaol awaiting sentence. Typhoid and cholera were common from the on-board conditions, and those who survived were often severely weakened by scurvy, dysentery and fever. This meant that the death rate of those who reached the colonies remained quite high in the first few months of settlement. At the very least, many were unable to carry out the important work that they were required for.

During the 19th century, the treatment of convicts began to improve and they were allowed fresh air, movement around the ship and better food. Records indicate that the death rate on the voyage then declined and stabilised at quite a low level.

Rats were commonplace in the 18<sup>th</sup> and 19<sup>th</sup> centuries. They would come on board a ship as supplies were being loaded: this could be a real problem. The rats would try to eat the limited rations, and they also often carried diseases and spread them through their mess and fleas.

Lice on people and clothes was an issue on a long sea voyage. Many of the convicts would arrive on board already carrying lice from the terrible conditions they lived in previously. The lice would bite anyone they landed on, causing disease and skin conditions – made worse as washing water was extremely limited.

Seasickness was always a problem on a sea voyage. Most of the convicts had never been to sea before and would not be used to the movement of the sea.

##### **Plotting a course**

Maps and technology were limited in the 19<sup>th</sup> century. Long term weather forecasts were not possible and sea charts (maps) were based on basic scientific instruments and previous voyages. This meant that any journey held potential dangers. Experience led ship captains to only set out on certain journeys at particular times of the year to aim for good weather conditions and wind directions. If a captain got this wrong or the weather changed (as it does),



then ships could go miles off course or be damaged in storms, causing problems for supplies or doing damage to the ship and those on it.

### **How long might a journey to Australia take?**

The journey time could be anything from four to six months. Before setting sail, supplies would have to be planned very carefully to try and last the whole journey. The ship could be at sea for months at a time, with no contact with land or other vessels. The ship would make stops along the way, especially in times of emergency, but they would still be limited by what they could take on board.

In addition to the convicts' supplies, there would need to be supplies for all the crew and for any livestock that might be on board. Planning for a long sea journey was extremely important.



### Lesson Three – Teaching & Learning Plan

#### **Key questions:**

- What are the key concerns for planning a long sea journey?
- What skills does a sea captain need to get a ship from England to Australia?
- What are the risks on a long sea journey?

Review the previous two lessons; remind pupils of planning and loading supplies onto the ship earlier in the game – would they do it any differently now?

Return to the game, and set a course out of England – follow the game as a group activity, completing the following tasks and keeping record of how each group does and what they discover.

- **Dance the Convicts** – exercise and fresh air were almost as important as good food. This is a mini-game that impacts on convict health and mood.
- **Catch the Flying Fish** – any supplement to the boring and relatively unhealthy provisions was welcome. In this fun mini-game, the player catches as many fish as possible to help supplement the diet.
- **Wash the Clothes** – hygiene below decks was very important in keeping disease at bay. The washing was done above deck - so it also meant that the washers got fresh air and exercise. It is important to do well in this game, otherwise you will need to repeat it again and again.
- **Prepare for the Storm** – storms at sea were a matter of ‘not if but when’. The main challenge was to prepare fully for the storm to minimise damage to the ship or the people on board. This mini-game requires players to select a number of actions to prepare for the storm. If they choose to take action early there is enough time to do everything...if they leave it too late, they will only be able to get through some of them. If they do badly, food will spoil, people will be injured, and the ship will sustain damage. If the damage is severe, the ship may have to put into port for repairs or to take on more food.

In groups, discuss which of the tasks were more important – is any one more important than the others?

Finish by checking that everyone has completed their journal entry, with reasons for the decisions so far and how they might behave differently if they had the chance.

**Additional research:** Go to the National Maritime Museum website and explore the methods of navigation for sea travel during the 18th and 19<sup>th</sup> centuries. How effective were these methods for accuracy?



## Lesson Four – Background Information

### ***Medicine and the impact of a long journey***

#### **On the journey**

As the 19<sup>th</sup> century progressed, the rates of illness on the ships were reduced. Ship's surgeons recorded illnesses including stomach upsets, measles, scurvy and cholera, as well as seasickness and other illnesses associated with sea journeys. The changes in attitudes to the convicts and to people in general meant that over the years, conditions on the ships improved. The convicts' quarters were kept reasonably clean (there were still rats but other areas of hygiene were improved) and the convicts were treated better.

To board the ships, convicts were marched on in chains and shackles; however, once aboard, these were unlocked. They lived on a prison deck, but there was ventilation to let in light and air. Where the convicts slept was important both for ensuring cleanliness, but also for keeping them safe during a storm. The port end of the ship would be reasonably light, whereas the bows were dark and gloomy. During the voyage, convicts were given roles to carry out on the ships, which provided them with opportunities for exercise as well as for more fresh air.

As the years progressed, it became the job of the ship's surgeons to look after the convicts, and this hugely improved conditions. For some, the journey was an opportunity to educate and try to reform the convicts. Religious instructors were taken aboard some ships (often with more than one role), and they would try to educate the convicts and look after their spiritual needs. Finally, a bonus was introduced to the owners of the ships for the safe arrival of prisoners to the penal colonies.

#### **The Ship's Surgeon**

The Ship's Surgeon would have a small hospital, from where he would look after the crew and convicts' health. He was in a powerful position, as he could control the distribution and use of supplies; he was also able to discipline the crew if they mistreated the convicts; and he would advise the Captain.

It was normal for the surgeons to keep extensive records of their journeys. The records were extremely important in helping doctors to develop their understanding of disease, illness and medicine. Many of those records are now held in the National Archives.



## Lesson Four – Teaching & Learning Plan

### **Key questions:**

- What were the main responsibilities of a ship's surgeon on a convict transportation?
- What was the equipment of the ship's surgeon during the 19th century?
- What were the main illnesses of convicts and crew during the journey from England to Australia?

Using records from The National Archives, explore the journals of ship's surgeons from convict transportations: [www.nationalarchives.gov.uk/education/resources](http://www.nationalarchives.gov.uk/education/resources)

Recap on the previous lessons, and ask the pupils to use their knowledge of the game so far and the information gathered to write down the key responsibilities of the ship's surgeon. What activities might he carry out each day/week/month?

Now return to the game from the last point they played it. Pupils should now play the next parts of the game and the mini-games listed here, recording their thoughts in the journal.

- **Healing the Sick** – a large part of the ship's surgeon's job was treating the sick and injured. In this important mini-game, players will diagnose and treat a range of 19<sup>th</sup> century illnesses, conditions and injuries.
- **The Right Tool for the Job** – in this mini-game, players will match medical apparatus to their purpose. This game will be based on the ship's surgeon's medical kit held at the Australian National Maritime Museum.

As a class or in small groups, ask pupils to discuss the health experience of convicts on a transportation voyage.



## Lesson Five – Background Information

### ***Life and settlement in the penal colony: what became of the convicts and what was their impact on Australia***

#### **The convicts**

On arrival in the colony, the convicts were handed over to the governor. Men and women prisoners were usually segregated. Serious criminals, especially those who had caused problems on the journey, were often sent to special prisons or areas. The majority of the convicts were used as servants to settlers or former convicts. If a convict behaved well, they could apply for their families to be sent over from England ready for them to be freed.

Women convicts were usually given domestic work or work considered to be a woman's work, such as sewing. Many of the women would marry soon after arrival, thus providing themselves with a role and position once their sentence was completed.

During the day, the prisoners had a military guard; at night, convict overseers were used. The convicts were housed in wooden barracks or huts.

The convicts were disciplined while at the colony, and punishments such as flogging were common. Convicts could be put into chain gangs, where convicts were shackled together in ankle irons and made to undertake very hard physical labour such as road making and construction.

There were also other prisons in remote places such as Norfolk Island, Port Macquarie and Moreton Bay; these were particularly brutal places. More severe punishments were often carried out there, including executions.

Church attendance was popular and a continuation of the idea that the prisoner could be reformed while being punished. Going to church was considered an indicator of improvement and could help with their case if they were to seek permission to stay or a pardon in the future. Some of the convicts received 'conditional pardons', freeing them on condition that they did not return to England or Ireland.

Once the convicts had served their prison sentence in the colony, they could return home to England or stay in Australia. The majority stayed, as they had made a life for themselves while serving their sentence.

#### **The crew**

The ship's crew returned with the ship back to Britain ready for further voyages. From the 1850s, as a part of its emigration policy, the Home Government in England began to send out military pensioners (these were not necessarily old, they simply had a pension from the military) to Australia to guard the prisoners on the voyage. This continued until 1864.

After the voyage, the pensioners sought work among the free settlers in the colony, but were always on hand to help in case of a trouble among the prisoners.



In the early years, conditions in the new colony were little better than at home. It took years for British settlers to understand the new colony and the different environment. Disease either from the transportation or as a result of a poor diet in the colony meant that illness was widespread during the first decades of settlement. Many convicts died before completing their sentence.

Free settlers also travelled to Australia and began to develop settlements outside of the penal colonies.

By the end of the 1850s, there were six separate Australian colonies:

- New South Wales
- Tasmania (originally settled in 1803, but separated from New South Wales in 1825)
- Western Australia (established in 1829)
- South Australia, including the Northern Territory (established in 1834)
- Victoria (detached from New South Wales in 1851)
- Queensland (detached from New South Wales in 1859)

The settlers began to develop a new society and intermingled with them were some of the freed convicts.



## Lesson Five – Teaching & Learning Plan

### **Key questions:**

- What were the penal colonies like?
- What work did the convicts do once they arrived at the colony?
- What happened to the convicts at the end of their sentence?

Finish the game and examine what condition the convicts are in on their arrival to the colonies. Complete their journal and examine if they have changed their mind about any aspect of the transportation experience as they progressed through the game.

Ask each pupil to create a short news article on the journey they have just completed, with suggestions for what might happen to their convicts based on what they have learnt so far.

Option: using the website: [www.founders-storylines.com](http://www.founders-storylines.com), ask pupils to explore the heritage of some of those who were settled in Australia as convicts.



## Lesson Six – Background Information

### ***Consolidation – the themes and impact of The Voyage on the different groups***

Convict transportation to New South Wales was discontinued in 1839-40. This was because New South Wales had become well-developed and was considered a desirable destination. Transportation continued to Van Diemen's Land until 1853. In 1849, transportation started to Western Australia.

The 1853 Penal Servitude Act was passed to restrict transportation to long-term punishment, and in 1857, a further act with the same name abolished transports altogether. However, some convicts were still transported for a while after 1857, and records show that the last transportation took place in 1868.



## Lesson Six – Teaching & Learning Plan

### **Key questions:**

- What does the transportation of convicts to Australia tell you about attitudes to the Empire?
- What does the transportation of convicts to Australia tell you about attitudes to crime and criminals in the 19<sup>th</sup> and 19<sup>th</sup> century?

Ask pupils to assess their journals from the game (on their own or as part of a discussion in small groups. How would they have done things differently if they had the choice?

Ask pupils to play the game again and to try to use the information that they have learned to complete the journey quicker and with a better experience for the convicts. Discuss which of the convicts would be most likely to be successful once they reach the colony. How would the convicts' skills be useful to the colony?

Encourage the pupils to write up a final journal entry in the style of a letter for publishing on the journey about the experiences of the convicts on a transportation – the letter would be used to change or stop the transportation of convicts, depending on how it is argued.

Run a class debate on two statements:

- The transportation of criminals was more humane than a prison sentence in the UK
- Without transportation, Australia would not be the country it is today