

THE

NATIONAL

ARCHIVES

Criminal petitions

What do they reveal about the justice system?

Key Stages 4-5 | Empire and Industry 1750-1850, Victorians 1850-1901

Lesson resource



Introduction

In this lesson you will explore some original nineteenth century criminal petitions held by The National Archives.

Petitions are formal written requests made to an authority such as a monarch or government department. Petitioning was a long-established right to appeal to a higher authority to ask for a favour or correct an injustice.

Petitions could be made by anyone in society, but they were usually written by people who were less powerful or wealthy than those they petitioned. Despite their humble position, by asking for help, petitioners offered their obedience in exchange for valuable assistance from the monarch or government. Those who received petitions were obliged to listen and to respond. However, the outcome of the petition was not always successful.

Although criminal petitions are usually about one individual they also are useful case studies to learn about wider changes in attitudes towards crime and punishment.

Suitable for:

KS 4 - 5

Time period:

Empire and Industry 1750-1850,
Victorians 1850-1901

Connections to the Curriculum:

As part of any scheme of work covering the development of crime and punishment in Britain from the medieval period right through to the 21st century for Key Stage 4

Edexcel GCSE history:

Crime and punishment in Britain, c1000–present: Nature and definition of criminal activity, law enforcement and punishment

OCR GCSE History B:

School History Project: Changes in Punishment including the growth of prisons, use and impact of transportation and prison reform

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Teachers' notes

This lesson contains several of sources with linked questions. You may want to split it so that students can work individually or use the sources in paired/group work.

All sources are transcribed and difficult language defined in square brackets.

General discussion points arising from these documents:

- Different reasons for a making a petition
- Types of judicial petition
- The role of the individuals and the authorities in the petition process
- Type of crimes and related punishments revealed in these documents
- Do any of the documents reveal views on the purpose of punishment?
- What was the purpose of transportation or prison according to these documents?
- Do these documents reveal anything about the causes of crime in the 19th century?
- What are the limitations of looking at this evidence to evaluate any understanding of crime and the judicial process?
- Why does The National Archives hold these documents?

Finally, in the linked resources given in this lesson look at the lesson Queen Anne. This lesson contains an earlier very different type of non-judicial petition. Students could note similarities and differences with those shown here.

Sources

Header image: Privy Council in-letters relating to convicts and prisons, 1835, Catalogue ref: PC 1/83 (pt.1)

1. Petition on behalf of Catherine Gillis, 1845, Catalogue ref: HO18/149/40

2(a). Petitioning letter written on behalf of Robert Brown to the Home Secretary, 30th July 1838, Catalogue ref: HO 17/121/54

2(b). Letter from magistrate, William Ballantine, 2 August, 1838, Catalogue ref: HO 17/121/54

3. Personal petition written by the prisoner George Hey, 1 January, 1845, Catalogue ref: HO18/149/41

Background

Petitioning has a long history dating back to the medieval period. By the nineteenth century, the volume of petitions had greatly increased. Personal petitions, those written about one individual, became the normal way ordinary people could make their voices heard. For the government, petitions could also be a useful way of understanding public opinion on social issues.

Petitions became more accessible to ordinary people due to a rise in literacy and letter writing manuals offering instructions on how to write them. For those who could not read and write they could pay to have their petition written for them.

The decision to whom to direct a petition was an important factor in making it effective. Criminal petitions were usually addressed to the Home Secretary or less commonly to the monarch. In naming the correct recipient, petitioners demonstrated their awareness of how the system worked and that they had been active in taking steps to seek advice on how to craft and submit their petition.

Petitions were written in a set way and respectful style which did not intend to question the established power structure. Those written by or for criminals to the Home Secretary rarely criticised the legal process. Instead they were used as a means to negotiate sentences. In the nineteenth century, the death penalty was often not a final sentence and petitions could help achieve lesser punishment or even pardons.

Some petitioners made their personal case more appealing by using flattering language, often asking for 'your Lordship['s] great humanity' to gain sympathy and mercy.[1] Petitioners could also make use of their gender to appeal. For example, one petitioner appealed to Queen Victoria as a mother as well as a monarch, writing 'your Majesty knows as a wife and mother that it is hard to be separated from those we love'.[2] In a system that was discretionary, emotional appeals could sometimes act as a strategy for success.

These documents are interesting because they passed through the hands of many people in society. Each petition offers insights into the social relations of its author, the criminal him/herself or the scribe, with signatures by friends and notable people being added along its journey to show support and provide good character references for their claims. Once delivered to the Home Office via a prison or by post, these were received and read often by more than one person, evaluated and then acted upon.

The increase in petitions was related to rising levels of crime in the late eighteenth and nineteenth century. The pressures and social changes caused by industrialisation, enclosure of land and the end of the Napoleonic Wars meant that jobs were scarce, particularly in the countryside, and unemployment was high. In industrial cities, people suffered as the working conditions were poor exposing them to disease and high risks from industrial accidents. Despite these dangerous working conditions, they saw little improvement in their wages. Cities were perceived as dangerous and there was widespread popular fear that violent gangs of thieves and highwaymen roamed freely.

Background

Petitions were a way for people to explain their actions and beg for mercy. They often did this on grounds that it was their first crime, mentioning their past respectability in society, whether they were influenced by bad company and to ask for sympathy for their young or old age.

Petitions could be submitted from anywhere in Britain and its overseas territories by men and women. Petitions were often multi-authored documents which could be given additional authority by having additional signatures from local supporters.

By the 1830s, social reform was an important issue on the public agenda. Petitions that gained signatures from sympathetic and powerful people interested in their cause, such as church minister, a local MP or magistrate was an important strategy as their position held greater influence. Additional petitions could also be written on behalf of the criminal by spouses, family and friends with no limit on how many times a person could petition.

The outcome was recorded and annotated on the petition. From the Home Office officials' annotations, it is possible to see how they were investigated with request for prison behaviour reports, comments by the judge and references to precedents for similar cases. In the early nineteenth century, petitions were reviewed by judges which often acted as a re-trial. However, under the Home Secretary, Robert Peel, the system of recording petitions changed. Instead it became the norm for the outcome of petitions to be written directly on the petition with either a new sentence or 'nil', meaning no change.

Petitions are personal documents and although they are often emotional and moving accounts, they represent one version of the truth which may be an exaggeration and should be viewed with caution. However, they remain important sources for giving voices to people often forgotten in popular memory and can reveal their agency in negotiating with authorities.

[1] TNA, PC1/74, 1826.

[2] TNA, PC1/92, 1844.

Tasks

Look at Source 1a

This is a petition written by group of people on behalf of Catherine Gillis who was convicted of manslaughter in 1845, Catalogue ref: HO18/149/40

[Note: Not all the signatories are shown here.]

- Catherine Gillis was convicted for manslaughter. Why has this petition been made on her behalf?
- Why is this petition addressed to the Queen and not the Home Secretary?
- What factors of Catherine Gillis' circumstances and past conduct were used to build support for her case?
- Why have her supporters objected to the sentence of transportation?
- Why was it important for people to sign their names and address at the bottom of a petition?
- How could the inclusion of the signatures from prosecution witnesses be seen to add support to this petition? [Clue: check meaning of prosecution and defence witnesses in a criminal trial]

Look at Source 2a

This is a petitioning letter written on behalf of Robert Brown by his former master to the Home Secretary, Lord John Russell, 30 July 1838. Robert Brown was a Jamaican boy convicted of stealing two pairs of sailor's trousers and sentenced to two months imprisonment, Catalogue ref: HO 17/121/54

- Why was Robert Brown sent to prison two times?
- Robert Brown does not write his own petition. How difficult is it to know the possible reasons why he stole?
- How does Robert's master explain Browns' actions and change in behaviour?
- How does the wealth and status of the author of this petition affect the style of the request?
- Do you think a petition from Robert Brown himself would be more/less effective?
- What does this petition reveal about the judicial system?

Look at Source 2b

A letter of response by the committing magistrate, William Ballantine at the Thames Police Office about Robert Brown to the Home Office, 2 August, 1838, Catalogue ref: HO 17/121/54

- How many people were needed to approve the case of Robert Brown?
- What does this case reveal about the opportunities and limitations within the judicial system?

Tasks

Look at Source 3

This is a personal petition written directly by the prisoner George Hey who admits being guilty of embezzlement [theft from his workplace] in 1 January, 1845, Catalogue ref: HO18/149/41

- What is different or similar about the style and format of this personal petition compared to Sources 1 and 2 (a)?
- George Hey admits to theft and does not ask for a pardon. What is the aim of his petition?
- What does this source tell you about the prisoner's views on imprisonment versus criminal transportation to Australia?
- What do the official's notes written on the side of the petition reveal about how the document were recorded by the Home Office?
- How could the official's notes be useful to a historian?
- How important was the health of the prisoner considered? What action was taken as a result of this petition?

Source 1: Petition on behalf of Catherine Gillis who was convicted of manslaughter in 1845 (page 1). Catalogue Ref: HO 18/149/40

To Her Most Gracious Majesty The Queen

*The humble Petition of various Individuals
residing in Liverpool and the neighbourhood on
behalf of Catherine Gillis convicted of Manslaughter.*

Sheweth,

*That your Petitioners have taken a deep interest in the
unfortunate situation of the said Catherine Gillis who was tried before the
Honorable Mr Baron Gurney at the last Liverpool Assizes for having caused
the death of Mary Vaughan of Graven Street Liverpool in an affray in
which took place in the month of September last, and sentenced to be
transported for seven years. That your Petitioners verily believe
that from the previous good conduct of the said Catherine Gillis, and
from various circumstances connected with the above distressing
occurrence she the said Catherine Gillis at the time the offence was
committed was laboring under strong feelings of momentary excitement
occasioned by provoking and insulting language used by the
deceased in allusion to the Daughters of the said Catherine Gillis,
and that there was no intention on the part of the said
Catherine Gillis to inflict any serious bodily injury. That
the said Catherine Gillis is about Fifty eight years of age; is well
known in Liverpool as an honest industrious and deserving person,
and has generally been considered humane, quiet, and peaceable in
her ordinary disposition and habits. That she is now, and has
been for a period of nearly Twenty five years, a Widow, having during
that time supported herself and brought up a family by her own
individual exertions with great credit and propriety. That
under such circumstances your Petitioners are deeply impressed
with the melancholy and awful reflection, that an aged and
meritorious female should, for the single offence of which she
has been convicted (admitting as your Petitioners really believe
of many extenuating features) be banished from her Country and
friends, with but little other prospect at her advanced age than*

Source 1: Petition on behalf of Catherine Gillis who was convicted of manslaughter in 1845 (page 2). Catalogue Ref: HO 18/149/40

to terminate a long and arduous life in a strange land, deprived of the consolation of domestic comforts, and under the contaminating influence of Criminal Associates. - That much as your petitioners deplore the distressing calamity which her momentary indiscretion may have occasioned they cannot but consider her a fit object for Royal Clemency and humbly presume to recommend her to your Majesty's merciful consideration. -

Your Petitioners therefore humbly pray that your Majesty will be pleased to take her case into your gracious consideration and to order a mitigation of her sentence, if she should not be thought worthy of your Royal Pardon. And your petitioners as in duty bound will ever pray &c.

Name	Residence
Samuel Holme	Penkew St.
Jno Tomkinson	Henry St.
L ^d Bradley Surgeon	Falkner Square
Richard Moss	Great Crosshall Street
Matthew Kitchen	Benson Street
Wm Drury Chidston	Boleystreet
Danice Bell	Greenside House - Waverley
Jos. Mason	No. 21. St. Anne Street.
John Hodgson	893 Islington
Thomas Pennington	112 London Road.
James Plespin	23 Soko Street
W. T. Callan	13 Islington
Frederick Cripps	11 Dale St.
John Chantler	Green Street
Ann Cookshot	Green Street
David Cook	4 Knight St Low Kile

The two Medical Witnesses called in support of the prosecution.

Two other witnesses called in support of the prosecution.

Transcript: Source 1

To Her Most Gracious Majesty, The Queen

The humble Petition of various Individuals residing on Liverpool and the neighbourhood on behalf of Catherine Gillis convicted of Manslaughter.

Sheweth, [This reveals]

That your Petitioners have taken a deep interest in the unfortunate situation of the said Catherine Gillis who was tried before the Honourable M. Baron Gurney at the last Liverpool Assizes for having caused the death of Mary Soughan of Craven Street Liverpool in an affray which took place in the month of September last, and sentenced to be transported for Seven Years.

That your petitioners verily [truly] believe that from the previous good conduct of the said Catherine Gillis, and from various circumstances connected with the above distressing occurrence, she the said Catherine Gillis at the time the offence was committed was labouring under strong feelings of momentary excitement, occasioned by the provoking and insulting language used by the deceased in allusion [referring to] to the Daughter of the said Catherine Gillis, and that there was no intention of the part of the said Catherine Gillis to inflict any serious bodily injury –

That the said Catherine Gillis is about fifty eight years of age; is well known in Liverpool as an honest industrious [hard working] and deserving person, and has generally been considered humane, quiet, and peaceable in her ordinary disposition and habits – That she is now, and had been for a period of nearly twenty five years, a widow, having during that time supported herself and brought up a family by her own individual exertions [efforts] with great credit and propriety [correctness].

That under such circumstances your petitioners are deeply impressed with the melancholy and awful reflection, that an aged and meritorious [praiseworthy] female should, for the single offence of which she has been convicted (admitting as your petitioners really believe of many extenuating features [justified reasons]) be banished from her Country and friends, with but little other prospect at her advanced age than

to terminate a long and arduous [hard] life in a strange land, deprived of her consolation of domestic comforts, and under the contaminating [bad] influence of criminal associates.

That much as your petitions deplore [hate] the distressing calamity [disaster] which her momentary indiscretion may have occasioned they cannot but consider her a fit object for Royal Clemency [mercy] and humbly presume to recommend her to your Majesty's merciful consideration.

Your Petitioners therefore humbly pray that your Majesty will be please to take her case into your gracious consideration and to order a mitigation [reduction] of her sentence, if she should not be thought worthy of your Royal pardon – And your petitioners as in duty bound will ever pray

Transcript (cont.): Source 1

Name	Residence
Samuel Holme	Renshaw St.
... Tomkinson	Henry St.
E.d Bradley surgeon	Falkner square
Richard Moun	Great G Street
Matthew Kitchen	Benson Street
Wm ... Chidson	Bolostreet
Daniel Bell	Greenside House – Wavertree
... Mason	No. 21 St. Anne Street
John ...	N. 93 Islington
Thomas Pennington	112 London Road
James ...	23 Soho Street
W. J Callon Frederick Cripps	13 Islington and 111 Dale St} The two medical witnesses. Called in support of the prosecution.
John ... Ann Cockshot	Craven Street and Craven Street} Two other witnesses called in support of the prosecution.
David Cook ...	4 Knight St Low Hill

Source 2a: Letter on behalf of Robert Brown by his former master to the Home Secretary, 30 July 1838 (page 1). Catalogue Ref: HO 17/121/54

15 Green Road
St. John's Road
July 30th 1838

My Lord

About a year & a half
since on leaving the Island of Jamaica
I brought with me to this country a
boy of colour as Servant. he had been
living with a friend of mine. he
behaved himself extremely well for
some time but being obliged from
the nature of my occupations to ab-
sent myself from home during the
day, he formed bad connections by
The Right Hon^{ble} Lord John Russell

Source 2a: Letter on behalf of Robert Brown by his former master to the Home Secretary, 30 July 1838 (page 2). Catalogue Ref: HO 17/121/54

going into the street, & finally he left my house for several days, when he returned & would not receive him. He went into the streets & broke some lamps, for which Mr. Stoshens, Magistrate at the Marylebone Police Office sent him to two months imprisonment in the House of Correction, when that time expired he came to my house & asked for some clothes & said he was going on board a ship bound for Jamaica. He did go on board but the captain having no use for him, sent him on shore. He brought with him from the ship two pairs of trousers belonging to a proper case in which to interfere to one of the deacons. He was again taken before a Magistrate, Mr. Ballantine at the Thames Police Office, & sentenced to two months imprisonment. He is now working at the tread mill. He has been there near a month having been even arrested on the 26th of June. I saw him yesterday & he seems to be aware that he has done very wrong & appears to be penitent, promising to behave himself in future. I have an opportunity of sending him back to Jamaica with a friend who sails on Thursday next the 2^d of August & if your Lordship should think it a proper case in which to interfere

Source 2a: Letter on behalf of Robert Brown by his former master to the Home Secretary, 30 July 1838 (page 3). Catalogue Ref: HO 17/121/54

I would give the necessary order for his enlargement he would be taken direct from the prison on board the vessel lying at the West India Dock. he is quite willing to go, & Mr. Ballantine the Magistrate who committed him & with whom I have spoken agrees entirely with my address on the subject & wished me to say so to your Lordship. The boy's name is Robert Brown. awaiting your Lordship's decision

I remain
Very Lord
your Lordship's obed^t Serv^t
Halter Logan

Transcript: Source 2a

15 Circus Road, St John's Wood,
July 30th 1838

My Lord

About a year & a half since on leaving the Island of Jamaica & having had with me to this country, a boy of colour as servant, he had been living with a friend of mine – behaved himself extremely well for some time but being obliged from the nature of my occupation to absent myself from home during the day, he formed bad connection

[By the Right Hon. Lord John Russell]

going into the street, & finally he left my house for several days. When he returned, I would not receive him. He went into the streets & took some lamps for which [William] Horkins, Magistrate at the Marylebone Police Office, sentenced him to two months imprisonment in the House of Correction [prison]. When that time expired, he came to my house & asked for some clothes & said he was going on board a vessel bound for Jamaica. He did go on board but the Captain having no room for him sent him on shore. He brought with him from the vessel two pairs of trousers belonging to one of the seamen. He was again taken before a Magistrate [William] Ballantine at the Thames Police Office, & sentenced to two months imprisonment. He is now working at the thread mill. [Cotton factory]. He had been there now a month having been committed on the 26th of June. I saw him yesterday & he seems to be aware that he has done very wrong & appears to be penitent, promising to behave himself in the future. I have an opportunity of sending him back to Jamaica with a friend who sails on Thursday next the 2nd of August & if your Lordship should think it a proper case in which to interfere & would give the necessary orders for his enlargement [discharge] he would be taken direct from the prison on board the vessel lying at the West India Docks. He is quite willing to go, & William Ballantine the Magistrate who committed him & with whom I have spoken agrees entirely with my idea on the subject & wished me to say so to your Lordship – the boys' name is Robert Brown.

Waiting your Lordship's decision.

Remain

My Lord

Your Lordship's Obedient Servant

Walter Logan

Source 2b: Response by the committing magistrate about Robert Brown to the Home Office, 1838 (page 1). Catalogue Ref: HO 17/121/54

Thames Police Office
1st August 1838

Sir

Colonel Withers has called upon me respecting a black Boy, named Robert Brown, who was committed by me on the 26th June, to the House of Correction at Coldbathfields, for unlawfully possessing two pairs of trousers which had been stolen on board a Ship in the West India Docks.

He informs me that, wishing to take the Boy

S. M. Phillips Esq^r

He He He

Source 2b: Response by the committing magistrate about Robert Brown to the Home Office, 1838 (page 2). Catalogue Ref: HO 17/121/54

out with him, in order to send him to his
Friends in Jamaica, he has applied at the
Home Office to obtain his release, and that it
was there suggested, that he should request a
communication from me to bring the matter
before Lord John Russell. I am not
desirous of putting any difficulty in the way
of the Colonel, and therefore beg to state that
so far as I am concerned I see no objection
to the release of the Boy, but on the contrary
think it better on every account that he
~~may~~ should be safely disposed of. The
Colonel is unknown to me, and will of course

satisfy you as to the object which induced
him to seek the Boy's discharge, or give
any explanation that you may require.
I have the honor to be
Sir,
Your most obedient Servant
Wm. Macnamara

Transcript: Source 2b

Thames Police Office
1st August 1838

Sir

Colonel Wilthew has called upon me respecting a black Boy, named Robert Brown, who was committed by me on the 26th June, to the House of Correction [prison] at Coldbathfields, for unlawfully possessing two pairs of trousers which has been stole on board a ship in the West India Docks. He informed me that wishing to take the Boy ...

[S. M. Phillipps Esq.]

... out with him, in order to send him to his friends in Jamaica, he has applied at the Home Office to obtain his release, and that it was there suggested, that he should request a communication from me to bring the matter before Lord John Russell. I am not desirous of putting any difficulties in the way of the Colonel, and therefore beg to state that so far as I am concerned I see no objection to the release of the boy, but on the contrary think it better on every account that he should be safely disposed of. The Colonel is unknown to me, and will of course satisfy you as to the object which induces him to seek the boy's discharge or give any explanation that you may require.

I have the honour to be

Sir

Your most obedient Servant

William Ballantine.

Source 3: Petition by prisoner George Hey who admits to being guilty of embezzlement, January 1845 (page 1). Catalogue Ref: HO 18/149/41

4

Pentonville Prison
1st January 1845.

To The
Right Hon^{ble} Sir James Graham Bart.
Her Majesty's Principal Secretary of State
for the Home Department.

The Humble Petition of George Hey.
Respectfully Sheweth,

That your Petitioner having unfortunately been induced to make use of certain sums of money, amounting to One hundred and seventy pounds, (£170.-) the property of his employer, an underwriter at Lloyd's, was, on the 16th Sept^r. last, at the Central Criminal Court, sentenced, to ten years transportation.

That your Petitioner was, on the 1st October following, removed from Newgate to Millbank, and from thence on the 2nd November to Pentonville Prison

That your Petitioner in his late employment, having been always accustomed to active, out-of-door duty, suffers much, both bodily and mentally from his present close confinement, which is rendered doubly painful, by constant and unavoidable reflection, on his degraded position, and the situation in which his aged mother, (of whom he was the sole support,) is placed by his misconduct.

That your Petitioner much fears, under these circumstances, that

Source 3: Petition by prisoner George Hey who admits to being guilty of embezzlement, January 1845 (page 2). Catalogue Ref: HO 18/149/41

long continued confinement, will seriously injure, if not ruin his constitution.

That your Petitioner therefore prays that his case may be taken into consideration, and that the Right Honorable, the Secretary of State, will mercifully be pleased to grant, his most humble yet earnest petition, that his sentence of transportation across the sea, may be carried into effect, with as little delay, as to him may seem fit.

And your Petitioner will ever pray.

George Hey.

149
41.

George Hey - 2

Cent Com & O

Sept 1844

Embezzlement

10 Years Term

Genl Dept - Chas M. Kneass

Portsmouth

Alpo to his Father of

Portsmouth for his opinion

on his condition of his

Prisoner's health & mind

He has complaints of the

injuries of cold & clothes

confinement & prays for

immediate transportation.

Transcript: Source 3

Pentonville Prison

1st January 1845

To The Right Honourable Sir James Graham Bart.

Her Majesty's Principal Secretary of State

For the Home Department

The Humble Petition of George Hey,

Respectfully Sheweth,

That your Petitioner having unfortunately been induced [forced] to make use of certain sums of money, amounting to one hundred and seventy pounds, (£170.) the property of his employers, an underwriter at Lloyds', was, on the 16th Sept. last, at the Central Criminal Court, sentenced to ten years transportation.

That your Petitioner was, on the 1st October following removed from Newgate to Millbank, and from thence on the 2nd November to Pentonville Prison.

That your Petitioner in his late employment, having been always accustomed to active, out-of-door duty, suffers much, both bodily and mentally from his present close confinement, which is rendered doubly painful, by constant and unavoidable reflection on his degraded position, and the situation in which his aged mother, (of whom he was the sole support,) is placed by his misconduct [behaviour].

That your Petitioner much fears, under these circumstanced, that long continued confinement, will seriously injure, if not ruin his constitution [health].

That your petitioner therefore prays that his case may be taken into consideration, and that the Right Honourable, the Secretary of State, will mercifully be pleased to grant, his most humble yet earnest petition, that his sentence of transportation across the seas, may be carried into effect, with as little delay, as to him may see fit.

And your Petitioner will ever pray.

George Hey

Official's notes on petition:

149/41

George Hey – 21

Central Criminal Court

Sep. 1844

Embezzlement [stealing money from a business]

Transcript (cont.): Source 3

10 Years Transportation

Goal Report – Character Unknown

Pentonville

Refer to the Governor of Pentonville for their opinion on the condition of the prisoner's health & Mind. MGG

The prisoner complains of the injurious effect of close confinement & prays for immediate transportation.



Why do our hyperlinks come with footnotes?

Our resources are designed to be printed and used in classrooms, which means hyperlinks aren't always accessible digitally. We include the full link at the bottom of the page so that you can type in the address without distracting from the main text of the lesson materials.

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