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Treason: Betrayal and Deception

What happens when treasonous plots fail? What happens when innocent people get pulled into dangerous schemes? In this episode of our series on treason, we explore the story of Edward Earl of Warwick, doomed by his father's crimes, and the Cato Street Conspiracy, a failed plot to kill the entire British cabinet that was followed by a sensational trial.

Documents from The National Archives used in this episode: [KB 8/2](#), [TS 11/202](#), [HO 44/6/243](#), [HO 44/6/271](#).

If you're interested in finding out more about records covered in this episode, take a look at our research guide to [criminal court cases in England and Wales](#). Our guides are presented in a very factual manner and do not address the horrors and violence of some of the topics covered. However, by sharing these resources we hope to support your further study.

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Transcription

[Teaser clips, montage from episode interviews]

Tracy Boreman: This is On the Record at The National Archives: uncovering the past through stories of everyday people. I'm Tracy Boreman.

Roger Kershaw: And I'm Roger Kershaw.

Tracy is a historian, author, and guest host for this mini-series. And I'm a records specialist here at The National Archives in Kew, West London, where we research, look after, and help our audiences better understand the Archives' collections of historical government and public records.

Tracy: In this episode, we're continuing our exploration of treason across the centuries. Coming up, we have two very different stories, one from the 15th century and the other from the 19th. Both let us explore the ripple effects of treason and treasonous intentions.

Roger: Listeners, please be advised that this episode contains a brief discussion of torture and execution.

Tracy: Now let's get right into our first story. We're unrolling our medieval records on Edward Earl of Warwick. Edward is an interesting subject for this series because it could be argued that he had no control over whether or not he became treasonous.

To help us tell this story, we're joined by one of our medieval specialists.

Euan Roger: Hello. I'm Euan Roger, Principal Record Specialist in the medieval team here at The National Archives. I'm also one of the curators on our treason exhibition.

Tracy: Fantastic. So Euan, you're going to be talking about Edward, Earl of Warwick. Who was he, and how does he get labelled as treasonous?

Euan: Edward, Earl of Warwick was a member of the English nobility in the 15th century. He's born

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in 1475. He's born into the extended royal family of the Yorkist line and he would have expected to live a life of luxury and comfort, but all that would change when his father was executed for treason. 20 years later, Edward would himself be labelled as a traitor, caught in a series of national crises that would engulf him.

Tracy: Well, Edwards's father, George Duke of Clarence, was tried and executed for treason when Edward was just three-years-old. What effect did that have on him, and were there any long-term implications?

Euan: Yes, so Clarence's trial and execution in 1478 would obviously have a major effect on his young son. Clarence was the brother of the King, Edward IV. He's the middle of three brothers, and he'd been one of the wealthiest landowners in England. Before Clarence's downfall, which seems to have been sparked by the death of his wife Isabel, and his youngest son Richard, shortly after Richard's birth in 1477, the young Earl of Warwick faced an extremely bright future, a lifetime of wealth as part of the extended royal family.

But as we get his father's execution for treason and shortly before Edward's third birthday, obviously at a start, he's now lost most of his nuclear family. So he's lost his father, he's lost his mother, he's lost his younger brother, Richard, and it's Edward and his slightly older sister Margaret now left on their own.

But on top of that, there's a real problem for Edward because Clarence had been subjected to something called attainder, the tainting of blood, which meant that his entire bloodline, so including Edward, Earl of Warwick, was judged to be corrupted or stained, and his lands, possessions and titles were forfeited to the Crown.

Now, initially, it was ruled, this would only be the case while he was a child, and indeed, he carries on being called the Earl of Warwick. But in reality, he never really recovers all that his father has lost.

Tracy: Well, I should just say that George, Duke of Clarence is really famous for allegedly being put to death in a butt of wine. I don't know how true that is, we won't debate now. But certainly, I can see the effect that this would have had on his young son. Can you say a bit more about how this inheritance of guilt worked, and how common was it for someone to suffer for their ancestor's crimes?

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Euan: In the 15th century, it really becomes a new thing to prosecute individuals or groups of individuals en masse. To “attaint” an individual is to declare in parliament that they've committed a serious offence, normally treason but not exclusively. Provided that that bill of attainder was agreed by parliament, it essentially declares that person guilty, it declares them attainted, their bloodline corrupted. They'd become a fugitive and could potentially be executed if they refuse to submit or were caught. Their heirs are unable to inherit as long as that attainder remained. This provides the Crown with two really useful primary tools to win and retain the support of rival nobles. This is of course at a time of civil war, and it becomes the mechanism that each side uses.

When you defeat your rival faction, you can attaint to the entire group of them in one go and regroup their lands to the people that supported you. But at the same time, they also hold off on actually prosecuting these attainders. They have essentially suspended all provisional attainders with the prospect that your lands and titles might be returned to you, provided you tow the party line, you support the monarchs in power. So it's a real carrot-and-stick mechanism that they have here. You can prosecute, but you can also say, "I'll give you this back if you do what I say." This affects whole swathes of individuals this time.

Between 1453 and 1504, so like the main period of the Wars of the Roses, over 400 people are known to have been condemned by attainder in parliament, and around 250 of those had their attainders later reversed, some after significant periods of time. So when you think that's 400 nobles, or warriors, or kind of people, individuals, the effect that had on their families as well just extrapolates that number much, much further.

Tracy: I had no idea the people were so many. It's a clever legal trick, or I should say it's more of a stranglehold for those affected. Let's turn back to the young Edward. How does he end up being tried and executed for treason? Does he actually do anything himself?

Euan: Edward's life story is a really sad one. He basically spends his entire life in various forms of imprisonment or custody, kept out of the public eye. Initially, because he's a very young child, he's an orphan, he's put into what's called a wardship. Someone looks after him and takes care of him and accumulates any wealth that might come in, for example, through a marriage. He's possibly living in the Tower of London at this point, but probably not as a prisoner, just because the person whose watch he's in, that's where they work.

But with the death of his uncle, Edward IV in 1483 and the seizure of the throne by Richard III the

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same year, Clarence's attainder becomes particularly dangerous for the young Earl who's inherited this danger. He's now about eight years old. He hasn't become an adult. He hasn't been able to push for his attainder to be reversed. It's still affecting him because he's still underage. But Edward IV son's, better known as the Princes in the Tower, had been declared as illegitimate, which meant that if Warwick was able to somehow avert his attainder when he became an adult, he actually had the best claim to the throne, a better claim than Richard III the new king.

But while he was attainted, he had no claim to that throne because that had been taken away from him and little real support. But if he could reverse it, he would become a very dangerous prospect. Under Richard, he is placed into some sort of custody in the North of England. Again, it's not necessarily imprisonment, but he's been kept out of public view to avoid him gaining support. But the real danger comes when Henry VII takes the throne in 1485 because he hasn't got that family alliance to Edward. And Warwick is now a considerable threat, the main potential Yorker's claimants to the throne. Henry's own recent seizure of power had served as a reminder that attainders could be reversed just through sheer force and numbers and Edward has the potential to attract those.

So he's locked away in the Tower of London to live out the next 14 years as a prisoner, brought into public view only once and that's because of pretenders to the throne, Lambert Simnel was claiming to be him. So they have to show him to the people to say, "Look, Edward is here. He's real. He might be imprisoned, but he's alive. We've got him." Unfortunately, it's because of this that he ultimately ends up being labelled as a traitor. He ends up implicated in a "Yorkist conspiracy". I say that because it appears to have been largely fabricated, I think. It's an attempt to get rid of him without resorting to extrajudicial murder.

It's claimed that he's part of this epic plan to break out of the Tower of London with another pretender to the throne, Perkin Warbeck, who's being captured and is also there. But they're not just breaking out. It's an audacious heist to steal as many jewels and valuables at the Tower as they possibly can, whilst also blowing up all the gunpowder in the Tower at the same time. The idea is that the people in the tower will be trying to put out all the fires so they can escape, get in the ship and go overseas.

We know that Warbeck possibly is associating with people, with plotters to try and smuggle weapons and messages into the Tower. The legal records behind all of this talk about a code book,

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it's a book called ABC where they can relay codes to one another. There's lots of prophecies about the bear that would shortly beat his chains within the City of London. So that's referring to Edward's heraldic symbol of the bear of Warwick.

But Edward doesn't really seem to have any major role in this plot. If he does, it's very, very limited. We know that his cell is directly above Warbeck's. He allegedly makes a very small hole and talks to Warbeck through the cell walls or the floor and the ceiling. But he's not saying traitorous things. He's saying, "be of good cheer", "Perkin, be of good cheer and comfort". He's just comforting this other young man who's been locked away with him.

There was a suggestion that he may have been suffering in extreme mental distress as a consequence of being in prison for most of his life or in custody of some sort. There's this quote that comes out later that he was out of the company of men and sight of beasts so much that he could not discern a goose from a capon, which is a type of cockerel. He can't even distinguish these two types of birds that are very different apart. But that seems to be the limit of what he does. We know that Warbeck smuggles in a sword for him, allegedly, but he doesn't really seem to have any real impact.

Henry VII comes to hear of this plot. Possibly he's informed by Warbeck himself. The two men were put on trial and tried for treason, with Edward accused of aiding Warbeck in his conspiracy and comforting him in his traitorous acts. Both men were executed as traitors, and they're only in their mid-20s at this point. It's a really horrible story, a really sad story I think of this man, this young man who had the world at his feet and because of the actions of his father, he's drawn into this plot, he's losing control of his faculties, he's not really with it and he's brought down by the actions of someone else.

An attainder is essentially a tool that's used to keep Edward and the families and heirs more generally across the kingdom in check, I think. It's keeping alive that possibility that it will be reversed. If they remain loyal, they can get back to where they were. But realistically, under Henry VII, that was never going to happen for Edward. The stain of treason remained as long as it was in place. In Edward's case, it may not even have been enough. They had to bring these new charges of treason likely fabricated to crush the family line once and for all.

Tracy: What an absolutely tragic story that you think that from the very outset poor Edward stood no chance. He was living under that cloud of attainder thanks to his father's treason. Well, when

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does this practice of attainder die out?

Euan: It lasts for a considerable amount of time because they realize it's a very powerful tool to quickly and conveniently condemn an individual as a traitor or a criminal. It actually continues into the late 18th century, so the end of the 18th century we have the last attainder. It's abolished entirely the following century.

But even then, it almost comes back. During the Second World War, it almost returned because Churchill and the cabinet were discussing how to deal with Nazi war criminals, including Hitler, when the war finished. Churchill told his cabinet he thought all sorts of complications ensue as soon as you admit a fair trial. That's a quotation. He said that if it had to be a formal conviction, as the Americans and Russians believed, an act of attainder would be the best way to deal with them. The last one we have is the late 18th century, but ideas of attainder carry on right into the 21st century.

Tracy: That's just staggering. It always amazes me how long these laws or these kinds of legal tricks endure. Witchcraft is another case in point that is still being talked about in the 20th century. So yes, they have a very long tail. Thank you, Euan, for sharing this particularly tragic case of attainder.

Poor Edward.

Euan: Yeah, I do feel very sorry for him.

Tracy: There's not a lot he could have done really.

Euan: No.

Roger: I think it's easy to feel sorry for Edward. History makes a strong case for his innocence. The plotters in our next story also tried to blame the spy in their midst for setting them up, but the evidence against them isn't so forgiving as in our first story.

Tracy: Joining us to share this sensational scheme and its repercussions is Chris Day, Head of Modern Domestic Records here at The National Archives.

Roger: So Chris, you've been researching the Cato Street Conspiracy, which was a rather audacious plot to murder every member of the British cabinet and the prime minister in 1820. Tell us the story of this conspiracy.

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Chris Day: So, yeah, the Cato Street Conspiracy comes against a background with a long campaign of parliamentary reform. Britain is hideously undemocratic in the early 19th century. A very, very small amount of the population have the vote. People are very angry about this and have been inspired by the rhetoric of the French Revolution to try and get a situation where they believe they can redress the economic problems, and there are quite serious economic problems and poverty and corruption and so forth, by getting universal male suffrage in. Initially, that is a campaign which usually uses peaceful means. But as time goes on, there is massive government repression against these things. There's also some scandals, so the Peterloo Massacre of 1819 where about 60,000 people would go to a peaceful process in Manchester parliament to reform. They're charged by cavalry. Hundreds of people were injured and 18 or so people are killed, including a small child.

You have people who are willing to take what they refer to as physical force to resort to violent means, revolutionary means to try and change the country. One of those groups is a group of members of the Parliamentary Reform Movement who are described as the Spencean Society of Philanthropists. They're led by a man called Arthur Thistlewood.

On the night of 22 February 1820, they meet in a loft above stables on Cato Street, which is in London, just off Edgware Road. You can still go there now actually. So they're in this loft. There are 15, 20 of them of the evening that they're there and they're getting ready with weapons. So they have guns, they have pikes, they have swords, they have grenades, they have makeshift fire bombs, incendiary grenades.

Their plan is to go to the house of Lord Harrowby, who is lord president of the Privy Council, so a member the British cabinet, where they believe the entire cabinet is having a dinner. They are intending to gain entry to the house under the ruse of delivering a despatch box for a minister or a letter, then pacifying the servants downstairs, violently if need be, and then bursting into the room where the cabinet was assembled. There they were to evoke the memory of the Peterloo Massacre. And on the command of quote, "Citizens, do your duty," they would murder the ministers, beheading some of them.

After that, according to reports, the plan is that they believe that they are part of a network of other revolutionaries who are willing to rise as well. So there are various plans apparently, and we'll come to why we can only say apparently or allegedly. So there's meant to be coordinated

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fires across London to create confusion and delay and not help the authorities. Barracks are either to be converted to the revolutionary cause or secured. Arms to be distributed. Risings will happen across the North of England and in Scotland too apparently as well as other places, and a provisional revolutionary government will be established in London, apparently with Arthur Thistlewood as its president who becomes president of Britain effectively. It's never really made entirely clear what would happen to the King, but we can only suppose that he would either be out of the country or dead, I suppose.

Now, the problem is the dinner isn't taking place, it's a fiction. The conspirators have been looking for some way to set something off for a while and they had a while ago honed in on the idea of coordinating to assassinate the entire cabinet in one fell swoop when they were at a dinner. They had dinners regularly. The reason why they thought they had to assassinate all of them at once is in 1812, the Prime Minister Spencer Perceval had been assassinated, not by a revolutionary but by someone who had a longstanding grievance over a wrongful arrest. And nothing had changed, so they realised they had to get quite a lot of people at once to have an effect and have it attached to other things.

So they planned to do it at dinner, but they're waiting and waiting and waiting. But then George III dies, so there's a period of mourning. It's also Christmas beforehand, so there's basically not a cabinet dinner for a while because parliament is not sitting. So they're waiting and waiting and waiting. They're also running out of money. Because these people have got no job. They are professional revolutionaries, but they are increasingly impoverished professional revolutionaries. Then they're squabbling because they can't do anything, about what they should do.

Anyway, one day, they check the newspapers regularly for news of cabinet dinners, and so forth. One of their member, a man called George Edwards, suddenly turns up. He's usually tasked with checking a particular set of newspapers. But that day apparently, he happens to see in the window of a coffee shop a pretty obscure daily newspaper which runs for a little while called The New Times. He finds in there that there was a notice of a cabinet dinner taking place the next day.

Now the problem is though that the notice that The New Times is almost certainly posted by the government and the reason why Edwards saw it is because he was told to look for it because he was a spy paid to inform and infiltrate. He's sent by the Bow Street Runners. They were a proto-police force in London.

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Roger: So what happens once they finally have a firm date for their coup?

Chris: So the day of the night that the men are assembling in the loft in Cato Street, a warrant is issued for their arrest. Because they know they're going to be there that night to get ready. They know where they are. And as they make their preparations in the loft, a group of Bow Street Runners prepares to burst into them. Now they're meant to be accompanied by a detachment of soldiers, but Cato Street is quite a small street and basically, the soldiers went to the wrong end of Edgware Road and got lost. They only find Cato Street when they start to hear the shots because it goes badly.

So the runners enter the ground floor stables and they find a man called William Davidson, who's a very interesting figure. He's a mixed-race, son of the former Attorney General of the island of Jamaica and an enslaved woman, his illegitimate son. He traveled to Britain to receive a legal education. Fell out of love with there and fell in love with radicalism, I suppose. So he becomes involved in it. He's there at the stables armed. He's obviously on guard, but he's arrested very quickly. He's surprised, and he's arrested. So they go upstairs to the loft.

Richard Smithers, one of the runners, is the second man up the ladder. Arthur Thistlewood the leader of the group, on seeing the Bow Street Runners adopts a fencing attitude. So he's standing there with a sword and he readies himself for combat. Smithers rushes at him. The leader of the party, who gave an account of it afterwards, said he then raised his pistol towards Thistlewood, but he's too late because Thistlewood would stab Smithers I think through the heart. Reportedly his last words are, "Oh my God." He shortly afterwards dies because he's got a blade through his heart.

Henry does fire, the leader of the Runners does fire at Thistlewood but he misses, there's some scuffles. The men retreat, jump out windows and so forth. They try and escape. Davidson who was initially arrested in the confusion managed to get away only to be caught again quite soon afterwards. Arthur Thistlewood does make it, but he goes to his house where some officers turn up the next morning, find him in bed and arrest him.

Roger: The trial itself is pretty sensational isn't it? How do these conspirators defend themselves?

Chris: Eventually, Thistlewood and 12 other men including William Davidson and Richard Tidd, who is an impoverished 45-year-old shoemaker with eight children, which is part of the reason

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why he's struggling in this economically depressed situation to make a living to support his family, part of the reason why he turns revolutionism to a certain extent, they're charged with four counts of high treason. They're charged with conspiring to depose the King, conspiring his death, levying war to force the King to change his measures and counsel, and levying war.

Now we'll see those charges, they repeat themselves, but with slightly different wording. Some of the charges are from the 1352 Treason Act, but because it's a medieval law, it's getting harder and harder to convict people because juries don't understand how this could be applicable to modern society. There's a Treason Act in 1795 which sets out very similar things, but is directly aimed at trying to prosecute people who commit these political crimes who are interested in reform and republicanism.

They're taken to trial quite soon afterwards. Prosecution's case for the Crown makes much use of various witnesses who had basically been part of the conspiracy and either had doubts or on arrest had turned what's known as 'Crown witness' to betray their friends. George Edwards the spy is not called by the Crown and the defence is discouraged and so in some ways prevented from calling him. Because basically, there had been a number of treason trials of people were involved in parliamentary reforms in the 1790s and quite a few of them had either collapsed or just become infamous because of the use of government agents, particularly government agent provocateurs in the plots.

The government are quite keen to keep spies out of the courtroom and indeed as far away from it as possible.

Chris: Now, they're tried separately as of the way of things. Thistlewood was tried on his own first. He's convicted on two counts of treason. Ten other men, including Davidson and Tidd, are subsequently found guilty. Later on in the trial was people will start to change their plea from not guilty to guilty because they realized the game was up so they're doing everything they can to save their neck. They don't want to go to the noose, don't want to go to the gallows.

After conviction, the men are given an opportunity to plead for mercy to stop themselves from being executed.

Roger: Do any of the Cato Street group manage to argue their way out of the death penalty?

Davidson his speech is very interesting. He claims to have been trapped by Edwards, he was just

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looking for work. He had taken a blunderbuss he owed out of pawn, supposedly to be a weapon in the attacks. He said that he'd been convinced by Edwards to do it because Edwards had told him that he could get some money for it for him because he was out of work. He also suggested it might be a case of mistaken identity because as a Black person in London, he is often mistaken for other Black people. He says it happened before. So that's an interesting dimension to his testimony. It doesn't work. He's still sentenced to death.

Thistlewood drops all pretense of trying to avoid the noose. I think he realises that that's not going to happen. So he says it was a mistrial. He says that he was provided with evidence towards the people who had formed against him late in his trial and if he had been allowed to present it, the case would have collapsed. But because the defence had rested at the point he had it, the judge would not allow him to bring it forward. He says that Edwards was the instigator. He claims and I quote, "That Edwards was even at invention ever, the most active in the plots. That he should have never trusted a man who had "never had money to pay for a pint of beer, but always had cash for arms."

He then turns to the judiciary; the judges and he says that they're "implacable enemies of the people". Then he says that the government, the assassination of a tyrant has always been deemed a meritorious action. At this point, the Lord Chief Justice in the courtroom is saying, "Even a condemned man can't say these things in a courtroom." So sensational.

Obviously, he and 11 other people are sentenced to death and five of them were executed, so Arthur Thistlewood, Richard Tidd, James Ings, William Davidson and John Thomas Brunt. They're executed outside Newgate jail or near the Old Bailey in London on 1 May 1820. They are placed over a hurdle so a piece of wood effectually and they are drawn around, sort of pulled by a horse. [inaudible 00:18:05] drawn to the place of execution. They're executed outside the jail so they're just drawn around the yard, I think. They are hanged until they are dead, and then their corpses are beheaded.

The rest of the people who are convicted are transported for life in Australia, one person is imprisoned. The bodies of the dead were buried inside the prison walls and they have quicklime poured over them to hasten their decomposition. Basically, the government are concerned that they might be exhumed by people who want to make martyrs of them. They also want to prevent them from having a degree of dignity and a proper burial, I suppose, because of their crimes.

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They're also quite worried about anatomists coming for the corpses to experiment on them and take them apart.

Roger: Coming back to the theme of this episode, what effect did these punishments have on the families of the conspirators?

Chris Day: I mean, it's pretty traumatic to be honest with you, the effects it has on the families as you can imagine. Because these men basically become infamous in the country. I mean, there are people who support them. When they are executed, the government are worried that there might be supporters there. But apparently, there are almost no cries of support, some cries of condemnation, and mostly just people being disgusted and going a little bit pale when their heads are taken off. So they become vilified and infamous in the country.

Also, Thistlewood and most of these people are veteran revolutionaries. They're not people who get caught up in a plot. Thistlewood has been here before. He'd been acquitted of treason in 1816. His wife, Susan Thistlewood—apparently, he was a doting husband and father and she was supportive of him and probably supported him politically as well.

And if you read the accounts of people like Edwards and the other spies, the impact in the family must be massive because they have revolutionaries in their house all the time drinking and talking about plots, and also the rest of the time they are in taverns talking about plots. So they're not seeing much of their families. But they seem to have been beloved by their families because it obviously has an impact on them.

So after they have been executed, Susan Thistlewood who's Arthur Thistlewood's wife, Sarah Davidson, William Davidson's wife, Tidd's daughter, and other female relatives of the conspirators send a petition to the King. They ask him, they pray that he will "alleviate their acute sufferings" by granting them the return of "the mutilated remains" of their husbands and sons and brothers and fathers. You can see the grief there. They petitioned to the Home Office, but they received no answer. These people that they love, they don't get to see their graves. It's unmarked inside the walls of a prison. They know that their heads and the bodies are separate, jumbled together. They've had lime poured on them to make them rot quicker. It's not a dignified way. It must be very hard to lose someone and not really have a way to say goodbye to them, which is not a public spectacle of brutality.

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What they also do shows their political convictions as well to a certain extent is that they attempt, they write a warrant. Under the English common law, you can try and indict someone for a criminal offence. It's not just the Crown that can try to indict people for criminal offences. Citizens can feasibly try and get people indicted for criminal offences as well. So they write an indictment to have George Edwards indicted for treason for the Cato Street plot saying that he is the real author, he was the one who instigated or is the provocateur. Whether they believe that or not, I'm not sure. I think there's definitely a lot of evidence suggest Edwards eggs people on and he definitely made some stuff up. He seems to be quite keen to go over the line sometimes to get the physical evidence into people's houses and so forth. You can't trust the testimony of a spy.

But if you look at the career of people like Arthur Thistlewood, of Richard Tidd, of William Davidson, their statements, their actions prior to this, they clearly wanted to do something. They weren't unwillingly led. They just may have been further condemned and further doomed. Because they were silly enough to let a man into their ranks and tell him everything quite quickly...who was a spy.

Roger: Well thanks for sharing your research, Chris. That is quite the tale.

Tracy: Thanks for listening to On the Record, a production of The National Archives at Kew. Subscribe to On the Record at The National Archives wherever you get your podcasts so you don't miss new episodes, which are released throughout the year.

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