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James Fitzpiers Fitzgerald, Captain Thomas Lee, and the problem of 'secret traitors': conflicted loyalties during the Nine Years' War, 1594-1603

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In November 1598 the English administration in Dublin received several shocking advertisements that the loyal and trusted Old English Sheriff of Kildare, James Fitzpiers Fitzgerald, had defected to Hugh O'Neill's Irish Catholic confederacy. But, while English administrators sifted though the evidence – which included a written patriotic plea from Hugh O'Neill himself, as well reports of Fitzpiers's presence at the seizing of fortifications and the spoiling of crown subjects – his friend, Captain Thomas Lee, was making the case that Fitzpiers was playing the not so covert part of a 'secret traitor' in order to infiltrate rebel forces and ultimately overthrow the Irish rebellion. The ensuing investigation revealed a story of multiple conspiracies, double agents, ideological manipulation, and dangerous factional rivalries. Thus, by exploring the issue of secret traitors through the unusual case of James Fitzpiers Fitzgerald, this article may also serve to highlight some of the methods employed by Hugh O'Neill to rouse support for an Irish Catholic crusade while drawing attention to some of the more mundane factors which might have induced less prominent Old Englishmen to switch their allegiances during the Nine Years' War.

I

For centuries, the Gaelic Irish had been deemed enemies to the English crown while the Old English descendants of Ireland's twelfth-century Anglo-Norman conquerors had been considered loyal subjects. But, having long preserved the English crown's administrative and martial interests in Ireland, the sixteenth century witnessed

the gradual displacement of Old Englishmen from positions of trust and authority. Although the Old English had generally preferred diplomacy to armed insurrection when responding to the crown's religious, economic, and political reforms, over time, the repeated failure of their embassies and petitions left many Old Englishmen feeling increasingly disenchanted with the authority they had long championed. Crown-community relations became ever more strained over the course of the century and, during the 1570s and 80s, murmur turned into open dissent, with periodic episodes of violence erupting even within the heart of Ireland's English jurisdiction.[1] Rather than extinguishing political and economic resentment, the government's punitive responses to these occasions may have actually hardened Old English opinions and attitudes, especially amongst those affected by the harsh penalties of confiscation and execution.[2] But, while the Old English may have grown more indignant, it also seems they had become more closeted in their criticisms. Indeed, by February 1596, Secretary Sir Geoffrey Fenton expressed deep concern that the nobility of Leinster and the Pale 'seame to be discontented, but touching the causes, they are closs and pryvat to themselves, which makes me dowtfull of further hydden matter then I dare ayme at'.[3]

The 1590s would test Old English allegiances like never before. Besides marking the outbreak of war on a scale unprecedented in Ireland, this period witnessed the repatriation of militant clerical exiles and the deployment of a sophisticated patriotic rhetoric by Hugh O'Neill and his confederate allies. This propaganda, touting

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[1] For discussions on Old English uprisings during 1570s and 80s see Helen Coburn Walshe, 'The rebellion of William Nugent 1581' in R. V. Comerford, Mary Cullen, Jacqueline R. Hill, and Colm Lennon (eds), *Religion, conflict and coexistence in Ireland* (Dublin, 1990), pp 26-52; Christopher Maginn, *'Civilizing' Gaelic Leinster: the extension of Tudor rule in the O'Byrne and O'Toole lordships* (Dublin, 2005); idem, 'The Baltinglass Rebellion, 1580: English dissent or a Gaelic uprising?' in *Historical Journal*, xlvii, no. 2 (Jun. 2004), pp 205-32.

[2] Ciaran Brady, 'Conservative subversives: the community of the Pale and the Dublin administration, 1556-86' in P. J. Corish (ed.), *Radicals, rebels and establishments* (Belfast, 1985), pp 26-28. Lennon has posited that government reaction 'provoked a variety of responses under the general aegis of the movement for the defence of the Catholic heritage': Colm Lennon, 'The Counter-Reformation in Ireland, 1542-1641' in Ciaran Brady and Raymond Gillespie (eds), *Natives and Newcomers* (Blackrock, 1986), p. 86.

[3] Sir Geoffrey Fenton to Burghley, 29 Feb. 1596 (T.N.A., SP 63/186/90).

attachments to native soil and the old religion, purposefully targeted the Old English community with promises of certain privileges which had since been denied by the English crown.[4] Fearing the traditionally feuding Old English and Gaelic Irish might now find common cause in their grievances against English government, most English administrators had come to the conclusion that none of Ireland's inhabitants, regardless of ethnic origin or religious persuasion, could be trusted. Indeed, as the author of *The Supplication of the Blood of the English* remarked after the 1598 revolt in Munster:

> If wee should preasume to perswade yore Majestie to trust none Irishe, wee should perswad you to the safest course for yore kingedome, the safest course for yore subiects, the safest course for yore selfe. Althoughe assuredly there are some, whose faith if it were thoroughly knowne doth well deserve trust. Yet that some are soe fewe as that it is better for you to trust none, then to hazard the lightinge on them that are disloyall.[5]

Nevertheless, some contemporary English observers did not see Irish loyalties as quite so straightforward. Thomas Lee, an English army captain with a colourful Irish career, was convinced that there were categories and gradations amongst those whom he considered traitors.[6] Lee identified two types of Irish traitors, the first of which he termed 'open traitors'. These were the Gaelic Irish and those defiant and perverted Old English borderers who were perpetually occupied in some armed action. His more interesting designation was that grouping he termed 'secret traitors', and these, Lee

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[4] Hiram Morgan, 'Hugh O'Neill and the Nine Years War in Tudor Ireland' in *Historical Journal*, xxxvi, no. 1 (Mar. 1993), pp 25-6.

[5] Willy Maley (ed.), 'The Supplication of the blood of the English most lamentably murdered in Ireland, Cryeng out of the yearth for revenge (1598)' in *Analecta Hibernica*, no. 36 (1995), pp 36-7.

[6] Thomas Lee, 'The Discovery and Recovery of Ireland with the Author's Apology' c. 1599-1600 (B. L., Additional MS 33,743), ed. John McGurk, www.celt.ie/history (24 July 2010). Lee was not alone in this impression and similar views were expressed by other authors: Fynes Moryson, *Shakespeare's Europe*, ed. Charles Hughes (London, 1903), pp 205-7; 'A Direction to the Queenes Majestie how to conquer Ireland' 1599 (B.L., Harley MS 292, f. 173); Exeter College, Oxford, MS 154, ff 66r-66v; Maley (ed.), 'The Supplication', p. 71.

argued, were far more dangerous than open traitors. Open traitors could be identified and neutralised with relative ease, but secret traitors were extremely difficult to detect as they 'seeme to bee subjectes yet doe covertly succore mayntayne and relieve the open Traytours'.[7] And, according to Lee, these secret traitors could be divided into three classes:

> The first mightie in power, place and auchthoritie, The second of resonable abilitie and meanes and indifferently respected and graced by the state there. The third are in generallitie some favouringe the open Traitours for their pretensed cause of Religion, which are a great part of the recusants, and some affectinge the goodes, landes and places which some good subjects have interest in, other glad to be revenged for private grudges, other to make comodities by the open traytours meanes.[8]

Although other English administrators may not have been quite as discerning as Lee, there was little doubt that these treacherous malefactors did exist. It was widely assumed that confederate leader Hugh O'Neill employed secret operatives within the Pale to sabotage the heart of Ireland's English jurisdiction. Indeed, as early as 1594 Lord Deputy Russell was 'greatly suspecting that the earle hath som great practis with many in the english pall and som others of great account or ells hee wold never carye him self so vndutyfully as he doth'.[9] Captain Lee went a step further, claiming that some rebels had boasted to him that 'our frends amongst youe doe us more good than all those that are forth in action with us'.[10]

There was every reason to suspect that this was the case. Hugh O'Neill and the rebel Confederacy possessed a remarkable knowledge of crown government and military affairs; in fact, O'Neill actually bragged that he was informed of Council resolutions

[7] Lee, 'The Discovery' f. 5.

[8] Ibid., f. 7.

[9] Lord Deputy Russell to Robert Cecil, 22 Sep. 1594 (T.N.A., SP 63/176/33).

[10] Lee, 'Apologie' f. 17.

almost immediately after they had been passed, even at supposedly secret meetings.[11] Naturally, English-born administrators were reluctant to suspect one of their own of such duplicity and cast their eyes upon the usual suspects: their Irish-born colleagues. As Lord Deputy Mountjoy's secretary, Fynes Moryson, argued, 'our secrett Counsells' must have been betrayed by Old English insiders because 'who could more iustly be suspected of this falsehood, then the Counsellors of State, borne in that kingdome'.[12] Indeed, he was of the firm opinion 'that the English Irish made Counsellors of State, and Judges of Courts did euidently hurt the publike good, and that their falseharted helpe, did more hinder reformation, then the open Acts of the Rebells'.[13]

Conspiracy theories had been rampant since the war's inception, and rumours involving some of the leading Old English inhabitants of Leinster and Munster had been widely circulated.[14] Most of the evidence acquired by the state, however, was based on hearsay or hypotheses, and concrete evidence against many suspects remained remarkably hard to find.[15] Nevertheless, it was fairly assumed that the more successful O'Neill's military enterprise, the more likely wavering Old English borderers and Palesmen were to embrace his propaganda and join him, either for fear of his chastisement or in expectation of an Irish Catholic victory. And, by the autumn of 1598, with the Irish administration in the hands of an indecisive committee, it became clear that the rebellion was reaching a crescendo and many of these rumoured conspiracies could become reality.[16]

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[11] For example, see John Morgan to Lord Deputy Russell, 10 Jul. 1596 (T.N.A., SP 63/191/18); Marshal Sir Henry Bagenall to Russell, 23 Dec. 1596 (ibid., SP 63/196/31(VII)); Memorandum by Captain Stafford, May 1598 (ibid., SP 63/202(2)/54); Lee, 'Apologie', f. 34.

[12] Moryson, *Shakespeare's Europe*, p. 204.

[13] Ibid. Moryson held the same opinion of Old English and Irish military servitors: ibid., pp 205-6.

[14] For example, see Fenton to Cecil, 20 Apr. 1598 (T.N.A., SP 63/202(2)/16); unknown to Fenton, 18 Apr. 1598 (ibid., SP 63/202(2)/16(I)).

[15] Unfortunately, due to the lack of evidence concerning specific conspiracies and persons, very few cases of secret treasons may be drawn from existing official records.

[16] See, for example, Hiram Morgan, 'Faith and fatherland or Queen and country?' in *Dúiche Néill*, ix (1994), pp 1-49; James Perrott, *The Chronicle of Ireland, 1584-1608*, ed. Herbert Wood (Dublin, 1933), pp 156-7.

That summer, O'Neill's formidable Old English associate, Captain Richard Tyrrell, had been successfully campaigning and raising support in parts of Leinster and Munster.[17] In August, the crown army, under the leadership of Marshal Henry Bagenal, suffered an embarrassing defeat at the Yellow Ford, leaving the army weakened and the country vulnerable.[18] The rebels pressed their advantage over the following months; raids and spoliation were reported everywhere, but more disconcerting was that these incursions were occurring within a few miles of Dublin city with no perceivable resistance made by the inhabitants.[19] Even more worrisome was that most of the fortifications lost to the enemy 'were betrayed by some of the Irish, whome the owners did specyally trust … either norished vp by the owners from their cradle, or otherwaies tyed to them by many benefits'.[20] Then, in October, the same month that the Munster plantation was overthrown, a major rebel plot to seize Dublin Castle was foiled on the eve of its execution.[21] This was confirmation that rebel conspiracies had entered the seat and heart of English jurisdiction. Meanwhile, in neighbouring County Kildare, unverifiable allegations had been made against William Fitzgerald, the great Earl of Kildare, and suspicions of rebel collusion by the habitually loyal James Fitzpiers Fitzgerald, sheriff of Kildare, would become legitimate.

II

[17] Clifford to Burghley, 22 Jan. 1598 (T.N.A., SP 63/202(1)/28); extracts of a letter to Fenton, 20 Jul. 1598 (ibid., SP 63/202(2)/110(I)); Perrott, *Chronicle of Ireland*, ed. Wood, p. 144; K. W. Nicholls, 'Richard Tyrrell, soldier extraordinary' in Hiram Morgan (ed.), *The Battle of Kinsale* (Bray, 2004), pp 161-78.

[18] See, Cyril Falls, *Elizabeth's Irish wars* (London, 1996), pp 213-29; G. A. Hayes-McCoy, *Irish battles* (Belfast, 2009), pp 106-31.

[19] Ormond to Privy Council, 21 Oct. 1598 (T.N.A., SP 63/202(3)/117); Norreys to privy council, 23 Oct. 1598 (ibid., SP 63/202(3)/124); lords justices and Irish council to privy council, 3 Nov. 1598 (ibid., SP 63/202(3)/142); Captain Thomas Reade to Cecil, 20 Nov. 1598 (ibid., SP 63/202(3)/167); Thomas Reade to Cecil, 1 Dec. 1598 (ibid., SP 63/202(4)/3); Garrison Plot by Reade, n.d. (ibid., SP 63/202(4)/19(I)); Fenton to Cecil, 22 Dec. 1598 (ibid., SP 63/202(4)/40); Ja[mes] Foxe to [Robert Devereaux], Earl of Essex, 9 Nov. 1598 (H.M.C., *Salisbury MSS*, viii, (London, 1899), p. 433).

[20] Lords justices and Irish council to privy council, 23 Nov. 1598 (T.N.A., SP 63/202(3)/168).

[21] Loftus, Gardener, Bingham and Irish council to privy council, 31 Oct. 1598 (T.N.A., SP 63/202(3)/135).

Descending from the 'bastard' lineage of MacThomas, James Fitzpiers Fitzgerald of Ballyshannon, County Kildare, was the chief of Ireland's 'Bastard Geraldines'. By the close of the sixteenth century this lineage had become independent of the Fitzgerald earls of Kildare; Fitzpiers, however, seems to have maintained relatively close relations with the earls.[22] As chief of the 'Bastard Geraldines', Fitzpiers held superior command over all his kinsmen and their retainers, which made him a man of rather significant military strength. Unfortunately, little is known about Fitzpiers' participation in the early stages of the Nine Years' War; between 1594 and 1597 the Irish state papers contain only a few notes on his activities and affairs. This is not altogether surprising since Fitzpiers was not a man of English-style title and, although he held office as sheriff of Kildare for a period, he did not hold office in the crown's Irish administration or army. But, in November 1598, and for several months following, Fitzpiers's name appeared regularly in official correspondence and contemporary discourses. This was not because of any notable action against the rebels; instead, suspected of duplicitous dealings, Fitzpiers had come to represent the most worrisome kind of Old Englishman: the 'secret traitor'. As a result, Fitzpiers became the subject of a much debated and complicated state investigation. Yet, as the case began to unravel, it seemed impossible to classify his treasonous personality or diagnose the exact motivation for his depraved actions; in fact, Fitzpiers's case could hardly have been more complicated.

Fitzpiers presents a very interesting subject for a study of Old English loyalties, not least of all because of the ambiguity surrounding his religious persuasions. Unlike so many other Old English loyalists, there is no evidence with which to confirm Fitzpiers's religious allegiances, though it has been suggested that his father, Sir Piers Fitzjames Fitzgerald, had conformed to the Protestant church.[23] It is unclear whether Fitzpiers followed his father's example, but nowhere in the state papers is there any reference to

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[22] I am extremely grateful to Kenneth Nicholls for providing me with much valuable genealogical information on Fitzpiers's lineage.

[23] Philip O'Sullivan Beare declared Piers Fitzjames, identified as Peter Fitzgerald, 'a heretic': O'Sullivan Beare, *Chapters towards a history of Ireland*, ed. M. J. Byrne (London, 1970), p. 75. See also Walter FitzGerald, 'Walter Reagh Fitz Gerald, a noted outlaw of the sixteenth century' in *R.S.A.I.Jn*., fifth series, viii, no. 4 (Dec. 1898), p. 302.

him as a recusant, a typically Old English defect which rarely escaped official comment.[24] The possibility of an association with the established church would set Fitzpiers apart from the majority of Old Englishmen for whom we have records because the wide-spread religious dissidence of his community was one of the greatest contributing factors to government doubts and criticisms. If Fitzpiers was indeed a member of the state church, Dublin administrators would have been more inclined to consider his crown loyalty relatively secure. What is more, Fitzpiers had a family history of crown service. While his father's activities against the crown's Gaelic Irish enemies had earned him the enmity of men like Catholic historian Philip O'Sullivan Beare, the protestant clergyman and chronicler Meredith Hanmer applauded Piers Fitzjames as 'a worthie knight & faithfull subiect vnto her Maiestie'.[25] Given his familial background and probable religious conformity, it seems only natural that Fitzpiers would side with the crown during the Nine Years' War. But, Fitzpiers also had a genuine personal motive for seeking the defeat of the Queen's Irish enemies: revenge. In March 1594, Fitzpiers' father, mother, sister, and three other female relations had been killed when his father's castle at Athy, Co. Kildare, was attacked and burned.[26] The raid was led by Walter Reagh Fitzgerald and the sons of Feagh McHugh O'Byrne – who would shortly thereafter act as allies of O'Neill in Leinster – and was supposedly in retaliation for one committed against Walter Reagh. But, the attack on Fitzpiers' family could hardly be considered a fair fight since Fitzjames had been caught unawares in his own household full, not of martial men, but of gentlewomen.[27] Thus, Fitzpiers, like so many other good sons, was determined to avenge the brutal murder of his father and family.[28]

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[24] Many official recommendations for local supplicants usually made some comment to infer that the individual was either a recusant or 'forward in religion'.

[25] O'Sullivan Beare maintained that the state had rewarded Piers Fitzjames's savagery against the Gaelic Irish with a magistracy: O'Sullivan Beare, *Chapters towards a history of Ireland,* p. 75; Dr Meredith Hanmer to Burghley, 23 Mar. 1594 (T.N.A., SP 63/173/94).

[26] Complaint of James Fitzgerald, 18 Mar. 1594 (T.N.A., SP 63/173/91(VI)); Hanmer to Burghley, 23 Mar. 1594 (ibid., SP 63/173/94).

[27] Generations of conflict had resulted in similar strikes and counter-strikes between the Old English and their Gaelic Irish neighbours. It would be impossible to prove that this was as unprovoked assault; according to O'Sullivan Beare, Piers Fitzjames had brought this on himself since Walter Reagh only sought

In his mission to settle this personal score Fitzpiers joined with his uncle, Edward Fitzgerald,[29] in petitioning the crown and administration for assistance.[30] Edward Fitzgerald impressed upon Lord Treasurer Burghley the precariousness of their situation, insisting that 'we are in dayly danger of our lives threatned by those myschivous rebells, and that we haue many secrete enymyes that be our neighbours'.[31] Together, they described the heinous event and requested auxiliary manpower from the government in order to avenge this wrong.[32] In doing so, Fitzpiers and his uncle were also careful to present their case not solely as one of personal vendetta, but as one which would ultimately advance the crown, swearing that 'we doe not desire our charges only to deffend our selues but in hope to doe her Maiestie service or to lose our lives...and by the grace of god there is not any towe in Ireland with so muche companie that shall doe better service then we shall doe'.[33] Given Fitzpiers's prior record of fidelity and service, the English privy council responded by directing its Irish counterpart to grant him command over twenty-five horse and fifty foot.[34] But, as Fitzpiers and his uncle later explained to Burghley and Sir Robert Cecil, the grant had not materialised and they requested that further letters be directed to the Irish Council so that Fitzpiers 'may haue

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retribution for earlier attack committed against him: O'Sullivan Beare, *Chapters towards a history of Ireland,* p. 75. For comments on petty border feuds, see, 'An Abstracte of mysorders and evill rule within the lande of Ireland' (B.L., Add. MS 48,017, ff 164-165b). It appears that Walter Reagh sustained injuries during this attack and he was soon captured by the authorities and hanged at Dublin: Richard Bagwell, *Ireland under the Tudors* (3vols., London, 1885-90), iii, 246-7.

[28] Complaint of James Fitzgerald, 18 Mar. 1594 (T.N.A., SP 63/173/91(VI)); Fitzgerald to Cecil, 2 Sep. 1594 (ibid., SP 63/176/3).

[29] Fitzpiers' mother was the sister of Edward Fitzgerald. It is possible that this Edward Fitzgerald was the same Edward who served as the Earl of Kildare's steward in Lecale.

[30] James Fitzgerald to Cecil, 2 Sep. 1594 (T.N.A., SP 63/176/3); petition of Edward Fitzgerald, 2 Sep. 1594 (ibid., SP 63/176/4); William Smythe to Burghley, 25 Jan. 1595 (ibid., SP 63/178/20).

[31] Petition of Edward Fitzgerald, 2 Sep. 1594 (T.N.A., SP 63/176/4).

[32] Complaint of James Fitzgerald, 18 Mar. 1594 (T.N.A., SP 63/173/91(VI)); Petition of Edward Fitzgerald, 2 Sep. 1594 (ibid., SP 63/176/4).

[33] Petition of Edward Fitzgerald, 2 Sep. 1594 (T.N.A., SP 63/176/4).

[34] These forces were to be raised within Ireland: James Fitzgerald to Cecil, 2 Sep. 1594 (T.N.A., SP 63/176/3).

the saide number of horsmen to be, by me Imploide in service, againste the murderers of my parentes'.[35] It would seem, based on the cessation of their appeals and various muster reports, that Fitzpiers and his uncle were successful in this suit.

After this spate of petitions, and a report that Fitzpiers had delivered three rebel heads to the administration in April 1595, Fitzpiers cannot be tracked in state records for the next two years.[36] But, in April 1597, Fitzpiers was singled out for special praise when Lord Deputy Russell informed the English privy council that Captain Thomas Lee's company had recently slain the rebel James Butler, along with some of his company, and that Fitzpiers had 'lighted vpon divers other of the rest of them'.[37] Russell's personal military journal also noted that Fitzpiers had 'sent in 13 of the traytors heades' on 5 April and, the following month, had 'sent into Dubline one other of Hugh Cantoes (sic) sonnes, whom he tooke prisoner'.[38] This was an impressive record of service and the crown showed obvious appreciation by rewarding Fitzpiers with 66*s*. 8*d*. for the delivery of rebel heads.[39]

After this, Fitzpiers disappears from the records again only to resurface a year and a half later under very different circumstances. By mid-November 1598 the Dublin administration was in possession of a subversive communication sent to Fitzpiers by the archenemy Hugh O'Neill the previous March.[40] In it, O'Neill appealed to Fitzpiers's sense of patriotic duty in the most uncompromising terms while, simultaneously, preying upon Fitzpiers's vulnerable position within Ireland's factional political system and directly threatening Fitzpiers's personal security. Provocative though it was, it is unlikely that O'Neill's appeal to Fitzpiers provided the real impetus for subsequent events; that,

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[35] Ibid.; petition of Edward Fitzgerald, 2 Sep. 1594 (T.N.A., SP 63/176/4).

[36] 'My L[ord]s Iournall begining on Midsomer daye the 24th of June 1595' (Lambeth Palace Library, Carew MSS, vol. 612, no. 270), hereafter cited as Russell's Journal.

[37] Lord Deputy to Privy Council, 6 Apr. 1597 (T.N.A., SP 63/198/69).

[38] Russell's journal (Lambeth Palace Library, Carew MS 612/270).

[39] 'Several books of payments made by the Treasurer at Wars', 13 Mar. 1599 (T.N.A., SP 63/203/76).

[40] O'Neill to James Fitzpiers, 11 Mar. 1598 (T.N.A., SP 63/202(3)/168(II)). This letter was part of an enclosure sent from the Irish council to the privy council on 23 Nov., 1598. It is unclear when the state came to possess O'Neill's communication; however, since there is no prior mention of this letter, it is assumed that they had only acquired it very recently.

however, does not mean the ideology or conditions behind it should be discounted. Indeed, within a month of the letter's discovery, the Earl of Ormond had informed the Privy Council that Fitzpiers 'hath moste traytourouslye revolted'.[41]

III

Soon after entering rebellion, Hugh O'Neill, the charismatic leader of the Irish Catholic confederacy, had begun stressing the common bonds of religion and native land in order to motivate the Old English to join the Gaelic Irish in a fight against foreign heresy.[42] From an early date, the Dublin administration had expressed concerns about the probable success of O'Neill's proselytisers and his increasingly sophisticated propaganda machine; but the danger of his persuasions amongst the otherwise loyal population of the Pale became fully apparent when O'Neill's intrigues with Fitzpiers were revealed in November 1598. O'Neill's letter to Fitzpiers is one of the most advanced and concise appeals to an individual's sense of patriotic duty surviving from this period, but it is also proof that O'Neill tailored his propaganda to suit his audience.[43]

Given the uncertainty over Fitzpiers's religious allegiances, it is interesting to note that the 'faith' aspect in O'Neill's letter was carefully worded. Although he invoked the name of God, His 'Commaundements', referred to Heaven and Hell, and even employed the term 'converte' twice, O'Neill made no specific reference to the Roman Catholic Church, the Pope, or 'Christ's true religion'. And, while the demand to 'converte' was undoubtedly religiously motivated, in the context of this letter it seems to be Fitzpiers's general behaviour, in both political and religious matters, which needed reform. Indeed, when compared to O'Neill's communications with other Irish lords, like those of

[41] Ormond to Privy Council, 17 Dec. 1598 (T.N.A., SP 63/202(4)/34); list of gentlemen, 14 Dec. 1598 (ibid., SP 63/202(4)/26).

[42] Hiram Morgan, 'Policy and propaganda in Hugh O'Neill's connection with Europe' in Thomas O'Connor and Mary Ann Lyons (eds), *The Ulster earls and baroque Europe* (Dublin, 2010), pp 18-52.

[43] O'Neill to James Fitzpiers, 11 Mar. 1598 (T.N.A., SP 63/202 (3)/168 (II)). See also Ruth Canning, 'War, identity, and the Pale: the Old English and the 1590s crisis in Ireland' (Ph.D. thesis, University College Cork, 2012). Hiram Morgan has also identified the significance of the letter in O'Neill's conception of fatherland ideology: Morgan, 'Hugh O'Neill and the Nine Years War', pp 21-37.

Munster, the letter to Fitzpiers does not explicitly present itself as plea for a Catholic crusade; instead, O'Neill appears to be placing greater emphasis on Fitzpiers's patriotic duty to defend his native soil: the fatherland.[44] As an Old Englishman, born and bred in Ireland, Fitzpiers may have felt a need to defend his *patria* and his position within it from ambitious newcomers; thus, O'Neill focussed on the fatherland and the righteousness in defending one's country against foreign oppressions. But, while this letter illustrates both the persuasiveness and adaptability of O'Neill's patriotic tactics, the timing of his communication also seems to have been rather propitious. Based on existing evidence, it might be reasonable to assume that O'Neill targeted Fitzpiers in the spring of 1598 because he had reason to believe that Fitzpiers was open to switching teams. Indeed, it is quite likely that O'Neill was aware of Fitzpiers's personal grudge against the Queen's lieutenant -general, 'Black' Tom, the great Earl of Ormond, and it is conceivable that he recognised a special opportunity to appeal to the sheriff of Kildare.

It has been argued that the strongest impediment to the development of an Irish Catholic national identity during the early modern period was the island's fragmented and factional political system. Although there were exceptions, this usually meant that each Irish lord was so preoccupied with his own private agenda that he failed to seize opportunities to make common cause with others of similar interest.[45] It has, however, been suggested that Hugh O'Neill was the first Irishman to conceive of an Irish nation and attempt uniting the various Irish factions through the alignment of religious and

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[44] Letter by O'Neill, O'Donnell, O'Rourke and McWilliam sent into Munster, 6 Jul. 1596 (*Cal. Carew MSS, 1589-1600*, p. 179); O'Neill to David, Viscount Buttevant, Lord Barry, 25 Feb. 1600 (T.N.A., SP 63/207(1)/130).

[45] Richard Hadsor, the Earl of Essex, and Philip O'Sullivan Beare held similar opinions, that private interest, rather than public duty, dictated the actions of individuals during this period. For examples see 'Discourse by Richard Hadsor' (B.L. Cotton MS Titus BX, ff 79-84); Essex to privy council, 29 Apr. 1599 (T.N.A., SP 63/205/42); Hiram Morgan, '"Making Ireland Spanish": the political writings of Philip O'Sullivan Beare' in Jason Harris and Keith Sidwell (eds), *Making Ireland Roman: Irish Neo-Latin writers and the Republic of Letters* (Cork, 2009), pp 93-4, 102-6. For a discussion of earlier violent competitions between factions and internal rivals, see David Edwards, 'The escalation of violence in sixteenth-century Ireland' in David Edwards, Pádraig Lenihan, and Clodagh Tait (eds), *Age of atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007), pp 34-78.

national interests for the universal purpose of expelling the English.[46] To this end, O'Neill kept abreast of all political matters prevailing in, and pertaining to, Ireland.[47] He was also acutely conscious of the factional rivalries obtaining within each of Ireland's prominent families, as well as those which split Ireland's English administration. Throughout the preceding centuries, the English crown and its enemies had endeavoured to exploit the chronic and combative factionalism existing within the Irish political system; O'Neill recognised the same opportunity and, with some success, interfered in both domestic and international rivalries in order to direct these weaknesses to his own advantage. Indeed, once firmly established in Ulster, O'Neill had quickly set to work manipulating the personal ambitions and endemic power struggles of his neighbours.[48] With the outbreak of war, O'Neill cast his eye further abroad. He exploited existing feuds and attempted to create others by resorting to allegations of treachery in order to draw already insecure Old English lords to his side. For example, in 1594 O'Neill made overtures to the Earl of Kildare.[49] In doing so, he attempted to twist the details of recent events in his own favour by claiming that certain attacks committed against Kildare's lands, supposedly perpetrated by some of O'Neill's kinsmen and allies, had, in fact, been executed under the authority of Marshal Bagenal.[50] And, should Kildare wish to proceed

[46] For an analysis of the historiography relating to O'Neill as a nationalist, see Morgan, 'Hugh O'Neill and the Nine Years War' pp 21-37. Prominent amongst those who have portrayed O'Neill as an early nationalist was John Mitchel: see Mitchel, *The life and times of Aodh O'Neill* (Dublin, 1845).

[47] For example, see, John Morgan to Russell, 10 Jul. 1596 (TN.A., SP 63/191/18); memorandum by Captain Stafford, May 1598 (ibid., SP 63/202(2)/54); Lee, 'Apologie' f. 34.

[48] For a discussion of O'Neill's manipulation of Ulster politics, especially his elimination of competitors, see Hiram Morgan, '"Slán Dé fút go hoíche": Hugh O'Neill's murders' in Edwards, Lenihan, and Tait (eds), *Age of atrocity*, pp 95-118; G. A. Hayes-McCoy, 'Strategy and tactics in Irish warfare, 1593-1601' in *Irish Historical Studies*, ii, no. 7 (Mar. 1941), p. 257.

[49] O'Neill to [Henry Fitzgerald,] Earl of Kildare, 8 Apr. 1594 (T.N.A., SP 63/174/37(XIII)).

[50] For an official report on these attacks on Kildare, see 'Advertisements sent to Sir Henry Duke by several espials', 20 Feb. 1595 (T.N.A., SP 63/178/53(V)). See also 'Advertisements delivered by Captain James Fitzgarrett', 12 Aug. 1596 (ibid., SP 63/192/7(XI)).

against the offenders, he would find O'Neill 'redie to performe anie thing I maie that shall work your contentment'.[51]

O'Neill knew exactly how to play on the vulnerabilities of individuals; he knew Kildare was irate at the recent spoliation of his lands, and he also knew that there was no love lost between Bagenal and any of the Irish nobility. In his communication with Kildare, circumstances had permitted O'Neill to attempt to shift the blame from his own adherents to his personal nemesis, Bagenal. It would, however, be much more difficult to excuse himself and his allies for their cruelty to Fitzpiers's father. But, try he did. O'Neill claimed that the former cruelty of Fitzpiers's father had justified his murder and, since it was believed Fitzpiers shared his father's bloody temperament, the sheriff was undeserving of any courteous communication. Yet, according to O'Neill, the confederates had not lost hope that Fitzpiers would reform his ways, and it was at the behest of Piers Fitzjames's murderers that O'Neill now extended this kindly entreaty. For the same reason, the Leinster confederates had abstained from assaulting Fitzpiers as of yet; but O'Neill was obliged to warn him that if he did not acquiesce now, his failure to perform his natural duty to his country would not go unpunished. Indeed, if Fitzpiers did not heed their gracious and well-intended warning he could expect to suffer the same fate as his father. This letter is indicative of O'Neill's astute manipulation of events; by twisting the cause of the earlier attack on Fitzpiers's father by men who had since become his confirmed allies, O'Neill attempted to convert a detrimental event into one of opportunity. But of equal importance is that this combination of patriotic ideology and physical threat was directed towards Fitzpiers at a time when he was at odds with the most powerful man in Ireland's English executive.

IV

[51] O'Neill to Kildare, 8 Apr. 1594 (TNA, SP 63/174/37(XIII)). See also 'Advertisements delivered by Captain James Fitzgarrett', 12 Aug. 1596 (ibid., SP 63/192/7(XI)). Fortunately for Kildare, following the discovery of O'Neill's letter Lord Deputy Fitzwilliam assured Burghley that there was no reason to doubt the earl: Fitzwilliam to Burghley, 5 May 1594 (ibid., SP 63/174/38).

Receiving a seditious letter from O'Neill and acting on it were two separate matters. But, at the end of November, eight months after the date of O'Neill's communication, Sir Richard Bingham, the recently appointed Marshal of Ireland, notified the Lords Justices that Fitzpiers had suddenly revolted. According to Bingham, immediately after his men had delivered fresh supplies into the crown ward at the Abbey of Athy, the constable, Collier, surrendered it 'vpon frendlie composicion' to James Fitzpiers.[52] Bingham noted that Fitzpiers had recently written to him to explain that, as sheriff of Kildare, he had taken personal control of the ward in order to better serve the Queen. However, once in command, Fitzpiers had handed the fortification over to the infamous rebel Owny McRory O'Moore and, in addition to the actual building, the former ward, along with '14 more, all Englishe', defected to the rebels at Fitzpiers's supposed urging.[53] Bingham was infuriated that crown soldiers, 'well furnished, and able to haue kept the Abbey for a tyme against all the rebelles in theis partes,' had so quickly capitulated to the enemy.[54] But far more confounding to Bingham was that 'Englishmen become traitors amongst these Yrishe rebelles'.[55] The sheriff's suspicious dealings continued. After relinquishing the abbey to Owny, Fitzpiers continued to hold another ward in the castle on the bridge in Athy which he refused to redeliver to crown officers.[56] Rather than employing himself to the Queen's advantage, Fitzpiers blocked the passage of crown troops and supply convoys at the bridge, seriously impeding the government's ability to victual other crown fortifications in the vicinity.[57] To make matters worse, soon after securing this fortification, Fitzpiers marched into Munster 'with the Dempsies, O

[52] Bingham complained that 'Collier the constable was maried to one of the Moores, and by that meanes as it shold seeme, was the castilier drawne to be a villaine', Bingham to Loftus and Gardener, 27 Nov. 1598 (T.N.A., SP 63/202(3)/172).

[53] Once in possession of the building, Owny McRory proceeded to tear it down: ibid.; Ormond to privy council, 17 Dec. 1598 (ibid., SP 63/202(4)/34).

[54] Bingham to Loftus and Gardener, 27 Nov. 1598 (T.N.A., SP 63/202(3)/172).

[55] Ibid.

[56] Reade to Cecil, 1 Dec. 1598 (T.N.A., SP 63/202(4)/3).

[57] Ormond to privy council, 17 Dec. 1598 (T.N.A., SP 63/202(4)/34).

Duns, and Ownie MrRowries', but failing to win any ground in Munster, Fitzpiers and his new allies returned to Kildare where they pestered and spoiled the Queen's subjects.[58]

Although administrators may have sounded surprised by these events, it seems that many suspected trouble had been brewing in County Kildare for some time. In early November 1598, presumably before O'Neill's communication with Fitzpiers became known, the Irish council was already deeply suspicious about 'a greate personage in Leinster'.[59] A few days later Bingham affirmed that '[w]e h[e]are many likelihoods that some of the great ones in the Pale will ere it be longe showe openlie in this accion'.[60] This great person seems to have been the Earl of Kildare, but Fenton dismissed suspicions, insisting that 'I see not how by breakinge his duty he cann better his estate, but rather make it desperate for euer'.[61] But, in addition to the earl, administrators must have had some particular doubts about the sheriff of Kildare because they had already ordered James Fitzpiers, along with the rest of the gentlemen of Kildare, to appear before the council on 6 November 1598. As sheriff, Fitzpiers claimed to have obeyed these instructions by dispatching warrants to the sergeants of each barony; however, none of the men summoned from County Kildare, including Fitzpiers and the earl, presented themselves before the council.[62] Their explanations seemed weak. The earl protested that he had suddenly fallen ill and was unable to endure the journey to Dublin.[63] Fitzpiers offered the same excuse, to which he would soon add several others. In fact, according to Fitzpiers, the strongest reason for his non-attendance related to Captain Thomas Lee and the earl of Ormond.[64]

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[58] Bingham to Loftus and Gardener, 27 Nov. 1598 (T.N.A., SP 63/202(3)/172); 'The greevances of the Englishe Pale' 1598 (ibid., SP 63/202(4)/60).

[59] Loftus, Gardener, Bingham and Irish council to privy council, 31 Oct. 1598 (T.N.A., SP 63/202(3)/135); lords justices and Irish council to privy council, 3 Nov. 1598 (ibid., SP 63/202(3)/142).

[60] Bingham to Cecil, 6 Nov. 1598 (T.N.A., SP 63/202(3)/150).

[61] Fenton to Cecil, 5 Nov. 1598 (T.N.A., SP 63/202(3)/147).

[62] James Fitzpiers to Loftus and Gardener, 18 Nov. 1598 (T.N.A., SP 63/202(3)/168(III)); Loftus and Gardener and Fenton to privy council, 7 Nov. 1598 (ibid., SP 63/202(3)/152).

[63] Kildare to Loftus and Gardener, 7 Nov. 1598 (T.N.A., SP 63/202(3)/152(II)); Foxe to Essex, 9 Nov. 1598 (H.M.C., *Salisbury MSS*, viii, p. 433).

[64] James Fitzpiers to Loftus and Gardener, 18 Nov. 1598 (T.N.A., SP 63/202(3)/168(III)).

In the years preceding his defection, a close friendship had developed between Fitzpiers and Captain Lee. As neighbours in Athy, County Kildare, they had served alongside each other on numerous campaigns against the Queen's Irish enemies. But they had also bonded over common hatred for Thomas Butler, the earl of Ormond, and it appears the feeling was mutual. Lee had earned the earl's enmity as early as 1581 after allowing his horse company to run amok in Ormond's territory; henceforth the two men missed few opportunities to frustrate one another, either through accusations of fraudulent behaviour or by trespassing upon one another's property.[65] Although the source of antagonism between Ormond and Fitzpiers is less clear, it does appear that Ormond harboured a particular dislike for James Fitzpiers since Captain Lee declared that the recently appointed lieutenant-general hated Fitzpiers 'as he hates the dyvell'.[66]

It would seem that fear of Ormond and solidarity with Lee greatly influenced Fitzpiers's conduct in late 1598. Shortly after Fitzpiers failed to appear before the Irish council, his friend Lee had been committed to Dublin Castle for his invention of a convoluted conspiracy to solve the Irish crisis. Fitzpiers complained that if Lee, 'being a man of good desert', had been imprisoned, then he had good reason to expect the same fate considering he was 'ioyned with him [Lee] in all his actions'.[67] Fitzpiers further argued that he could hardly expect fair or lenient treatment at the hands of a government overseen by his avowed enemy, insisting that had he ventured to Dublin, Ormond would

[65] John McGurk, 'Hugh Ó Neill, 2nd Earl of Tyrone & Captain Thomas Lee, double-agent' in *Dúiche Néill*, xv (2006), p. 13; Hiram Morgan, 'Tom Lee: the posing peacemaker' in Brendan Bradshaw, Andrew Hadfield, and Willy Maley (eds), *Representing Ireland: literature and the origins of conflict, 1534-1660* (Cambridge, 1993), pp 145, 158; 'Substance of speeches between Captain Lee and Richard Hoper', 24 Nov. 1598 (T.N.A., SP 63/202(3)/171(IV)).

[66] Ibid. It is possible that there may have been an inheritance dispute between Fitzpiers and Ormond since they were distant relations. I am grateful to Kenneth Nicholls for pointing out this genealogical link. Similarly, Richard Bagwell indicated a genealogical connection between Fitzpiers' family and the earl of Ormond, stating that Fitzpiers' father was a 'kinsman' to the earl: Bagwell, *Ireland under the Tudors*, iii, 246.

[67] James Fitzpiers to Loftus and Gardener, 18 Nov. 1598 (T.N.A., SP 63/202(3)/168(III)).

have ordered the council 'to leave me vpp, and to breake my necke'.[68] The Irish council paid little heed to these excuses and referred Fitzpiers's letter, along with the one from O'Neill, to the English privy council so that 'your Lordships may see, by what sleight evasions he shonneth to come to vs'.[69]

Nevertheless, Fitzpiers's revolt did surprise some English administrators. One such officer was muster-master Sir Ralph Lane who contended that Fitzpiers, like his father before him, had spent 'his wholle life vntill fewe weekes paste, not onelie loyall, but in vallor moste serviceable to her maiestie euen againste his owne bloode'.[70] Bearing in mind Fitzpiers's former reliability, it was believed that this betrayal might have been triggered by some internal discord within the loyalist camp rather than personal inconstancy. Indeed, Lane attributed Fitzpiers's change of heart to desperation because he was 'firste depressed, and now hedlonge thruste out into rebellion by my Lord Liftenants knowne displeasure towards him'.[71] Captain Thomas Read shared this opinion, explaining to Sir Robert Cecil that Fitzpiers, being 'a man of good service, is not favowred by my Lord generall, and feareth muche the burthen of his honors displeasure. And it is to be supposed that he wilbe vppon his guarde and that duringe the tyme of my L. generalls aucthoritie he will neyther truste my L. generall nor the State'.[72] While it is conceivable that these English officers felt genuine sympathy for Fitzpiers's predicament, it is equally possible that they were inclined to favour Fitzpiers on account of the widespread jealousy and resentment many English administrators harboured against the powerful Earl of Ormond. Prominent amongst this kind of officer was Captain Thomas Lee who, determined to undermine Ormond's authority and expose him as a traitor, enlisted the assistance of Fitzpiers in an elaborate and dangerous plot.

V

[68] Ibid. His friend Lee was of the same opinion, stating that if Fitzpiers ever ventured to meet Ormond, the earl 'would surely hang' him: 'Substance of speeches between Captain Lee and Hoper', 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)).

[69] Lords justices and Irish council to privy council, 23 Nov. 1598 (T.N.A., SP 63/202(3)/168).

[70] Sir Ralph Lane's project for service, 23 Dec. 1598 (T.N.A., SP 63/202(4)/46(I)).

[71] Ibid.

[72] Reade to Cecil, 20 Nov. 1598 (T.N.A., SP 63/202(3)/167).

Evidence showing Fitzpiers to be in collusion with the Queen's enemies was damning. He had received a seditious letter from O'Neill; he had refused to appear before the Irish Council; he had seized control of crown fortifications which he then delivered to known rebels; and he had participated in rebel forays against the Queen's subjects. But while Ormond and the council were expressing concerns over Fitzpiers's recent defection, a case was being made which suggested that the Old Englishman's actions were more loyal than anyone could have imagined. Indeed, interrogatories administered to Captain Thomas Lee implied that Fitzpiers was involved in some top-secret plot which, while casting him in the role of traitor for the moment, would ultimately give the crown the upper hand.

According to Captain Lee, Fitzpiers was a principal participant in his recently devised scheme to topple Ireland's greatest secret traitor and subdue the rebellion currently raging throughout the country. Lee was not the only man to formulate an elaborate proposal for the suppression of O'Neill's rebellion, but his was unique in that it flirted with treason and jeopardised the loyalty of James Fitzpiers Fitzgerald.[73] A controversial character who authored numerous complaints and proposals, as well as three significant treatises on Ireland, Lee showed no reservations about attacking high-ranking administrators with his pen.[74] Naturally, this did not bode well for his professional or private advancement; and, while accusations against fellow army and administrative officers made for powerful enemies, his own affairs offered his adversaries much to criticise. Over the course of his Irish career Lee had participated in both authorised and unsanctioned discussions with the Queen's Irish enemies and, in doing so, he had made some unsavoury friends, amongst whom may be counted Hugh O'Neill.[75]

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[73] For example, Lee's plot can be compared to another proposal drafted by Sir Ralph Lane around the same time: Lane to Cecil, 23 Dec. 1598 (T.N.A., SP 63/202(4)/46); Sir Ralph Lane's project for service, 23 Dec. 1598 (ibid., SP 63/202(4)/46(I)).

[74] Lee, 'Infformacion giuen to Queen Elizabeth against Sir William Fitzwilliams, his gouernmente in Irelande' (c. 1594), ed. Hiram Morgan, (www.celt.ie/history) (12 June 2011); Lee, 'A brief declaration of the government of Ireland' (1594), in John Lodge (ed.), *Desiderata Curiosa Hibernica* (2 vols., Dublin, 1772), i, 87-150; Lee, 'Discovery and Recovery of Ireland with the Author's Apology'.

[75] Morgan, 'Tom Lee', pp 132-65.

On account of his long familiarity with many confederate leaders, Lee believed that he could orchestrate a more peaceful solution for Ireland; this, however, provided his opponents with the necessary fodder to present treasonous allegations which landed Lee in prison on several occasions. Indeed, in November 1595 Lee was detained on Sir Henry Harrington's complaints and, in February 1598, he was committed again after Captain Charles Montague accused him of 'maynteyning & adhering to the Byrnes & other Rebells of Leinster, & in some sort coherent to the rebells of Ulster'.[76] Harrington supported Montague's charges, but they received far more influential backing from the earl of Ormond with the result that Lee spent the following five months in Dublin Castle.[77]

Following his release in July 1598, Lee was determined to discover how he could undermine his nemesis, Ormond, while settling Ireland once and for all. He returned to his home in Athy and immediately set to work investigating affairs in the area by conversing with his 'honest frends' as well as 'divers traytors'. The accumulated information led Lee to conclude that the Queen was 'merely cosoned of her Kingdome of Ireland, which was to be betrayed, even by those, in whome her Highnes did repose the most trust'.[78] The 'procurer of all these trubles', and 'author of this rebellion', Lee declared, was the earl of Ormond, now lieutenant-general of the Queen's army in Ireland.[79] In other words, the Queen's most trusted Irish servitor was in fact the chief of the 'secret traitors'. Lee reckoned that uncovering the earl's treasonous dealings and overthrowing his paramountcy would facilitate a successful and lasting pacification of

[76] Sir Charles Calthorpe, attorney-general of Ireland, to Burghley, 28 Mar. 1598 (T.N.A., SP 63/202(I)/94).

[77] This article outlines only one of Lee's many ambitious and controversial projects. His career and writings have received more detailed scholarly attention from Hiram Morgan, John McGurk, and James Meyers: Morgan, 'Tom Lee'; McGurk, 'A soldier's prescription for the governance of Ireland, 1599-1600: Captain Thomas Lee and his tracts' in Brian Mac Cuarta (ed.), *Reshaping Ireland, 1550-1700: colonization and its consequences* (Dublin, 2011), pp 43-60; McGurk, 'Hugh Ó Neill' pp 11-25; J. P. Myers, '"Murdering heart…murdering hand": Captain Thomas Lee of Ireland, Elizabethan assassin' in *Sixteenth Century Journal*, xxii, no. 1 (spring 1991), pp 47-60; Myers, 'Early English colonial experiences in Ireland: Captain Thomas Lee and Sir John Davies' in *Eire-Ireland*, xxiii, no. 1 (spring 1988), pp 8-21.

[78] Lee, 'Apologie' f. 15.

[79] An act of Council, 14 Nov. 1598 (T.N.A., SP 63/202(3)/171(I)).

Ireland. But, because only he and a few others seemed to understand the urgency, Lee had resolved to take it upon himself to expose Ormond's treasons and extinguish the pestilent Irish rebellion.

Without a doubt, Lee was an ambitious man who felt that his intellect and many skills were grossly undervalued by his superiors, and it would seem that he was on a constant mission to prove just that. On 13 November 1598, a confident Captain Lee met with Thomas Jones, bishop of Meath, and disclosed his plans for defeating the Queen's Irish enemies.[80] He began by laying bare his feelings about Ormond and the need to expose the earl's treasons, but he declined Jones's request that he share the grounds of his suspicions or the details of his plot with the Irish council, insisting that the success of his scheme depended on its secrecy. Given the substance of Lee's accusations and the perilous nature of his plot, Jones felt duty bound to relate the content of their conversation to the rest of the council and, the following day, Lee was brought before the council where he was required to explain himself.[81]

When asked the grounds for his allegations against Ormond, Lee exclaimed 'by Iesu God, they are to[o] manifest'.[82] He asserted that O'Neill had personally confessed to being 'wholy' dependent upon Ormond prior to his rebellion and that he still 'must nedes be directed by him'.[83] Similarly, the notorious rebel Brian Reagh Fitzgerald had bragged to Lee that 'you thinke he is on your side, but by god he is on our side'.[84] Brian Reagh further claimed that O'Neill and Ormond had agreed to divide Ireland between them following the expected overthrow of English government – O'Neill ruling everything

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[80] Report of certain speeches between Lee and Thomas Jones, bishop of Meath, 18 Nov. 1598 (T.N.A., SP 63/202(3)/171(V)).

[81] Loftus and Gardener, and Irish council to Cecil, 27 Nov. 1598 (T.N.A., SP 63/202(3)/171); Act of council, 14 Nov. 1598 (ibid., SP 63/202(3)/171(I)); interrogatories ministered to Lee, 22 Nov. 1598 (ibid., SP 63/202(3)/171(II)); Lee's answers, 22 Nov. 1598 (ibid., SP 63/202(3)/171(III)); substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)); report of certain speeches between Lee and Bishop of Meath, 18 Nov. 1598 (ibid., SP 63/202(3)/171(V)).

[82] Act of Council, 14 Nov. 1598 (T.N.A., SP 63/202(3)/171(I)).

[83] Interrogatories ministered to Lee, 22 Nov. 1598 (ibid., SP 63/202(3)/171(II)); Lee's answers, 22 Nov. 1598 (ibid., SP 63/202(3)/171(III)).

[84] Ibid.

north of the Boyne and Ormond controlling all territory south of it.[85] To help substantiate the alleged alliance, Lee drew attention to how few rebel raids had been committed against Ormond's territory compared to the rest of the country, insisting that while the rest of Ireland was utterly impoverished and virtually devoid of decent livestock, Ormond's 'country swarmes with them, and hath had fewe or none taken from him of long tyme'.[86] Moreover, Lee had it on good authority that when Brian Reagh's followers did commit some spoils against Ormond, O'Neill had personally intervened and ordered the restitution of all preys.[87] As further proof of rebel collusion, Lee offered Ormond's recent inactivity as lieutenant-general. He argued that since taking command of the crown army Ormond had drawn all available forces into Kilkenny for the preservation of his own territories where they performed no notable service against easily confronted neighbouring rebels.[88] By this act Ormond had weakened Pale defences, leaving it at the mercy of the Queen's enemies who had immediately attacked the borders and tormented her unprotected subjects. In addition to this, Lee accused Ormond of inciting loyal subjects to rebel, including some of his own kinsmen.[89] Worse still, Lee contended that Ormond had attempted to turn the earl of Kildare through speeches intended 'to provoke him & to breede a discontentment in him, viz., that bothe himselfe & he the sayd Earle of Kildare, beinge noble men, had bene vnworthely vsed by the Lords Iustices & not as men of theyre sorte should have bene'.[90] According to Lee, Kildare had only been stayed through the intervention of himself and his friend James Fitzpiers.[91] It is possible,

[85] Ibid.

[86] Substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)).

[87] 'Brian Reogh O'More to Teig McMortogh and Lysagh Oge and their followers', 20 May 1598 (ibid., SP 63/202(2)/39); Lee's answers, 22 Nov. 1598 (ibid., SP 63/202(3)/171(III)).

[88] Substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (T.N.A., SP 63/202(3)/171(IV)).

[89] Ibid.

[90] Act of Council, 14 Nov. 1598 (ibid., SP 63/202(3)/171(I)).

[91] Lee reported that he had directed Fitzpiers to go to Kildare and 'perswade the erle to stand firme in his dutie'; Fitzpiers was also to arrange a private appointment for Lee to speak with Kildare privately. But there was a shady element in Lee's dealings with Kildare. As part of Lee's efforts to secure the continuing loyalty of Kildare, but with an obvious benefit to himself, Lee attempted to arrange a marriage between Kildare and his own daughter instead of Ormond's: Act of Council, 14 Nov. 1598 (ibid., SP

however, that Lee had exaggerated their influence in this respect since, several weeks earlier, secretary Fenton had already dispelled fears about Kildare's possible teetering.[92]

Much of what Lee had to say about Ormond's self-preservation during this war seems to be borne out by other accounts.[93] But Ormond had many enemies in the Irish administration and amongst his Old English peers, many of whom were only too willing to entertain accusations of double-dealing by the earl. As a result, Ormond had weathered many a political storm and his supposed security may have been due to prudence and his own vigilant care.[94] Indeed, while drawing away large numbers of crown soldiers for the protection of his own territory was almost certainly selfishly motivated, it can be argued that if Ormond had been in league with O'Neill he would not have felt any need to do so. Furthermore, the Baron of Delvin had uncovered a rebel conspiracy to seize the town of Kilkenny with the collusion of some its less reliable inhabitants, thus indicating that the earl was not entirely immune to rebel scheming.[95] Nevertheless, there may be some truth to O'Neill's cautious dealings, but mainly because it was in O'Neill's best interests to avoid causing any offence to the great earl. Although

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63/202(3)/171(I)); Lee's answers, 22 Nov. 1598 (ibid., SP 63/202(3)/171(III)); substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)).

[92] Fenton to Cecil, 5 Nov. 1598 (T.N.A., SP 63/202(3)/147).

[93] The Irish Council complained that Ormond's constant absence from the council table for supposed military service was a great hindrance to the government, especially since the Lord General did not seem particularly active in military exploits. They also claimed that Ormond neglected to maintain constant correspondence with the rest of the Council: Loftus and Gardener to privy council, 1 Jun. 1598 (ibid., SP 62/202(2)/56); lords justices and Irish council to same, 3 Nov. 1598 (ibid., SP 63/202(3)/142); Cecil to Ormond, 17 Nov. 1598 (*Cal. S.P. Ire., 1598-1599*, p. 350); Wallop to Cecil, 3 Feb. 1599 (T.N.A., SP 63/203/32). Hiram Morgan has also raised some significant questions regarding Ormond's conduct during the war: Morgan, 'Tom Lee', pp 158-9.

[94] David Edwards, *The Ormond lordship in County Kilkenny, 1515-1642: the rise and fall of Butler feudal power*, (Dublin, 2003); David Edwards, 'Butler, Thomas, tenth earl of Ormond and third earl of Ossory (1531–1614)', in *Oxford D.N.B.*

[95] Thomas Jones, bishop of Meath, to Ormond, 11 Dec. 1598 (T.N.A., SP 63/202(4)/34(XI)); Loftus, Gardener and council to Ormond, 11 Dec. 1598 (ibid., SP 63/203/15(II)); Loftus, Gardener and council to Ormond, 23 Dec. 1598 (ibid., SP 63/203/15(III)); William Hartepoole (Harpole), Constable of Carlow, to Ormond, 16 Jan. 1599 (ibid., SP 63/203/15(VII)).

the Queen's cousin and one of her court favourites, Ormond was a powerful Irish lord in his own right and the fall of crown government would not change that fact. Should the rebels be victorious, O'Neill would still have to reach some sort of accommodation with the Earl if he was to make any permanent settlement in an independent Ireland, and this would be exponentially more difficult if Ormond felt personally affronted by O'Neill. Although Ormond must have been conscious of this, under the English crown he was the greatest man in Ireland and it was unlikely he would hazard that by conspiring with the Queen's enemies. Nevertheless, the fact that the Irish council was willing to mull over Lee's allegations is indicative of the suspicion with which they held all Old English servitors and the jealousy they bore towards Ormond in particular.

Having justified his reasons for targeting Ormond, Lee was then required to explain how he intended to execute his plot. He had bragged to Jones that he could gather and command a force of five thousand but, under interrogation, Lee maintained that he had not actually discussed his plans with anyone except 'that honest Iames ffitzPiers, who is as sure to the State, as any in the kingdome'.[96] Nevertheless, Lee remained confident that when the time for action was upon them he would find ready assistance amongst the nobility of the Pale, Leinster, and Munster.[97] This may have been a reasonable assumption since the Irish nobility owed fealty to the English crown, at least in theory; but Lee also hoped to collude with known rebels, namely Donnell Spaniagh, Owny McRory, Phelim McFeagh, the O'Moores, the O'Dempseys, and the Viscount Mountgarrett.[98] To most, gaining the co-operation of so many groups must have seemed unlikely, yet Lee did not think this impractical, presumably as long as he played to anti-Ormondist sentiments. Lee also believed rebel complicity could be partially achieved through his own reputation and, as a further guarantee, he would employ Catholic priests

[96] Lee's answers, 22 Nov. 1598 (T.N.A., SP 63/202(3)/171(III)); report of certain speeches between Lee and the bishop of Meath, 18 Nov. 1598 (ibid., SP 63/202(3)/171(V)).

[97] Lee's answers, 22 Nov. 1598 (T.N.A., SP 63/202(3)/171(III)); report of certain speeches between Lee and the bishop of Meath, 18 Nov. 1598 (ibid., SP 63/202(3)/171(V)); substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)).

[98] Report of certain speeches between Lee and the bishop of Meath, 18 Nov. 1598 (T.N.A., SP 63/202(3)/171(V)); substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)).

to 'bring them to me, one after an other, & there priests will assure them to me by there booke oathes'.[99] As for O'Neill, Lee planned to compass him by acquainting his secretary, Henry Hovenden, with the plan.[100] Finally, once all arrangements were in place, Lee averred that he would be able to 'drawe them as I lyste' and 'order them as pleaseth me'.[101]

Lee made few excuses for his conspiracy, or for the rogue behaviour of his friend Fitzpiers. From the outset Lee admitted that his scheme dictated acts of treason in order to achieve its end, yet he had purposefully designed it in such a way as to keep himself clear of any treasonous dealings with the rebels. When asked to further qualify how he planned to achieve all this without being detected, Lee announced that 'he did thinke to compasse them by Iames fitzpeirs'.[102] The Irish council seemed taken aback by Lee's plan to turn Fitzpiers, 'a good & dutifull subiect', into 'the executor of your plot', but Lee was quick to respond that Fitzpiers was still a paradigm of crown loyalty, even asserting that he was amongst the four most trustworthy crown subjects in the whole of Ireland.[103] Lee also maintained that Fitzpiers had resolutely ignored all rebel overtures, including the patriotic persuasions of O'Neill's letter only six months earlier. It was not until Lee's release from prison and his investigation into Ormond's treasons that Fitzpiers contemplated any such action, and it was only because the ends justified the means. Thus Lee protested that Fitzpiers 'had noe Trayterous intent'; it was, however, necessary that he play the part of a traitor in order to ingratiate himself with the rebels and then act as a double agent for the benefit of the crown.[104] Fitzpiers was the ideal candidate for this because, as chief of the Bastard Geraldines, he could draw large numbers of kinsmen and retainers into rebellion whereby he would gain rebel trust and quickly infiltrate the upper

[99] Report of certain speeches between Lee and the bishop of Meath, 18 Nov. 1598 (T.N.A., SP 63/202(3)/171(V)).

[100] Substance of speeches between Captain Lee and Hoper, 24 Nov. 1598 (ibid., SP 63/202(3)/171(IV)).

[101] Report of certain speeches between Lee and the bishop of Meath, 18 Nov. 1598 (ibid., SP 63/202(3)/171(V)).

[102] Lee's answers, 22 Nov. 1598 (ibid., SP 63/202(3)/171(III)).

[103] Interrogatories ministered to Lee, 22 Nov. 1598 (TNA, SP 63/202(3)/171(II)); Lee, 'The Discovery' ff 88-9.

[104] Lee, 'Apologie', f. 25.

levels of rebel command. Once established in confederate ranks, Fitzpiers would be able to relay details of rebel plans to Lee who would then provide the administration with all essential information.

As far as Lee was concerned, he had come up with the answer to England's Irish problem; his flirtation with treason, however, could not have come at a worse time. During the three months leading up to this investigation the crown had suffered a massively embarrassing military defeat at Yellow Ford, the Munster plantation had been overthrown, and a rebel plot to seize Dublin Castle had been uncovered. What is more – not surprisingly – Lee had not waited for the council's approval before plotting the demise of Ireland's highest ranking officer and setting Fitzpiers to work.[105] Thus, after some deliberation on the perilous nature of Lee's plot and his bold allegations against Ormond, the Irish council decided that Lee should be confined to Dublin Castle. This, however, was not the reason imparted to the public; instead, the advertised reason for Lee's committal was his secondary role in pushing the otherwise loyal James Fitzpiers Fitzgerald into revolt.[106] Although the council's verdict could be easily justified on a number of points, it only served to complicate matters because Lee's imprisonment drove his co-conspirator Fitzpiers to stand upon his guard, entrench himself in the castle of Athy, and commit to rebellion.[107]

Notwithstanding these complications, Fitzpiers continued to notify the imprisoned Lee of all confederate developments and Lee, in turn, alerted the government. Yet these opportunities were squandered by the administration. When the mismanaged crown army was dispatched to encounter the enemy in accordance with these intelligences, it missed the times and places specified by Fitzpiers by only minutes or metres; and the coincidence of the army's appearance in the vicinity gave the rebels reason to suspect that their movements and plans were being betrayed by one of their own. Unsurprisingly, as an Old Englishman, and perhaps a Protestant, with a previously untarnished record of crown loyalty, Fitzpiers found himself the object of confederate scrutiny and was now unsure whom to trust. Forced to decide whether he would be better off adhering to the

[105] Ibid., f. 18; Loftus, Gardener and Irish council to Cecil, 27 Nov. 1598 (T.N.A., SP 63/202(3)/171).

[106] Act of Council, 14 Nov. 1598 (T.N.A., SP 63/202(3)/171(I)).

[107] Lee, 'Apologie', f. 23.

rebels or turning himself over to the government where he was sure to fall victim to the offended Earl of Ormond, Fitzpiers made his decision. Although he maintained communications with Lee, keeping him informed of rebel affairs, Fitzpiers felt resigned to continue in his present action 'because the State [had] neglected him'.[108] This was indeed the crown's loss because, not long after making this decision, Sir Ralph Lane reported that the Bastard Geraldines had appointed Fitzpiers their general and had united with the rest of the Leinster rebels, bringing that province's combined rebel strength to an estimated '2,500 horsse and ffoote' or more.[109]

VI

In most cases like this, men like Fitzpiers would have disappeared from official records, being written off as traitors who might later be killed in action or wearily submit to the crown on uneasy terms. But it was not long before Fitzpiers re-evaluated his situation and, by the end of May 1599, he had submitted to the crown.[110] Lee claimed this was his doing, though other commentators attributed Fitzpiers's capitulation to a show of force by Ormond and the recently arrived lord lieutenant, Essex.[111] Although Fitzpiers had suffered some significant military losses leading up to his submission,[112] Essex held his own anti-Ormond views which may have led Fitzpiers to expect greater leniency now that Ormond had been replaced by a rival. Whatever the case, James Fitzpiers was soon restored to favour and, once again, commended in official

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[108] Ibid., ff 26-27.

[109] Sir Ralph Lane's project for service, 23 Dec. 1598 (T.N.A., SP 63/202(4)/46(I)).

[110] Sir George Carey to Cecil, 26 May 1599 (ibid., SP 63/ 205/67).

[111] Lee, 'Apologie', ff 28-29; Captain Thomas Lee to Cecil, 19 Dec. 1599 (H.M.C., *Salisbury MSS*, ix, pp 414-5); C. Litton Falkiner (ed.), 'William Farmer's Chronicles of Ireland from 1594-1613', in *English Historical Review*, xxii, no. 85 (1907), p. 112; portion of a manuscript history, May 1599 (*Cal. S.P. Ire., 1599-1600*, pp 52-3); Sir Warham Sentleger to Cecil, 30 Apr. 1599 (T.N.A., SP 63/205/44); journal of lord lieutenant's journey into Leinster, 9-18 May 1599 (ibid., SP 63/205/63(I)).

[112] 'A note of the principall leaders, commaunders and other … executed' 13 Jan. 1599 (T.N.A., SP 63/203/10).

correspondence for his intrepid martial exploits against the crown's Irish enemies. In fact, after all the acrimony directed towards Ormond, even Fitzpiers's erstwhile adversary applauded his valuable assistance against the rebels,[113] and Lord Deputy Mountjoy went so far as to recommend rewarding Fitzpiers's good services with a knighthood.[114] Quite astonishingly, once forgiven for his involvement in Lee's ill-conceived conspiracy, it would seem that English administrators had no further doubts about which side James Fitzpiers was on.

Captain Thomas Lee was not nearly so fortunate. Following the council's investigation, Lee was released from prison and resumed military service under the recently appointed Essex. But, unlike Fitzpiers, Lee was unable to satisfactorily extricate himself from future treasonous associations and he was soon embroiled in yet another dangerous conspiracy to exonerate the disgraced lord lieutenant, Essex.[115] The outcome was disastrous. Captain Thomas Lee died a traitor before O'Neill ever came to terms with the crown. Ormond, on the other hand, survived the war intact and remained one of the most powerful officers in Ireland.[116]

The wartime behaviour of James Fitzpiers Fitzgerald is anything but straightforward. Political allegiances were complicated and multifaceted, something which Hugh O'Neill and some English administrators seemed to have grasped at the time. But, while Fitzpiers's case reveals the complexity of the times, it also highlights some very intriguing features at play during the Nine Years' War. It demonstrates O'Neill's desire to draw Old English Palesmen into his fight and, in doing so, he was shrewd, calculating, and adaptable. He appealed directly to the individual in terms designed to tug at spiritual and patriotic heartstrings with progressively sophisticated

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[113] Ormond to privy council, 24 Jan. 1600 (ibid., SP 63/207(1)/40); Lord Justice Carey to Cecil, [11 Feb.] 1600 (ibid., SP 63/207(1)/97); Fynes Moryson, 'The Rebellion of Hugh Earle of Tyrone' in Moryson, *An Itinerary*, Part II, (1617), pp 60-1.

[114] Mountjoy to Cecil, 9 Apr. 1600 (T.N.A., SP 63/207(2)/97); Mountjoy to privy council, 9 Jun. 1600 (ibid., SP 63/207(3)/93).

[115] Lee is famously known for his attempted ambush of the Queen in order to obtain the release of Essex: McGurk, 'Hugh Ó Neill' pp 11-25; Morgan, 'Tom Lee', pp 157-8; Myers, 'Murdering heart…murdering hand', pp 47-60; Myers, 'Early English colonial experiences', pp 8-21.

[116] Edwards, *Ormond lordship*, pp 264, 337.

logic. Even though Fitzpiers may have been Protestant, O'Neill was willing to work around this by appealing to Fitzpiers in terms of his natural bond and duty to his native land: Ireland. Nevertheless, O'Neill still found it an uphill task to persuade dedicated crown servants such as Fitzpiers to defend their homeland from foreign aggression. Where O'Neill failed, Captain Thomas Lee succeeded. He persuaded Fitzpiers to participate in a dangerous conspiracy and convinced him of the righteousness in doing so. But the ultimate goal of his pretended revolt was to vanquish his own rival, Ormond; suppressing the rebellion and solidifying crown authority in Ireland seem only to have been a desirable corollary. Personal ambition, internecine rivalries, and self-protection loomed large in the minds of all individuals, and these were equally, if not more, important than any notion of loyalty to a distant monarch or attachment to native soil. Presumably, many other Old Englishmen found themselves in similarly awkward situations, but probably with far less favourable outcomes. Therefore, the actions and experiences of James Fitzpiers Fitzgerald may serve as an example for what might have inspired many weaker or less-known Old Englishmen to revolt or conspire against their English Protestant Queen, or indeed, to stay loyal whatever the pressures or consequences.