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strength and the reputation of the French arms, and if he had not still hoped for succours from Junot. His force, though reduced by sickness, and the harassing service in which it was engaged, amounted to 16,000 effective men, enough to have defeated the Spaniards if they had been rash enough to engage in a general action, and more than he could well provide for. A large convoy from Toledo, together with all his hospital stores, was intercepted in the mountains. His men were fain to reap the standing corn, and make it into bread for themselves; the peasantry, whom they would otherwise have compelled to perform this work, having left the harvest to take arms against them, and bear a part in the defence of their country. He wrote pressingly for reinforcements; it was now, he said, nearly a month that he had occupied the position at Andujar; the country was exhausted, it was with extreme difficulty that he could obtain the scantiest subsistence for his army; the enemy were acquiring strength and courage to act upon the offensive; the anniversary of their great victory at the Navas de Tolosa was at hand, and to this the Spaniards, from religious, national, and local feelings, attached great importance. Every moment which he was compelled to waste in inaction increased the evil. Surely at such a crisis it would be prudent to neglect all partial movements of the insurgents for the purpose of enabling him to act in Andalusia with a sufficient force; if the enemy were permitted to acquire strength so as to keep the field, their example would be followed by all the provinces, and by all the Spanish troops throughout the kingdom; whereas one victory obtained over them here would go far towards the subjugation of Spain. These letters fell into the hands of the Spaniards; but if they had reached their destination, it was not in Savary's power to have reinforced him.

*Plan for
attacking
the French.*

On the 11th of July a council of war was held by Castaños, and it was determined that a division of 9000 good troops, under

General Reding, should proceed by way of Menjibar to attack the enemy at Baylen, where Gobert was stationed for the purpose of guarding the road to Carolina, and maintaining a communication with Madrid. The Marqués de Coupigny, with 5000, was to proceed by La Higuera and Villanueva, toward the same point, and co-operate with Reding; and Lieut.-Colonel D. Juan de la Cruz Mourgeon, with a corps of 2000, was to go by Marmolejo, and act against the enemy if they attempted to escape by the Sierra. Castaños himself occupied the Visos de Andujar, a strong and advantageous position of which he thought it necessary to retain possession, though the troops were without tents, there was a want of water, and the heat excessive. But this position enabled him to keep Dupont upon the alarm, and prevent him from acting against Reding and Coupigny, while they interposed between him and the two other divisions of his army. Reding succeeded in driving the enemy from their *tête-du-pont* at Menjibar, and from the positions which they took up one after another between that place and Baylen, disputing their ground skilfully and well. Gobert was killed, one cannon and the baggage in the encampment taken. During these operations some of the Spaniards died from excessive heat and exertion; and in the afternoon Reding retired to Menjibar, and crossing the Guadalquiver again on the following day, effected a junction, on the third morning, with Coupigny, who had beaten the French from a strong post near Villanueva. Their intention was to have attacked Baylen; but Dufour, who succeeded to the command of Gobert's division, had evacuated that place, finding himself unable to maintain it, and fallen back to unite with Vedel, at Carolina.

One part of the Spanish commander's plan had thus been accomplished, and, in pursuance of his arrangements, Reding and Coupigny prepared to march from Baylen upon Andujar, and

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there attack the main body of the French on one side, while the reserve of the Spanish army was ready to act against it from the Visos. Dupont meantime had formed the same intention of placing a part of the enemy's force between two fires; and on the night of the 18th, as soon as darkness had closed, the French marched from Andujar, after plundering the inhabitants of whatever was portable, and took the road toward Baylen. Reding was preparing to begin his march when the enemy arrived at three in the morning, and fell upon him, thinking to take him by surprise. The attack was made vigorously, and might probably have been successful, had not the Spaniards, because of their intended movement, been in some degree of readiness. The foremost companies both of horse and foot were engaged hand to hand; but the Spaniards rapidly took their stations, and repelled the assailants at all points. When day broke they were in possession of the high ground, and the French were forming their columns to renew the attack in a situation which was not exposed to the Spanish artillery. In this renewed attack both parties conducted themselves with the greatest intrepidity. Several times the assailants broke the enemy's lines, and fighting with the resolution of men who had never known what it was to be defeated, they once made way to the batteries. But the Spaniards stood firm, they knew that reinforcements were at hand, and that if they kept their ground, the situation of the French was desperate; they had confidence in their leaders and in their own strength, and, above all, that thorough assurance of the justice of their cause, which, when other points are equal, will inevitably turn the scale. The action was long and bloody; it continued till noon without any other interruption than what arose from occasional recession and the formation of new columns. Dupont then, and the other generals, putting themselves at the head of their men, made a last charge with the most

determined bravery; they were, however, once more repulsed. By this time they had lost 2000 men, besides those who were wounded. Dufour, who was with this part of the army, was killed, and Dupont himself wounded. No hope of victory remained, and no possibility of escape, the French therefore proposed to capitulate; and the arrival of the Spanish reserve, under D. Manuel de la Peña, at this point of time, enabled the victors to dictate their own terms.

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Dupont's intention of marching from Andujar had been so well concealed till the moment of its execution, that though that city contained some 14,000 inhabitants, no information was conveyed to the Spaniards on the adjacent heights, nor were they apprized of his movements till two in the ensuing morning, when he had been five hours on his march. Castaños immediately ordered La Peña to pursue him with the reserve and some corps of the third division. Upon his arrival he learnt that a capitulation had been proposed, upon which he referred the French negotiators to the commander-in-chief, and took such a position as effectually to surround the defeated army. The answer which Castaños returned was, that the French must surrender themselves prisoners of war, and no other terms would be granted; that because of the manner in which they had sacked the towns which they had entered, he would allow the general and officers to retain nothing more than their swords, and each a single portmanteau with apparel for his use; but that in other respects they should be treated like their squadron at Cadiz, in a manner conformable to Spanish generosity. And he required that Dupont should capitulate not only for the troops who had been actually engaged, but for the two other divisions also. The next day was spent in adjusting the terms; and on the 21st Castaños and the Conde de Tilly, as the representative of the Supreme Junta of Spain and the Indies, a title which the

*Surrender
of the
French
army.*

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 VIII. Dupont and his division were made prisoners of war, and that
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 and Baylen were to evacuate the peninsula by sea.

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*Terms of
the sur-
render.*

These, however, though thus officially announced to the Junta, and by them made known to Lord Collingwood, were not the terms which had been signed, and the cause of this misstatement has never been explained. There could have been no motive for deceiving the French by promising them better conditions than it was intended to observe, for the enemy were absolutely at their mercy; so confessedly indeed, that when La Peña made a threatening movement to accelerate the treaty, Dupont sent him word that if he thought proper to attack them no defence would be made. The most probable conjecture which can be offered seems to be, that the French negotiators, Generals Chavert and Marescot, had sufficient address not only to make the Spaniards relax the tone of severe justice which was at first assumed, but also in the course of drawing up the capitulation, to obtain modifications in the latter articles, by which the intention of the former was set aside; that Tilly and Castaños had been thus led to make greater concessions than they were themselves aware of, and had no suspicion when they communicated to the Junta the result of the treaty, that one part of it, and that the most important, was actually annulled by the other. The capitulation began by stating that their excellencies the Conde de Tilly and Castaños had agreed with the French plenipotentiaries upon these conditions, as desiring to give proofs of their high esteem for his excellency General Dupont, and the army under his command, for the brilliant and glorious defence which they had made when completely surrounded by a very superior force. The troops under General Dupont were to remain prisoners of war, except the division of Vedel; that

division, and all the other French troops in Andalusia who were not included in the former article, should evacuate Andalusia, and take with them the whole of their baggage; but to prevent all cause of uneasiness while they were passing through the country, they should leave their artillery and other arms in charge of the Spanish army, to be delivered to them at the time of their embarkation; their horses, in order to save the trouble of transporting them, should be purchased by the Spaniards at a price agreed upon by two commissioners, one of each nation. The other troops, who were made prisoners, were to march out of the camp with the honours of war, with two guns at the head of each battalion, and the soldiers with their muskets, which they were to surrender to the Spaniards at the distance of four hundred toises from the camp. All the French troops in Andalusia were to proceed by stated journies, not exceeding four leagues a day, and with proper intervals of rest, to Sanlucar and Rota, there to be embarked in Spanish vessels and transported to Rochefort; the Spanish army guaranteeing the safety of their march. The generals and officers were to retain their arms, and the soldiers their knapsacks. The generals should retain a coach and a baggage cart each, the officers of the staff a coach only, free from examination, but without breaking the regulations and laws of the kingdom: all carriages which they had taken in Andalusia were excepted, and the observance of this exception was left to the French General Chavert. Whereas many of the soldiers in different places, and especially at the taking of Cordoba, notwithstanding the orders of the generals and the care of the officers, had committed excesses which were usual and inevitable when cities resisted at the time that they were taken (thus carefully was the article worded by the able French negotiators), the generals and officers were to take proper measures for delivering up any church vessels which might have

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*Difficulty
of executing
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been carried away as booty, if any there were. Any thing omitted in this capitulation which might add to the accommodation of the French during their passage through the country and their tarriance in it, should be added as supplementary to these articles.

The French displayed more address in the management of this capitulation than they had shown in the campaign. During the battle of Baylen, Vedel was near enough with his division to hear the firing, but he had received no intelligence of Dupont's movements, and did not move toward the scene of action till the firing had ceased. The French soldiers endeavoured to account for their defeat by vague accusations of treachery, by the want of a good understanding between the two generals, and by the alleged misconduct of Dupont, in making his corps attack one after another, instead of charging with his whole force, and in leaving too strong a detachment to guard the spoils with which he and the superior officers had enriched themselves. The more than likely supposition, that his messengers had been intercepted, would explain the want of co-operation, and the other charges may safely be dismissed. That when they were at the enemy's mercy they should have obtained such favourable terms may indeed appear surprising, even though the French have exceeded all other people in the art of obtaining good terms under the most unfavourable circumstances. It is more easy to perceive why the conditions were not observed; for in fact it was impossible to observe them. Nothing could be done at that time in opposition to the will of the people; and an universal cry had gone forth against invaders who had set towns and villages on fire, pillaging wherever they went, plundering churches and convents, violating women, and putting to death the people whom they took in arms. The Andalusians were exasperated against the French because of these atrocities, as

well as by that general feeling of indignation which the cause of the quarrel, the murders at Madrid, and the whole course of transactions at Bayonne, so justly excited. The Junta had issued a regular declaration of war against France, but the people knew and felt that this was not an ordinary war, and that no formalities could make it so; that the invaders had entered their country not in open hostility as fair and honourable enemies, but perfidiously and basely in the character of allies; and that by the complicated wickedness of their cause and their conduct they had forfeited all claim to the courtesies and observances of civilized war. They regarded Dupont's army rather as criminals than as soldiers, . . . men who had laid down their arms, but who could not lay down their crimes; and in that state of general feeling, if the Junta of Seville, or any other persons in authority, had attempted to perform the conditions of the capitulation, they would have been suspected of treachery, and might probably have fallen victims, like Solano, to the fury of the populace.

Aware of this, and yet withheld from breaking the capitulation by that national sense of honour which the revolution had not continued long enough to destroy, the Junta hesitated how to act, like men who, under the pretext of necessity, would willingly have done what, as an avowed and voluntary act, they were ashamed to do. They were deliberating whether to observe the treaty when Castaños and Morla arrived at Seville. The former felt that his country's honour and his own would be wounded by the breach of faith which was meditated, and he opposed it with the frankness of an upright mind. Morla, on the contrary, supported the popular opinion; and the Junta, deferring to it in fear, or in inclination, circulated a paper, wherein it was affirmed that both Vedel and Dupont had broken the capitulation, that it was impossible to fulfil it, and that even if possible, it ought not

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*The Junta
apply to
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 to be fulfilled. This paper, composed by an officer of high rank, who was probably envious of Castaños, was sent by the Junta to Lord Collingwood and to Sir Hew Dalrymple, in the hope of obtaining their sanction for a mode of conduct which they themselves secretly felt to be unworthy.

Lord Collingwood had not been satisfied with the terms granted to Vedel: he was not sufficiently acquainted with the circumstances to understand why an inferior * division should have been allowed to capitulate after the principal force had been defeated; and he perceived that these troops might again reach the frontiers of Spain in a week after they were landed at Rochefort. But although these were his feelings, nevertheless, when he was applied to from Cadiz for assistance in transporting Vedel's men to France, he replied, that he would order seamen to fit out Spanish merchant vessels for that purpose, as there were not more English transports in those parts than were required for the conveyance of our own troops. It proved, however, that Spanish vessels were not to be found; and the answer of Lord Collingwood, when his opinion upon the fulfilment of the terms was directly called for, was, that although he was sorry such a treaty, or indeed any treaty, should have been made with the French General, it was his opinion that all treaties, when once

* Vedel had surrounded and made prisoners one battalion of Reding's corps before he knew of Dupont's surrender. He was in full retreat, two or three leagues on his way; and, had it not been for the capitulation, might probably have recrossed the Sierra Morena with as little opposition as he had passed it.

Castaños had with him only 10,000 regular troops, and 15,000 peasants, who were incorporated at Utrera. This was the whole Spanish force. The French lost 4000 in killed and wounded, and 17,000 laid down their arms. The success at Baylen, therefore, was as extraordinary as any of those victories for which Santiago obtained credit in the heroic age of Spain.