

CHAP. XI. definitive convention was concluded upon * these terms : That
 1808. the river Sisandre should be the line of demarcation between the
 August. two armies, and that neither of them should occupy Torres
 Vedras ; that the English general should bind himself to com-

* It is asserted by General Thiebault, that General Kellermann was sent to feel his ground, under pretext of a conference relating to the prisoners and wounded. Upon that General's return he says, "*On conçoit de quel intérêt étoient les nouvelles qu'il rapportoit, et combien elles parurent heureuses quand on sut à quel point il avoit réalisé tout ce qu'on avoit pu esperer. Il avoit été reçu avec la plus grande distinction ; il avoit eu le talent de faire prendre aux Anglais l'initiative des propositions qu'il avoit à leur faire ; sachant parfaitement l'Anglais, il avoit suivi la partie la plus mysterieuse de leurs conversations*† ; il s'étoit fortifié de la certitude que, malgré l'énormité de leurs avantages, les Anglais, incertains de l'époque de l'arrivée des renforts, qu'ils attendoient, n'étoient pas tranquilles sur leur position : il étoit parvenu à traiter pour la flotte Russe en même temps que pour l'armée Française, et cela en faisant pressenter que les Russes alloient se joindre à nous : il étoit arrivé de cette manière à demander même que nous émmenassions la flotte Portuguese, non pour l'obtenir, mais afin d'avoir quelque chose à céder, dans le cas où des articles d'une haute importance seroient trop contestés ; et c'est ainsi, que par autant d'habilité que de fermeté et d'adresse, il parvint à conclure et à signer un traité provisoire. This statement is sent into the world with General Kellermann's sanction, Baron Thiebault's *Relation* having, as the preface states, been read to him. General Kellermann was so successful in this negotiation, that he can derive no additional credit from these additions to the plain facts. With regard to the initiative, he came declaredly to treat for an armistice preparatory to a convention for evacuating Portugal, and he produced a paper containing the wishes of the French Commander-in-chief ; the deliberations upon his proposal, which he is said to have overheard, were not carried on in his presence, but in an inner room. (*Proceedings upon the Inquiry*, p. 57.) As to the demand that the French might carry away the Portugueze fleet, the French are certainly bold askers ; and in this negotiation, as in many others, they proved that Fortune favours the bold ; . . . but he must have been more than bold, who could have made such a proposal. What was afterwards asked upon that score will appear hereafter.

† Voici quelques-unes des phrases qu'il recueillit : *Notre position est delicate—Le corps de Sir John Moore n'est pas encore arrivé à Figuières—La bonne intelligence des Russes et des Français doit nous donner des inquietudes, &c.*

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prehend the armed Portugueze in the truce, and that their line of demarcation should be from Leiria to Thomar: that it was agreed that the French army should in no case be considered as prisoners of war; that all the individuals of it should be transported to France with their arms and baggage and private property, and that they should be deprived of no part of it whatsoever: that no individual, whether Portugueze, Frenchman, or of a nation allied to France, should be molested for his political conduct, but be protected, both in person and property, and have liberty to retire from Portugal within a limited time, with all his effects: that the neutrality of the port of Lisbon should be acknowledged for the Russian fleet; that is to say, that, when the English army and fleet should be in possession of the city and port, the Russian fleet should neither be disturbed during its stay, nor stopped when it might choose to depart, nor pursued when it had sailed, till after the time fixed, in such cases, by maritime law: that all the French artillery, and all their cavalry horses, should be transported to France.

A demur was, with good reason, made concerning the baggage and private property which the French were to carry off with them; and Kellermann explained, that the words were only to bear their strict grammatical meaning. The article regarding the Russians underwent more discussion. Sir Hew insisted, that this was a point referable to the Admiral, and that if he did not agree to it, it must be struck out; with this understanding on the part of the French negotiator that article was framed.

While Kellermann was thus employed in the British camp, Junot occupied the positions of the Cabeça de Montechique and Mafra, and hastened himself to Lisbon. On the 20th official intelligence had been published in that city that Laborde had sustained an action with the English army, and though he had only 2000 men, had kept his ground against it; in the

Junot returns to Lisbon.

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night he had taken a position conformably to his orders, for the purpose of joining the Commander-in-chief; their junction had been formed, the enemy were in a strait, and would be attacked on the morrow, when they would be made to see what the French could do: two English regiments had been destroyed in the action. The people, however, understood by reports more worthy of belief than any official statements of the enemy, that the English had been successful at Roliça. The news of the battle of Vimeiro also reached them at nightfall of the 22d; it was asserted, not only that Junot had been defeated, but that he was taken prisoner; the people openly congratulated each other in the streets, and the exultation and stir at the Ave Maria hour were such as to indicate an insurrection. None of the French deemed it prudent to appear, except General Travot, who relied, and not in vain, upon that personal goodwill which he had obtained by a conduct always humane and honourable. At daybreak of the 23d, a letter from Junot was published, dated from the field of battle, at four in the afternoon. It stated that the English had been attacked at nine o'clock that morning, in the fortified position which they occupied, and that in an instant they had been dislodged from all their advanced points. The left of the French army had obtained from the first complete success; their right having to take a circuitous course, could not arrive in time to decide the action entirely; it had continued till two o'clock, and they should probably finish it on the morrow. At two they had taken a position, and were three leagues nearer the enemy than on the preceding day. The loss of the English had been great. "On our part," said Junot, "there have been 150 killed, and from 300 to 400 wounded. We are stronger now, fresh troops having reached me . . . tomorrow, therefore . . ." there the sentence was broken off, and General Travot concluded the bulletin by saying, that

many of the enemy's superior officers had been killed or wounded, that the Commander-in-chief was well, and in a few days would be in Lisbon. He arrived, in fact, that afternoon, with the reserve, and such of the wounded as could be removed. A royal salute was fired from the Castle, as if he had returned victorious; but the countenances of the French, even the generals themselves, belied this manifestation of success. It was soon rumoured that a capitulation had been proposed, and no doubt could be entertained concerning this when it was known that an English officer arrived that night in company with Kellermann, and that a boat had been sent off to the English fleet.

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*Neves, v.
151—154.
Observador
Portuguez,
413, 417.*

The British army marched on the morning after the armistice was signed, and took a position near the village of Ramalhal, this movement being made merely for convenience. The Portuguese General, Bernardim Freire, visited the Commander-in-chief there; and received a copy of the armistice; he was dissatisfied with it, and promised to send a confidential officer to communicate with him thereupon. Accordingly Major Ayres Pinto de Sousa soon arrived at Sir Hew's head-quarters. His strongest objections related to that article which stipulated that no persons should be molested for their political conduct; that being a question, he said, which it was for the Portuguese government to decide. It appeared evident to Sir Hew, that General Freire was offended because there was no mention of the Junta of Porto in the armistice. His answer was, that the government of Portugal, to which the decision of this point would belong, nowhere existed; and moreover the measure was wholly military, and admitted of no delay; he desired, however, that General Freire would state in writing whatever observations he had to make, and promised that they should be most favourably considered in the progress of the negotiation.

*General
Freire dis-
satisfied
with the
armistice.*

There arose a difficulty now respecting the Russian fleet.

CHAP. XI. Notwithstanding the preparations of defence which had been made on board their ships, the feelings of the Russians and of their Admiral were not with the French, and all Junot's endeavours to make their presence available for the increase of his own means were in vain. Sir Arthur Wellesley had learnt when he visited the British squadron off the Tagus that it was Admiral Siniavin's intention to take no part in the contest between the two contending powers, but claim the protection of a neutral port. It was his opinion, that if they conducted themselves upon this principle, they ought not to be molested, and that it mattered not what became of their ships, so they were not allowed to return to the Baltic. In Sir Hew's judgement the Admiral was the best, if not the only judge of the question, and to him accordingly the stipulation in the armistice concerning them had been referred. Sir C. Cotton refused to ratify it; and upon this Sir Arthur recommended the Commander to put an end to the armistice, and lose no farther time in advancing, leaving it for Junot to renew the negotiation if he thought proper. The Commander was of a different opinion; good faith, he thought, required that the Admiral's sentiments should be communicated to General Junot; but he notified to him, at the same time, that the armistice must be at an end in forty-eight hours, and Colonel Murray, who was the bearer of this notice, was authorized to negotiate a convention.

*Convention
of Cintra.*

The question concerning the Russians was adjusted between the two Admirals. It was agreed that the ships should be held as a deposit by Great Britain, to be restored within six months after the conclusion of peace between Russia and that power; and that the men should be conveyed to their own country at the expense of the British Government, without any condition or stipulation respecting their future services. The definitive convention also was soon concluded. The terms were, that the

*Difficulty
concerning
the Russian
squadron.*

French army should evacuate Portugal with their arms and baggage, not be considered prisoners of war, be furnished with means of conveyance by the English Government, and disembarked in any of the ports between Rochefort and l'Orient, and be at liberty to serve on their arrival. They were to take with them all their artillery of French calibre, with the horses belonging to it, and the tumbrils supplied with sixty rounds per gun, all their equipments, and all that is comprehended under the name of property of the army; and all individuals of the army were to be at liberty to dispose of their private property of every description, with full security for the purchasers. The horses of the cavalry and of the officers were to be embarked, those of the former not exceeding 600, those of the latter not exceeding 200; and as the means of conveyance for horses were very limited, facility should be given them for disposing of those which could not be embarked. The garrisons of Elvas, Peniche, and Palmella, were to be embarked at Lisbon, that of Almeida at Porto, or the nearest harbour, and British commissaries were to provide for their subsistence and accommodation on the march. The sick and wounded who were not in a state to be removed were entrusted to the British army, their expenses while they remained to be discharged by the British Government, and reimbursed by France. Should doubts arise as to the meaning of any article, it was to be interpreted favourably to the French. From the date of the ratification of this convention, all arrears of contributions, requisitions, or claims whatever of the French Government against the subjects of Portugal, or any other individuals residing in that country, founded on the occupation of Portugal by the French troops, should be cancelled, all sequestrations upon their property removed, and the free disposal of the same restored to the proper owners. All subjects of France, or of powers in alliance with France, domi-

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 XI. their property respected, and themselves at liberty either to
 1808. remain in the country, or to accompany the French army. No
September. Portugueze was to be held accountable for his political conduct;
 and all who had continued in office, or accepted it, under the
 French government, were placed under the protection of the
 British commanders, and were to sustain no injury either in their
 persons or property, for it had not been at their choice to obey the
 French or not: if they chose to sell their property and remove,
 the term of one year should be allowed them for that purpose.
 The Spanish troops detained at Lisbon were to be given up to
 the British Commander, and he engaged to obtain from the
 Spaniards the release of such French subjects, as, not having
 been taken in battle, nor in consequence of military operations,
 were now detained in Spain.

That this convention, considered in a military point of view,
 was advantageous to Great Britain, was the opinion of all the
 British Generals. By effecting the immediate deliverance of
 Portugal, it left the British army at liberty to advance into Spain,
 and reach the main scene of action in time for the great struggle
 which was expected there. The details of the treaty were thought of
 inferior consideration. Kellermann had declared that the French
 would not submit to severer terms, but that if such were insisted
 on, they would retire to the strong fortresses in their possession,
 defend themselves there till the last extremity, and destroy Lis-
 bon before they abandoned it. There was no reason to think
 that any compunction would withhold them from doing this;
 and though it might possibly have been prevented by bringing
 on an action, that action must have been fought in the immediate
 vicinity of Lisbon, perhaps in the city itself. Motives of hu-
 manity therefore had their weight with the Commander-in-chief
 in making such large concessions to an enemy, who, if they had

met with sterner treatment, better suited to their deserts, would presently have lowered their tone, and been glad to accept of any terms which should secure them a safe embarkation.

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The military advantages of the convention were not over-rated; it will indeed appear hereafter that they proved greater than had been foreseen. But some political errors were committed in framing it; and the British Generals did not assume that moral tone which the occasion justified, and which the soundest policy required. Buonaparte was designated in the armistice as his imperial and royal majesty, although Great Britain had never acknowledged him either as Emperor of the French or King of Italy. Junot was allowed to sign the convention as Duke of Abrantes, a title to which he had no better right than to the property which he had amassed in Portugal by rapine. Sir-Arthur Wellesley had recommended, pending the negotiation, that some mode should be devised "for making the French Generals disgorge the church plate which they had stolen." An article had been framed accordingly, specifying in direct terms that the property of churches, monasteries, and palaces should not be carried away. But this article was withdrawn, on the repeated representations of Kellermann that its introduction into a public monument would be reproachful to the French army. The Commander-in-chief, he said, was particularly desirous it should be omitted; and he was willing, on that condition, to pledge his word of honour that no property of this kind should be removed. Except in the case of some carriages which the court had left behind, and some beasts taken for the service of the army, he disclaimed all knowledge of any such appropriation of Portuguese property by the French as was imputed to them; and if there were any officers who had thus acted, he expressed a hope that they might reap no benefit from their misconduct. With regard to the churches, a contribution had been regularly

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*Remon-
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the Portu-
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levied on them for the public service, and its produce expended; this of course the English could not mean to redemand. The confidence with which these representations were urged, imposed for a time upon honourable men, and the obnoxious article was withdrawn upon the very ground for which it ought to have been retained.

The convention was concluded on the 30th of August, and ratified by the British Commander, not at Cintra, from which place it has been denominated, but at Torres Vedras. It was communicated immediately to General Bernardim Freire. The reply from that General was, that he was in some measure responsible to the Provisional Government for obtaining for the Portugueze whatever could be useful and honourable to the state; but there was not in the whole treaty a single article relating to the Portugueze army. It became therefore his duty to inquire how far the engagement contracted with the French for the restoration of their civil officers who were in the hands of the Portugueze extended? if the Provisional Government, taking advantage of his conduct in having taken no part in these arrangements, should order him to act in co-operation with the Spanish army in Alem-Tejo against the French, would the British army oppose any such intention? and if the honour and dignity of the Portugueze nation, and the authority of the Prince, should seem to have been compromised by these arrangements, would the British Generals take upon themselves to answer for it? Ayres Pinto, when he delivered this reply, declared that he did justice to the friendship and loyalty of the British nation, and individually felt himself highly honoured by the manner in which Sir Hew had received him; "nevertheless," said he, "your Excellency must well know that the public will judge of us not by our private conduct, but by that which bears an authentic character; and there is no other means of avoiding