

A. D.
1756.

Resolutions
of
Captain
Foster.

Governor
of Cadiz
useth force,

Captain
Foster's
proposal to
avoid da-
mages.

our consul, that he had orders to deliver the prize up to the French consul. Upon which Captain Foster offered to deposit the prize in his, the governor's, hands, till he should obtain a hearing at court in his own defence. The governor absolutely rejected this expedient, and said he would instantly deliver the prize to the French consul. And the captain as resolutely declared, that the English colours then flying on board the prize, should never be struck without force. Then the consul and Captain Foster entering their protests against all the prejudices resulting from this arbitrary way of proceeding, obtained by perjury and a denial of justice from the court of Spain, which Sir Benjamin Keene said, " was so irregular, unreasonable, and unprecedented, that would neither bear light nor justification," the captain withdrew and went on board.

This resolution staggered the governor for a while. But after consulting the admiral, who prudently refused to advise about the execution of orders, in which he was not concerned, he demanded in the King's name the America of 60 guns, and a frigate of 36 guns, to aid and assist him in the execution of the King's orders. With these the Governor committed the most shameful and cruel act of hostility, that has been heard of among civilized nations. He stationed them within fifty yards of the Penthièvre, and though Captain Foster offered to receive thirty or forty Spanish soldiers on board, and said he would rather die under his colours, than strike them; because he could

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