

Enemy steers to Windward, that very Act of the Enemy is in place of a Signal, is the Signal. As to a later Trial, I will just touch on some of the Resolutions, * to which the C— M— came previous to giving Sentence. They are curious, and so extraordinary, that I would fain flatter my self, that the like will never appear again. They come to a Resolution, “ That no Direction was given to the Fleet the Night of the 10th of February 1743, by the Night Signal then made to form the Line of Battle, and to bring and keeping the Line. And the Day Signal for forming the Line abreast, ceased to be a Signal by ceasing to be visible.” A Fog may render a Signal invisible, and yet no Officer I believe would think the Signal ceased to be a Signal because it ceased to be visible, but on the contrary would continue in the Execution till he was otherwise directed. Article 5th, 3d Paragraph. “ The Court are of Opinion, that after the *French* Admiral made more sail, and went ahead of his Majesty’s Fleet the 11th of February, the Admiral acted in Breach of his Duty, and brought his Majesty’s Fleet into improper Danger, by bearing down on the Rear of the Enemy’s Fleet, and engaging the *Spanish* Admiral; whereby the Van of his Majesty’s Fleet, and the Rear of the Enemy’s Fleet were respectively opposed at unequal Advantage.” Compare this Opinion with the Opinion delivered Article 7th, Paragraph 5th. “ The Court are of Opinion, that it was the Admiral’s Duty to have returned with the *Namur* to the Engagement with the *Real*, tho’ he had four Ships inactive in the Rear of his Division”. By the first of these Opinions, it is declared, that the Admiral opposed the Rear of the Enemy

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* See the Resolutions of the Court Martial, &c. Printed for W. Webb, near St. Paul’s.