



# Regina v. Dudley and Stephens Case Brief Summary

Summary of Regina v. Dudley and Stephens, Queens Bench Division 14 Q.B.D. 273 (1884)

## Facts

### ***Parties Involved:***

1. John Henry Want – Wealthy Australian Lawyer – Purchaser of Yacht Mignonette
2. Thomas Dudley – Mignonette Captain (Has a wife and children)
3. Edwin Stephens – Able Bodied Seaman (Has a wife and children)
4. Edmund Brooks – Able Bodied Seaman (Has no wife or children)
5. Richard Parker – 17 year old cabin boy

### ***What Took Place:***

On July 5, 1884, Captain Thomas Dudley, together with able bodied seamen Edward Stephens, and Edmund Brooks, and a 17 year old cabin boy, Richard Parker, comprising the crew of an English yacht, Mignonette, were cast away in a storm on the high seas 1600 miles from the Cape of Good Hope, and were compelled to put into an open boat belonging to the said yacht.

In this boat they had no supply of water and no supply of food, except two tins of turnips, and for three days they had nothing else to subsist upon. On the fourth day they caught a small turtle, upon which they subsisted for a few days, and this was the only food they had up to the 12th day when the act now in question was committed. On the 12th day the turtle were entirely consumed, and for the next eight days they had nothing to eat.

The crew had no fresh water, except such rain as they from time to time caught in their oilskin capes. This life boat was drifting on the ocean, and was probably more than 1000 miles away from land.

On the 18th day, when they had been seven days without food and five without water, the Stephens spoke to Brooks as to what should be done if no succour came. He suggested that some one should be sacrificed to save the rest, but Brooks dissented, and the boy, to whom Stephen's referred, was not consulted. On the 24th of July, the 19<sup>th</sup> day, Dudley proposed to Stephens and Brooks that lots should be cast who should be put to death to save the rest, but Brooks refused consent, and it was not put to the boy, and in point of fact there was no drawing of lots.

On that same day the crew spoke of their having families, and suggested it would be better to kill the boy that their lives should be saved, and Dudley proposed that if there was no vessel in sight by the next morning the boy should be killed. On the 25th of July, no vessel appearing, Dudley told Brooks that he had better go and have a sleep, and made signs to Stephens and Brooks that the boy had better be killed. Stephens agreed to the act, but Brooks dissented from it.

Richard Parker was lying at the bottom of the boat quite helpless, and extremely weakened by famine and by drinking sea water. Unable to make any resistance, he never assented to his being killed.

Dudley offered a prayer asking forgiveness for them all if either of them should be tempted to commit a rash act, and that their souls might be saved. Then Dudley, with the assent of Stephens, went to the boy, and telling him that his time was come, put a knife into his throat and killed him then and there; that the three men fed upon the body and blood of the boy for four days; that on the fourth day after the act had been committed the boat was picked up by a passing vessel, and the prisoners were rescued, still alive, but in the lowest state of prostration. They were carried to the port of Falmouth, and committed for trial at Exeter.

## Timeline

- May 19, 1884: Set sail from Southampton
- July 5, 1884: Less than halfway into the trip, on this night the crew hit bad weather 1600 miles northwest of the Cape of Good Hope (South Africa). A rogue wave smashed into the yacht destroying its bulwarks (the front pointed side of the boat). The captain ordered the crew to man the 13 foot lifeboat, and the yacht sank in 5 minutes. The crew was able to only salvage a few navigational instruments, 2 tins of turnips, and no fresh water.
- July 8, 1884: Finished eating the first tin of turnips
- July 9, 1884: Spotting a turtle, they caught it, ate it, including its bones (such yielding about 3 pounds of meat per person).
- July 17, 1884: The turtle and the second tin of turnips were all exhausted
- July 25, 1884: Killed Cabin Boy Parker
- July 29, 1884: Remaining Crew Rescued.

## Issues

- Does the Defense of “Necessity” allow for an acquittal for the capital crime of Murder?

## Holding and Rule (Opinion written by Chief Justice John Marshall)

- No.

Necessity is not a valid defense for murder. In order to effectively plead “self-defense” the person who is murdered must be threatening the life of the killer or a third person.

Stephens and Dudley are therefore sentenced to death. Brooks, for his repeated objections was never charged with a crime, in return for delivering testimonial evidence against Dudley and Stephens.

The necessity of hunger does not justify larceny, let alone murder. Stephens and Dudley chose the weakest and youngest to kill and it was not more necessary to kill him than any of the other grown men.

Stephens and Dudley were tempted to kill Parker but temptation itself is not an excuse for murdering him. Their unfortunate circumstances also do not lend leniency to the legal definition of murder.

As necessary the circumstances seemed where sacrificing one’s life would save the rest, that itself does not justify murder. The fact that Dudley and Stephens chose the weakest person to be the victim also does not justify that Parker could not have survived. Instead, by killing him, it is only making certain that he had no chance of survival.

## Disposition

Stephens and Dudley were sentenced to death for the felony of murder.

Such sympathy existed for the terrible plight of the crew, however, that Queen Victoria (Regina) commuted the sentences of the Dudley and Stephens from death, to six months imprisonment.

It is interesting that press reports accounted that upon the crew’s arrival in England, Richard Parker’s oldest brother Daniel, himself an able bodied seaman, shook the hands of Dudley and Stephens, as if to offer his pardon for their actions. Parker’s parents, however, never reportedly forgave the crew for murdering their son.