

**R v Dudley & Stephens (1884)**

**Facts:**

Four sailors were sailing a yacht from Southampton to Australia to deliver it to its new owner. The yacht capsized and sank during a storm and the four-man crew took to a small lifeboat. They had two tins of turnips but no water. They initially survived on the turnips and by eating a turtle they caught. After 15 days at sea, Parker (the cabin boy), was ill from drinking sea water. The other three crew members discussed drawing lots to decide who should be sacrificed and eaten by the others according to the Customs of the Sea (shipwrecked sailors would do this if they were stranded days from land). One of the crew members (Brooks) refused to be involved so Dudley and Stephens killed the unconscious cabin boy, Parker. All three ate him. After 24 days at sea they were rescued by a passing boat.

When they reached Cornwall all three men were arrested for murder. The charges were dropped against one of the defendant’s Brooks so that he could give evidence for the prosecution. The remaining defendant’s Dudley and Stephens argued that there was no case to answer due to the established Custom of the Sea. This was rejected and the Home Secretary and Attorney General decided to prosecute the defendants for murder. They argued that they had to kill Parker under the law of necessity.

**Held**:

The defendants were found guilty of murder. The court was not convinced that it was necessary to kill Parker to save themselves. The defendants avoided the death penalty but were granted a pardon and sentenced to six years imprisonment.

**Task**

1. Do you think this is a criminal case or civil case? Which words or phrases in the content above supports your answer.
2. What do you feel are the most important facts in this case?
3. What defence did the defendants raise?
4. What was the verdict, i.e. what was the courts’ decision?
5. As a member of the jury in this case would you have found them guilty or not guilty? Explain your reasons why?
6. What would you have done in their situation? Why?