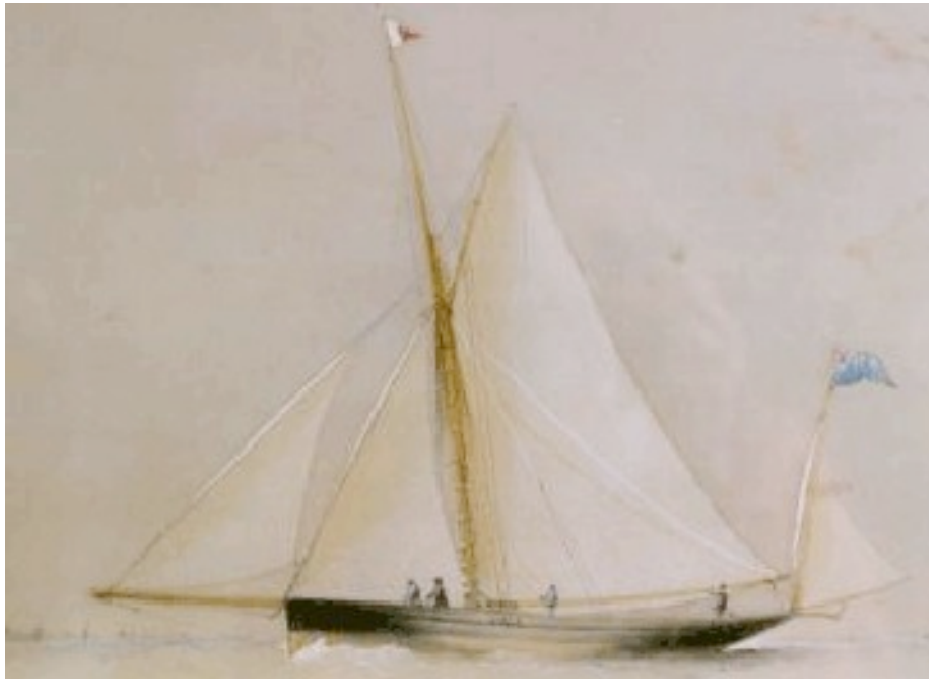


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PHIL 119A: HUMAN RIGHTS
Professor Andreas Teuber

The Mignonette, 1884
(Queen v. Dudley)



A wealthy Australian barrister purchased a yacht, the *Mignonette*, in Essex. Although the ship was not the sturdiest, the owner decided to have a crew sail it to Sydney for him rather than send it as deck cargo.

He hired Thomas Dudley as captain, and Dudley recruited Edwin Stephens as mate, Edmund Brooks as able seaman, and a seventeen old boy, Richard Parker, as ordinary seaman. They left in late May and experienced several weeks of smooth sailing. Later the weather turned foul, and Dudley decided to turn off the main trade route. The winds, however, dogged them. Then suddenly, in the late afternoon of the 5th of July, a heavy wave smashed against the stern of the ship and sprang loose its timbers. The *Mignonette* sank in less than five minutes. The four seaman just barely managed to get into their lifeboat, a 13 foot open dinghy. Unfortunately, the emergency supply of water that they had hastily thrown overboard next to the dinghy was swept away by the waves. Only Dudley brought anything with him into the dinghy, two tins of turnips and a sextant.

Sixteen hundred miles away from the closest shore their only hope was to get on the main trade route and be picked up by another ship. However parsimoniously rationed, the two tins of turnips were quickly consumed. Occasional rainfall permitted the men to collect some unsalted water in their oilskins. Parker, much sicker than the others, quickly ate his rations; the rest were able to hold out longer.

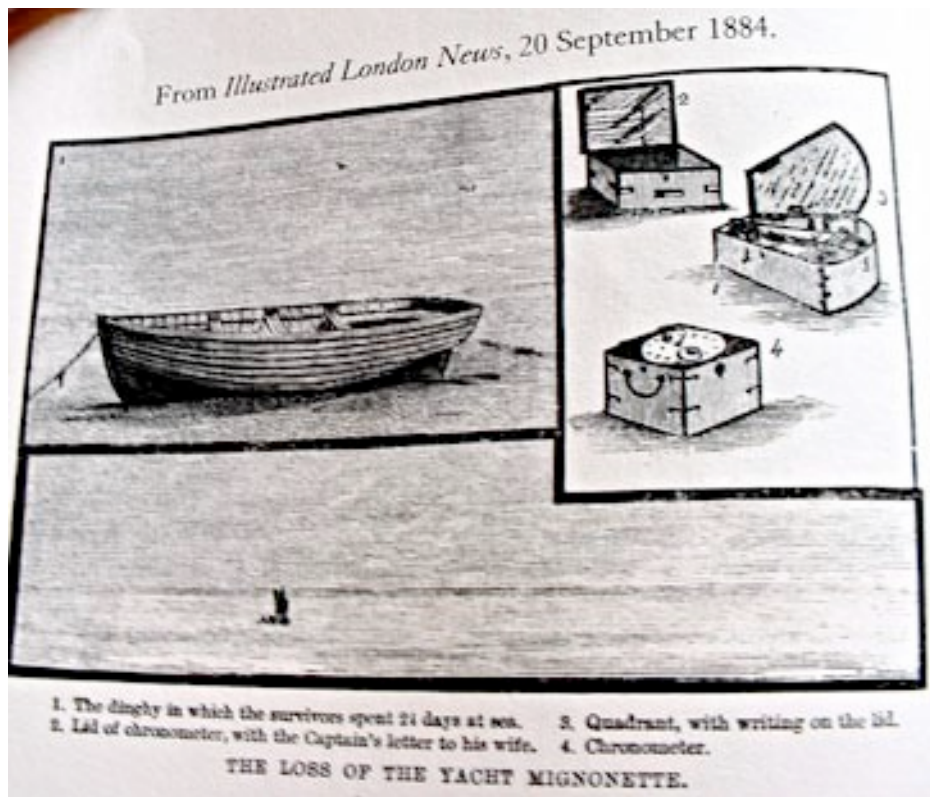
On the fourth day they spotted a turtle asleep on the water, hauled it on board, and fed on it for nearly a week, even eating the bones and chewing on its leathery skin. They tried to catch some fish, but with no success. Their lips and tongues parched and blackened from thirst, they took to drinking their urine. Eventually Parker and Stephens resorted to drinking seawater, then thought to be certain poison.



On the nineteenth day, feeling more dead than alive, Dudley proposed that one of them, to be chosen by lots, be killed for the rest to feed on. Brooks would not hear of it; Stephens was hesitant, and the idea was temporarily abandoned. Dudley next tried to persuade Stephens. He no longer talked about drawing lots. Parker evidently was the sickest, and he had no wife or children; it only seemed fair, Dudley reasoned, that he be the one killed. Finally, Stephens agreed. Dudley walked over to where Parker lay at the bottom of the boat, his face buried in his arms. "Richard," he said in a trembling voice, "your hour has come." "What? Me, sir?" mumbled the only half-conscious boy, uncomprehendingly. "Yes, my boy," Dudley repeated and then plunged his penknife into Parker's neck.

For the next four days all three, including Brooks who had objected to the killing, fed on the young boy's body, even drinking his blood. On the twenty-fourth day of their odyssey they were sighted by a German boat, the *Montezuma*, heading home from South America. Of the three men, only Brooks was able to clamber aboard; the rest had to be carried. Parker's remains, still in the dinghy, left no doubt about what had happened and both Dudley and Stephens completed the tale as soon as they had recovered sufficiently.

In September the 6th, 1884, the *Montezuma* sailed into Falmouth. The survivors were taken to the Customs House and closely questioned. It did not occur to them that they had done anything criminal. Dudley told of their adventure with something resembling gusto and even insisted on keeping the penknife with which he had killed Richard Parker as a memento. They were stunned when they were put under arrest and charged with murder. The upright Dudley immediately insisted that he was the ringleader and that Brooks was completely innocent. Brooks was indeed discharged and became the prosecution's chief witness.



Throughout the trial and the preparations preceding it, public sympathy was almost entirely on the side of the “cannibals.”

When Dudley traveled from Falmouth to London to meet his wife at Paddington Station, people took their hats off as he passed. The trial judge described Dudley as a man of “exemplary courage.”

The mayor of Falmouth was threatened with murder for having arranged the men’s arrest. The prosecutor was similarly threatened, if he obtained a conviction.

And, most remarkably, Daniel Parker, Richard Parker’s eldest brother, forgave Dudley in open court, and even shook hands with him. Parker’s family planted a tombstone on Richard’s grave that read:

“Though he slay me, yet I will trust him.” (*Job*, xiii, 15)
 Lord, lay not this sin to their charge.

The jury on the case was not permitted to render a verdict, for fear it would simply acquit the defendants, but was merely allowed to determine the facts.

Nor did the trial judge render a verdict. Instead by way of a highly unorthodox procedure, the case was brought before a five judge tribunal, presided over by Lord Chief Justice Lord Coleridge, who gave the opinion for the court: guilty as charged.

He prefaced his opinion by expressing doubt whether a situation of necessity had truly existed. The defendants, he noted, “might possibly have been picked up the next day by a passing ship; they might possibly not have been picked up at all. In either case it is obvious that the killing of Parker would have been an unnecessary and profitless act. Even if necessity existed, he went on, that could not justify the killing of another human being.

Coleridge refused to recognize self-preservation as an all-justifying end:



“To preserve one’s life is generally speaking a duty,” he conceded, but added, “it may be the plainest and the highest duty to sacrifice it. War is full of instances in which it is a man’s duty not to live, but to die. The duty in case of shipwreck, of a captain to his crew, of the crew to the passengers, of soldiers to women and children . . . these duties impose on men the moral necessity, not of preservation, but of their sacrifice of their lives for others . . . It is not correct, therefore, to say there is any absolute or unqualified necessity to preserve one’s life.”

Finally he remarked that a rule permitting the killing of someone in situations of necessity would be virtually unworkable. “Who is to judge of this sort of necessity?” he asked. “By what measure is the comparative value of lives to be measured?” he continued. “Is it to be strength, or intellect, or what?”

The court then sentenced the defendants to death. For all its rhetoric the court, however, did not want to be taken too seriously. A pardon by the home secretary had been arranged in advance, and when it came time to pronounce the death sentence, the judges did not even wear their black hoods as is customary on such occasions.



The defendants were released from prison six months later. Brooks had already gone back to sea, but neither Dudley nor Stephens were enamored of the idea.

Stephens settled down near Southampton and apparently supported himself through odd jobs. He continued to be absorbed by the events on the dinghy and over time went quietly mad.

Thomas Dudley emigrated to Sydney, Australia, where he became a small shopkeeper and managed to keep his past history a secret. He too was haunted, however, by memories of the dinghy, which according to one report, he tried to relieve by great quantities of opium. He died as the first victim of the bubonic plague that hit Australia in 1900.

— from Katz, *Bad Acts and Guilty Minds*, Chicago University Press

