Brief Structure of opinion

Page numbers are original case numbers

pp 273-275 middle description of facts

 p. 275 middle to top of p. 279 Arguments of lawyers on each side
pp. 279 – 281 Part of Coleridge opinion covering the procedure
pp 281-288 Part of Coleridge opinion covering the law

A major part of the opinion is finding what the precedent or authoritative source for finding the act in question was murder.

Queen v. Dudley and Stephens

A. Facts: Dudley, Stephens, Parker and Brooks were shipwrecked. They got into a life boat that had no water and very little food. After 19-20 days of exposure, dehydration and near starvation, they decided to eat the cabin boy Parker who was the weakest of the four. Drank Parker's warm blood. They were rescued and returned to England where they were tried for murder.

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Fact Sequence:

When shipwrecked had no supply of water and no supply of food except for two tins of turnips
1ST-3RD day ate turnips
4th – 122h day Caught a small turtle and ate it
13th – 18th day Had no food and water except for water from rain caught in an oilskin caper.By 18th day without water for 5 days.
18th day Dudley and Stephens discussed with Brooks sacrificing the cabin boy who was not consulted.
Brooks dissented
24th day Dudley proposed casting lots and Brooks dissented
25th day Dudley offered a prayer of forgiveness. Then over Brooks’ dissent Dudley killed cabin boy who was very weak and unable resist. All 3, Dudley, Stephens and Brooks fed on boy and drank his blood
29th day rescued

B. Procedural History: Instead of having the jury decide guilt or innocence, Judge Huddleston used a special verdict whereby the jury only determined the facts. The case then went to the appellate court, called the Queen's Bench(rather than King’s Bench) since the monarch at the time was Queen Victoria. Huddleston used special verdict to avoid jury finding them innocent and did not let their lawyers argue necessity. Told jury could not acquit- find guilty of murder or a special verdict determining the facts only. . Huddleston was also on the appellate court! Then issue of necessity went to appellate court.