

Britain's last trial for cannibalism at sea

The story of the *Mignonette*

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Introduction

The obituary of John Burton, proprietor of the famous Old Curiosity Shop in Falmouth was printed as a special supplement to the *Cornish Echo* of 31 May 1907. This included the following paragraph:

Bail for the Mignonette Crew

In the year 1884 the country was horror stricken by the recital of a story of cannibalism at sea. The yacht sunk at sea, and the crew, after being in an open boat nineteen days and nights without provisions, cast lots among themselves as to who should be killed to afford the others sustenance. It fell to the lot of a boy named Parker to be sacrificed, and he was accordingly killed and eaten. When the crew landed at Falmouth they were arrested and charged with murder, being committed for trial at the Assizes. John Burton came forward as bail for the accused men, £400 for Captain Dudley, £400 for Mr. Stephens, the mate, and £200 for Brooks, the seaman - £1,000 in all. For this act he was presented with a gold snuff box by the citizens of London, a memento he was extremely proud of. The captain and mate were sentenced to death at the Central Criminal Court, London but the sentence was subsequently commuted to one of six months' imprisonment. Brooks, the seaman, who turned Queen's evidence, was acquitted. ¹

This case became a 'Leading Case' which focussed attention upon whether it could ever be necessary to take the life of another for the sake of oneself, regardless of the circumstances.

The story

In the Spring of 1884, an Australian gentleman visiting England purchased a yacht, the *Mignonette*, which he wished to have delivered to his home in Australia. He found a man named Dudley who appeared capable of undertaking the task and he in turn, recruited three other men to help him: Stephens, Brooks and a lad called Parker. They set sail from Southampton on 19th May and set a southerly course to round the Cape of Good Hope, making a couple of stops en-route for the purposes of rest and re-victualling.

Somewhere about 1500 miles off the coast of Africa on 3rd July they encountered strong winds and high seas which overpowered the boat and sank it. The four men had little time to load their tiny wooden dinghy with anything whatsoever and some of what they hoped to have saved was lost in the process, including the most important commodity of all: water.

¹ *Cornish Echo* Supplement 31 May 1907

Their tale of woe became alarming once they described how desperate they became in their fight for survival. They had no materials suitable for fishing - although at one point they had managed to land a turtle which sustained them for some considerable time – but several days later the men’s condition became critical and they considered the awful possibility of sacrificing one of their number for the benefit of the others.

At the time there appears to have been a procedure amongst seamen known as the ‘Custom of the Sea’. Central to this custom was that a means should be found to ensure that each man had an equal chance of living or dying. Apparently it was accepted that drawing the short straw – or some otherwise random procedure – would achieve this end.

Even if this custom had been as sound as Dudley believed, his account of what happened aboard the little boat appeared to have fallen short of the requirements. Instead of engaging a random selection process, he and his Mate, Stephens, focussed solely upon the boy, Richard Parker. Apparently, Parker had made himself ill by drinking water which had been contaminated by the sea; according to Dudley he was near death. It seemed only sensible that a very sick boy with no family connections should forfeit his life rather than any one of three men who had families of their own to support. The decision was made, but Brooks decided to have nothing to do with it.

Dudley, in consort with Stephens, undertook the task. The boy died and the three men took sustenance from his body. Four days later on 26/27th July a German barque, the *Montezuma* carrying a cargo of nitrate from South America to Hamburg, hove in to sight. Their sorry plight was witnessed and their lives saved. They insisted on taking the body of Parker with them to give him a Christian burial in Britain.

Landing in Falmouth

On 6th September *the Montezuma* sailed into Falmouth harbour to land the three sailors and the Master, Captain Simonson, and the three rescued men went ashore to report their arrival to the Customs Officer and Collector of Dues, Mr. Cheeseman. Capt Simonson had probably hoped to deliver the rescued men and then leave quickly for Hamburg however, once the men explained the measures they took to survive as long as they did, the situation changed.

Whilst the men were relating their experiences to Mr. Cheeseman, they might have hoped for understanding and even support but, in the background, a policeman employed by the Harbour Commissioners, Sgt. Laverty, had overheard all that had been said. He was not of a mind to ignore the situation and sought legal advice as a result of which the men were not allowed to return straight to their homes.



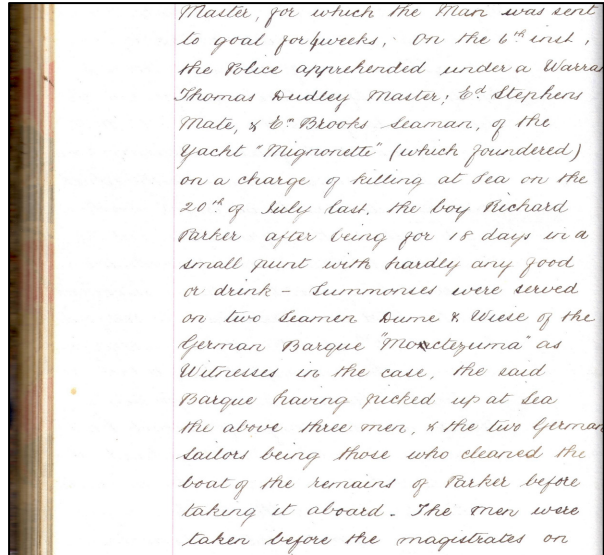
The Custom House in Falmouth where the three men would have reported their arrival

As the minutes of the Harbour Commissioners’ meetings put it:

On the 6th inst. the Police apprehended under a Warrant Thomas Dudley Master; Ed. Stephens, Mate: and E. Brooks Seaman, of the Yacht *Mignonette* (which foundered) on a charge of killing at Sea on the 20th of July last, the boy Richard Parker after being for 18 days in a small punt² with hardly any food or drink.

Summonses were also served on two Seamen Dume and Wiese of the German Barque *Moctezuma*³, as Witnesses in the case, the said Barque having picked up at sea

the above three men, and the two German sailors being those who cleared the boat of the remains of Parker before taking it aboard. The men were taken before the magistrates on 8th instant, and remanded till the 11th instant, when a further remand was granted till 18th instant at the request of the Treasury which undertakes the prosecution; on the 2nd occasion bail was accepted in £200 for the Captain, and £100 for each of the two others, Mr. Burton becoming surety in all three cases.⁴



When the news leaked out, the town was agog for it appeared that not just one taboo had been crossed, but two: murder, and cannibalism, together. In Falmouth, where ocean-going ships were calling in every day, the locals had their own understanding of the awful decisions which must have faced the men and it is believed that there was genuine sympathy for both them and the boy.

The Harbour Commissioners' minutes continue the story:

On the 16th and 17th ult. eight witness summonses were served by the officer on duty in connection with the *Mignonette*. On the 18th ult. The case, which stood adjourned at the request of the Treasury from the 11th ult., again came on for hearing and as no evidence was offered against the man Brooks he was acquitted, and put in the box as a witness against Dudley and Stephens, both of whom after a lengthy investigation were committed for



The old Court House in Falmouth where the men would have been brought before the magistrates

² The local Cornish word for a small rowing boat or ship's gig

³ The Minutes spell the ship with a 'c' whereas the record of Harbour Dues spells it with the more expected 'n': *Montezuma*. We have used the Harbour Dues spelling in the main text

⁴ Falmouth Harbour Commissioners Minutes, Book 3 Pages 113 - 114, 16th September 1884 The Illustration of the entry is reproduced by kind permission of the Harbour Commissioners

trial at the Winter Assizes at Exeter commencing on the 1st November. Bail was accepted as before, Mr John Burton again becoming surety – Sergeant Laverty and several others were subsequently bound over to appear and give evidence at the trial.⁵

The charge of murder was beyond the purview of the Falmouth Court and thus the transfer to Exeter.

Transfer of decision-making

Things moved on and on 18th November the Harbour Commissioners' minutes record: Sergeant Laverty, who was bound over on the 18th September to appear and give evidence at the trial of Dudley and Stephens in the *Mignonette* case proceeded to Exeter on 1st inst. and returned on the evening of the 7th inst. The prisoners were found guilty sentence being deferred until certain point of law could be considered in a full Court of Judges and they were again liberated on bail.⁶

It is interesting that, having been found guilty in Exeter. the accused were released on bail. This suggests that they were, at the very least, willing to submit to the judgement of the courts and that they were not seen as being any threat to the community at large.

In London, the pair were found guilty and sentenced to death; however, such were the circumstances of the case that their sentence was commuted to six months imprisonment.

At the end of the story one is left with a number of questions: why did the citizens of London give John Burton a snuff-box? The report in the *Cornish Echo* quotes different sums of money than the Harbour Commissioners' minutes. Was this an example of John Burton's ability at self-publicity or of the press getting its facts wrong?

And what if the sailors had not killed the boy, might all four sailors have survived?

Bibliography

The best description of the case can be found in *The Custom of the Sea* by Neil Hanson, published 2000 by Doubleday ISBN 0-471-38389-9

The Falmouth Harbour Commissioners Minutes and other records are held in the Bartlett Library at the National Maritime Museum Cornwall

⁵ Falmouth Harbour Commissioners' Minutes Book 3 Page 121, 21st October 1884

⁶ Falmouth Harbour Commissioners' minutes Book 3 Page 123 - 124, 18th November 1884