

# 1 Sergeant Laverty Makes an Arrest

*As I wuz a-walkin' down Arsenack Street  
Gimme way, hey, blow the men down,  
A sassy policeman I happened to meet,  
Gimme some time to blow the men down.*

--Traditional Chanty

Although history has no beginning and, what is sometimes forgotten, no end, stories are different. That of the yacht *Mignorette* and her crew—Dudley, Stephens, Brooks, and Parker—originated in Falmouth on Saturday, September 6, 1884. For a drama of the sea there could be no more appropriate location. Today Falmouth has become a tourist town, with the sad and unattractive features that inevitably follow. In 1884 it was a real seaport, and most of its 11,000 inhabitants lived directly or indirectly off the sea. The town lies on the Western side of a magnificent natural harbor, rivaled only in England and Wales by the Milford Haven estuary in Pembrokeshire; and Falmouth Roads could be entered without difficulty by any ship afloat in the nineteenth century at virtually any state of tide or weather. The entrance is more than a mile wide, and the only obstacle is the prominent Black Rock in mid-channel. Sailors are capable of hitting anything, and it was there, by some monumental incompetence, that the *White Ship* carrying William, son of King Henry I, was wrecked in 1120, taking prince, courtiers, and treasure to the bottom, where presumably they all still lie. But as far as I know, no ship of any importance has hit it since, and as long as a ship avoids the Manacles

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was therefore engaged to advise the captain as he brought the *Moteczuma* in and boarded her as she lay hove to. After the yards had been squared away and the *Moteczuma* was again sailing up channel, Captain Simonsen invited the pilot into his cabin, no doubt for the traditional drink. One of the castaways followed them in. He was a very short man with reddish hair and beard, and he spoke with a broad Essex accent. He introduced himself as Tom Dudley, former captain of the British-registered yacht *Mignonette* (which he probably pronounced "Mighenette" with a hard "g"). He started to tell how she had been lost in a storm on a voyage to Sydney, New South Wales, and of the terrible sufferings of the survivors, adrift for 24 days in an open boat. Collins inquired how many had survived. "I asked him how many there were in the boat. He said 'four.' I asked him what had become of the other one. He had previously told me three had been picked up." Some vague suspicion may well have prompted this inquiry, for a Falmouth pilot would know of the expedients traditionally used to prolong life in such circumstances. Tom Dudley was quite willing to explain. The fourth man, he explained without embarrassment, had been killed and eaten. Telling the story in court, later Collins was to say, "I asked Dudley who killed him. He said, 'I did.'" As if this candor were not sufficient, Tom Dudley also described the killing in some detail. It must have been obvious that Captain Simonsen already knew what had happened. The pilot's reaction to all this is not recorded; for reasons that will appear, he may not have been particularly surprised, and whatever other conversation took place is not recorded. He did not speak to the other two survivors; not possessing Dudley's status as a ship's master, they would not, of course, have entered the captain's cabin but have remained forward, in the accommodation appropriate to men of subordinate rank.

On the morning of Saturday, September 6, the *Moteczuma* entered Carrick Roads; there was a strong southwesterly wind blowing. The *Moteczuma* probably rounded up and anchored on Falmouth Bank off Trevisis Point, lying about a mile away from the town. It was not the normal practice, when a vessel called at Falmouth, for the crew to be allowed ashore to encounter the temptations of drunkenness, brawling, desertion, and the risk of venereal disease. Ships were a sort of prison; local services were brought to them by watermen in bumboats. Through them, or perhaps through the pilot (whose home at 10 Norfolk Road lay a short distance from the center of the town), the story of the *Mignonette* and her three cannibals circulated

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Reef to the west (and many have not), the approach to the anchorage is as fair as it could be.

Falmouth's rise from merely local to international importance began in the seventeenth century. In 1688 it became a packet boat port; from Falmouth small, fast, armed sailing vessels of around 200 tons' burden carried mails and passengers around the world. Packet boats operated under government contract, and the selection of Falmouth depended on its other principal asset, a location at the entrance to the English Channel. As a starting point this was ideal, for in the days of sail the passage through the channel from the east was uncertain and hazardous, as the prevailing winds are westerly. In 1863 Brunel's Great Western Railway was linked to Falmouth, reducing the time required to travel to London; but by then, as an ocean passenger terminus, it was in decline. The post office contracts had been lost in 1852, and Southampton had begun to develop as an ocean terminus. But because it lay further to the west, Falmouth, nevertheless continued to prosper, and no similar safe anchorage for Atlantic vessels exists on the north coast of France. So Falmouth, like Cork in Ireland, functioned as a port of call for foreign-going trading vessels, the first and last link with the newly developed international telegraph system; and Atlantic ships were repaired and provisioned there. In the late nineteenth century, some 20 or more ocean vessels called there each week for orders from cargo agents or owners; and, after bad weather in the Atlantic, the anchorage would be crowded with vessels sheltering or seeking repair. Even after the dominance of the great sailing barques had ended, Falmouth long retained its importance. So the inhabitants of the town knew more or less all there was to know of the perils of the sea and the customs of those who had their business in the deep waters.

On Friday, September 5, 1884, somewhere well to the west of the Lizard, a Falmouth resident named Gustavus Lowry Collins was cruising in Pilot Boat 13, seeking work. He was a first-class Trinity House pilot, and it was the practice for Falmouth pilots to meet vessels entering the channel well out at sea, sometimes as far west as the Scillies. At some point on that day, Collins hailed a German sailing barque, the *Moteczuma*, which hove to and took him on board. The *Moteczuma*, under the command of Captain P. H. Simonsen, was bound for Hamburg. Normally she would not have entered an English port but needed to do so because she had on board three English sailors who, as castaways, had been rescued 38 days earlier in the South Atlantic. Pilotage was compulsory—and Pilot Collins

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rapidly through Falmouth. William Hodges, a licensed waterman, brought them and Captain Simonsen ashore, and quite a crowd gathered to see them. The crowd included a seven-year-old boy, Alfred Ross, who watched them land at Barracks Ople Quay. Some 87 years later in 1971, at the age of 94, he was interviewed by a journalist, Patrick Marnham, and recalled the occasion; by then he must have been the last man alive who saw the three men land.

The other two castaways were Edwin Stephens, who had been mate of the *Mignonette*, and Edmund Brooks—usually known as "Ned" or "Neddy." The three landed early in the morning, and went at first to the Sailors' Home. All were weak and could walk only with difficulty. At the Home, which was looked after by a Captain José, they received refreshments and might have expected, if necessary, to be accommodated. Their arrival had been witnessed by the customs office, and a customs officer had a word with them. There was at the time a cholera scare, about which the mayor of Falmouth was particularly concerned, and thus considerable vigilance surrounded the arrival of a foreign vessel that might be carrying the disease. They were also observed by James Laverty, a sergeant of the Falmouth Harbour Police Force; this was a force quite distinct from the borough police force, or the local branch of the county police, under Inspector George Pappin. Captain Simonsen may well have visited the shipping agents in Arwenack Street, Messrs G. C. Fox, as Robert Fox of the well-known Quaker family was the German vice-consul at the port. Captain Dudley, like a good captain, set about the care of his crew, drawing money from a bank so that they could inform their families by telegram of their safe arrival. At 9:00 A.M. he himself telegraphed his wife, Phillips, at their home in 1 Myrtle Road, Sutton, in Surrey: "Mignonette foundered, July 5th; 1200 miles from the Cape. In boat twenty-four days; suffering fearful. Am well now." At about 11:00 A.M. all three men, together with Captain Simonsen, went to the customs house. There in the Long Room they met a prosperous local pluralist, Robert Gandy Cheesman, shipping master, superintendent of the Mercantile Marine Office, collector of customs for the West Cornwall District, and receiver of wrecks. To judge from his large and somewhat flamboyant house, he did rather well out of these various offices. Indeed, one cannot but derive the impression that Robert Cheesman may have been a man who, though punctilious as to forms and procedures, had an eye to the main chance and a tolerant approach to the traditional Cornish practice of smuggling. Among the surviving correspon-

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dence (which deals with such bizarre administrative matters as the supply of tins of diarrhoea powder to outdoor staff), there is his letter of July, optimistically if implausibly reporting all quiet on the smuggling front: "I beg to report no runs have been effected or attempted . . . I am not aware of any organisation existing in the locality for carrying out an illicit trade." But, if he and his men may not always have been overenthusiastic at rummaging (to use the technical term), they knew the correct procedure. And so, when Dudley said to him, "We are come to make our statements with reference to the loss of our vessel, the *Mignonette*. . . the appropriate forms were at hand. The collector was too important to handle this directly himself and passed them to Samuel John Louttit Tresidder, his chief clerk, who set about taking their depositions.

In thus volunteering to give an account of the loss of the *Mignonette*, the three men were merely conforming to the scheme for regulating merchant shipping governed by the Merchant Shipping Act of 1854 and an amending act of 1876. As shipping master Mr. Cheesman was empowered to "make inquiry respecting such loss, abandonment, damage, or casualty." He possessed the powers conferred by the act upon specially appointed inspectors employed by the Board of Trade (the responsible government ministry) to supervise merchant shipping—he could summon people before him, require the production of documents, administer oaths, or require formal declarations as to the truth of what he was told. So if they had not come voluntarily, the sailors could have been and no doubt would have been compelled to appear.

These obligatory statements reporting losses at sea were not intended to provide material for the criminal prosecution of sailors; indeed, given the general principle accepted in English criminal procedure—that no one must be made to incriminate himself—such an idea would have been regarded as quite improper when the system was established. Their primary function was to advance the policy of increasing safety at sea. This task was entrusted to the Board of Trade and exercised through its Marine Department, first established in 1850, which had to collect basic information about maritime casualties—the name of the ship, what cargo it carried, where it was lost, and so forth. Incidentally, other administrative needs were also served by the system, including the recording of deaths at sea. A standard form was used to record all the information obtained; after signature, these forms were dispatched to the Board of Trade in London, which could, at its discretion, decide to hold a formal wreck

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matter concealed. By the time they landed, the gossip in Falmouth may have persuaded Stephens and Brooks of the futility of any concealment, for once the pilot knew the story, all Falmouth would learn of it within a matter of hours.

Ned Brooks also made a sworn statement, though somewhat later. When he did so, neither Dudley nor Stephens was in the Long Room. His deposition appears to exist no longer, and it is consequently impossible to be sure of its contents; there is no satisfactory indirect evidence from newspapers or other sources. The principal file on the case—that of the treasury solicitor—has been lost, probably through bombing in World War II. Brooks's deposition would surely have been in the file.

While Dudley and Stephens were making their depositions, the vigilant Sergeant Laverty was hovering about in the customs house. He had seen all three men earlier and had spoken to Brooks, who gave him their names. Probably he had already heard gossip about the killing of young Richard Parker and, like a conscientious officer, was keeping his eyes and ears open. After Dudley made his statement, there was some conversation between Mr. Cheesman and Dudley—Cheesman was apparently present all the time the deposition was being taken, out of curiosity only and not (as he was to insist later) in any of his three official capacities. He asked Dudley to elaborate: "How did you kill the boy?" Dudley then gave him a long account of the events leading up to the killing, and this culminated in an animated description of how the job was done. He demonstrated how the boy was lying in the bottom of the boat, and how he thrust a penknife into Parker's throat. He even produced the knife itself, with its two-inch-long blade. This was all too much for Sergeant Laverty, who with studied courtesy asked Dudley "to be kind enough to give it to me." Dudley did so and then made an unfortunate remark. He said he did not want to lose it, as he would want it as a keepsake; he apparently wanted to preserve a memento of a remarkable experience. The sergeant assured him that he could have the knife again "on some future occasion" and then left the customs house for the town clerk's office, with the intention of securing a warrant for the arrest of the three men.

After Laverty left, Dudley produced a considerably longer and fuller handwritten account of the whole affair and gave this to Mr. Cheesman for transmission to the Board of Trade. This document, entitled "Account of foundering Mignette 33 tons" also survives and describes the killing of Parker. It ends, "I think I have given

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inquiry into the casualty. Official inquiries into wrecks had been recommended by a select committee of the House of Commons back in 1836. This recommendation was first implemented for steamships by legislation in 1846 and later extended to sailing vessels in 1850. An inquiry could lead to the loss of a master's or mate's certificate of competence, but this penal element was regretted by the Board of Trade. Formal wreck inquiries were not held as a matter of course. Most losses at sea were not formally investigated at all; and where there were no passengers lost, it was the usual practice not to hold such an investigation. Cargo owners and seamen were expected to look after themselves; but passengers, it was thought, required paternalistic care. The *Mignette* carried neither passengers nor cargo, and the loss of so small a vessel with so little loss of life among the crew was in itself a trivial incident, certainly not worth formal investigation.

Dudley's and Stephens's depositions survive in the original. Dudley records details of the yacht; her crew of four, including the boy, Richard Parker; and her voyage. He attributes her loss ironically in the space provided to "stress of weather"; this was and still is a standard category, like "pilot error" in air crashes. He also states candidly that, after the vessel foundered, "on the twentieth day the lad Richard Parker was very weak through drinking salt water. Deponent, with the assistance of the Mate Stephens, killed him to sustain the existence of those remaining, they being all agreed the act was absolutely necessary. . . ." Dudley continues to explain that all three survivors lived thereafter off Richard Parker's dead body. Stephens's deposition was equally to the point: "On the twentieth day, Deponent agreed with the Master that it was absolutely necessary that one should be sacrificed to save the rest, and the Master selected Richard Parker boy as being the weakest. Deponent agreed to this and the Master accordingly killed the lad. . . ." Richard Parker's death certificate, based on these statements, records the cause of death as simply "killed." Behind these two depositions must lie a definite decision by Dudley and Stephens to tell the full truth. Some months later, Dudley's wife, in a letter that survives in the Public Record Office, recorded that her husband told his story "not paltering [sic] a single circumstance tho' entreated never to divulge it [italics in original]." The delay in going to the customs house may have been the result of these entreaties—last-minute arguments as to the wisdom of such candor. But there is no direct evidence of this, nor is it possible to tell whether one or both of Dudley's companions wished the

most of the particulars of the sad affair. I remain yours faithfully  
 Thos Dudley Master Late 'Mignonette.' " Dudley had written this  
 account while on board the *Motzuma*, probably intending it as a  
 letter of explanation to the yacht's owner, to whom he would expect  
 to report on the loss of the vessel.

Later Mr. Cheesman tried hard to give the impression that he had  
 at no point supposed himself to be involved in any possible criminal  
 investigation or proceedings. But these protestations were disingen-  
 uous and for local consumption only. In truth, he had realized at  
 once that the business could not be simply regarded as completed  
 once the statements were signed and the three men allowed to go  
 home, much less allowed to leave on *his* authority. He must have  
 known that, where there appeared to have been a death by violence,  
 under Section 269 of the Merchant Shipping Act he had a legal  
 obligation to report to the Board of Trade and take steps to bring  
 those involved to justice. But the sailors certainly did expect to be  
 allowed to leave for home, and at 12:00 M. Dudley telegraphed his  
 wife: "Am here, and as well as can be expected; hope to be enabled  
 to finish work and leave for home tonight." Mr. Cheesman was also  
 using the telegraph service and (as was his invariable practice), cau-  
 tiously seeking instructions from London. At 2:50 P.M., possibly  
 after some behind-the-scenes discussion with Sergeant Laverty, he  
 cabled both the Marine Department of the Board of Trade and the  
 registrar general of shipping in Basinghall Street in London:

Survivors wreck of Yacht *Mignonette* of Southampton brought here  
 by German Barque *Motzuma* after having been in open boat for  
 twenty four days with only two one-pound tins of turnips no water  
 Richard Parker boy killed on twentieth day by Thomas Dudley who  
 holds mates certificate to sustain survivors lives boy was killed twenty  
 fifth July . . . should the survivors be detained for enquiries please  
 telegraph if I must apply to police.

To this the registrar general replied at 3:15 P.M. that the survivors  
 should be detained, but he added, "You will no doubt receive in-  
 structions from the Board of Trade." The Board of Trade officials  
 had at first considered informing the police but then changed their  
 minds and telegraphed that no action should be taken; a letter was,  
 however, at once dispatched by messenger to the Home Office. This  
 passed the situation to that institution, as the office of state concerned  
 with matters of law and order.

Down at Falmouth, Mr. Cheesman became increasingly anxious,  
 for by 3:20 P.M. he had heard nothing from the Board of Trade. He  
 telegraphed again for instructions. "Please reply to my telegram re-  
 specting *Mignonette* as soon as possible as the master and crew are  
 anxious to leave Falmouth." Shortly afterward, the unhappy man  
 received wholly inconsistent instructions—from Basinghall Street to  
 detain the men, from the Board of Trade to take no action. From  
 the Home Office, virtually closed for the weekend, nothing was  
 forthcoming.

Meanwhile the good sergeant had obviously also run into local  
 difficulty in obtaining his warrants; the discussions must also have  
 involved one Superintendent Bourne, the officer commanding Fal-  
 mouth's own borough police force of three constables. The task had  
 already consumed some four hours—a delay not explicable by the  
 short distances involved; clearly, there was no great enthusiasm for  
 issuing the warrants. Eventually, however, they were issued on the  
 signature of the mayor of Falmouth, Mr. Henry Liddicoat. Henry  
 Liddicoat was also *ex officio* chairman of the borough justices of the  
 peace and ran a grocery and wine merchant's business conveniently  
 close to the customs house at 4 Market Strand. What went on behind  
 the scenes among the mayor, the superintendent of police, and the  
 shipping master we shall never know. But some hint of the arguments  
 involved is probably to be found in a leader in one of the local papers,  
*Lake's Falmouth Packet and Cornwall Advertiser*, on September 13. The  
 writer would almost certainly have talked to the mayor about the  
 matter:

Were the local authorities justified in causing Dudley, Stephens and  
 Brooks to be apprehended? We consider they were. Some people have  
 even gone so far as to take exception to this, the almost universal  
 opinion. But they have no ground to stand on. Here are three men  
 who arrive at Falmouth with an open confession of having killed a  
 fellow human being. This story was therefore certain to obtain a wide  
 publicity, and when the nation became aware that these men with  
 such a terrible tale of the shedding of human blood, were at large in  
 the country, without a searching investigation having been made with  
 their case, a universal cry of condemnation would assuredly have gone  
 forth against the Mayor of Falmouth for allowing them to escape.

Such, by 1884, was already the power of the press. So it was that  
 late in the afternoon the three men were arrested, and Tom Dudley  
 was allowed to send yet another telegram to his wife, his last for the

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Clearly some fundamental barrier of incomprehension existed between the captain and crew of the *Mignonette*, men of the sea and Sergeant James Laverty, the local representative of the common law of England. On land, at least, honesty did not appear to be the best policy.

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day: "Shall not be able to come home tonight until things are settled here." The three men were then lodged together in a room in the police station at 33 Market Street.

All three were quite astonished at being arrested. Tom Dudley in particular. There is no reason to doubt that this astonishment was entirely genuine. Sergeant Laverty was later to say in court, "When I arrested him Captain Dudley seemed greatly surprised that he was to be made a prisoner," and added that "he seemed to show a great deal of excitement." Today, of course, anyone in the same position would be equally astonished *not* to be arrested; furthermore, today there would surely be no hesitation whatsoever in arresting men who confessed to such a killing. Most surprising of all is the frank way in which Dudley and Stephens both volunteered what had happened—what precisely Brooks admitted is, as we have seen, not known. Dudley indeed went beyond mere frankness; he seems to have shown a positive enthusiasm for revealing all, adding to his statutory deposition a quite unnecessarily long letter to the Board of Trade, reinforced by a reenactment of the killing in the very presence of an officer of the law. He even wanted to preserve a memento of the occasion. An account of the matter published in the *Spectator* a week later emphasized particularly the strange features of Dudley's behavior:

He did not, be it understood, make a "confession" as one who has committed a crime and was full of remorse, but simply narrated, with the straightforward truthfulness with which a sailor usually describes any noteworthy incident of a voyage. He had, apparently, no idea whatsoever that he was liable to any legal proceedings, and when arrested expressed nothing but astonishment. . . .

Later, in November, a leader in the *Standard* made the same point:

The most remarkable feature, in some respects, of the whole case is the extraordinary candour of the three men when they were landed in an English port. Without, apparently, the slightest misgivings as to the manner in which their tale would be received, or the faintest sense of having done anything the law could punish, they told their story, in all its revolting detail, to the Collector of Customs at Falmouth, and afterwards embodied it in statutory declarations.

precise great circle route from around St. Paul's Rocks to Sydney passes through the Antarctic continent and cannot be followed exactly.

Dudley decided to adopt a quite different plan; he would sail first to Madeira and pass close to the Cape Verde Islands. After a short stop, he would sail on to Cape Town, whence he would set out on the last and most hazardous stage of his journey to Sydney. His route through the North Atlantic lay therefore considerably to the east of the orthodox one, and the discrepancy increased as he went further south, where it lay both east and north of the normal route. For this he was subsequently criticized. Thus "A Retired Merchant Captain" of *Baywater* sounded off (as they still do) in the pages of the *Daily Telegraph*: "It seems to me incredible how any commander of a vessel who had had any experience in the Australian or East Indian Trade could possibly have got into such a position [as the one where the yacht foundered]." But Dudley was not a deep-water sailor commanding a large sailing barque; he was sailing a yacht and thought that he would be likely to meet less violent weather if he did as other yacht captains had done before him. His route was very similar to that followed by earlier captains of small vessels sailing to the Cape. The sailing barque's traditional practice took the ship into reliable winds, it was true, but also into the mountainous seas and continuous gales of the southern ocean; conditions were often appalling and not infrequently disastrous. Dudley's decision was understandable and quite irrelevant to the loss of the *Mignonette*. His route in the South Atlantic also lay well to the west of the steamers' route to the Cape, which, as it turned out, was to prove unfortunate; but sailing vessels were not navigated with a view to placing them in shipping lanes, where there was always a risk of being run down at night.

The *Mignonette* was by no means the first small yacht or sailing vessel to make the passage from England to the Antipodes. Some of these early small-boat voyages are little documented, such as that of the *Mystery*, a 17-ton lugger from Penzance that went to Australia in the 1840s, or the 25-ton *Wily Nof*, which, at some uncertain date, successfully reached New Zealand. About others more is known. The *Wanderer*, a 140-ton schooner, reached Australia to be wrecked on the coast in 1840, its owner, a Mr. Boyd, killed by the local aborigines. The 73-ton *Albatross* successfully sailed to Australia in 1840 and returned by Cape Horn in 1846. In about 1856 one Captain Stallard of Ryde took the 30-ton cutter *Gem* to Australia to sell—she was about the same size as the *Mignonette*, as was *Spray* (33 tons), which sailed from Cowes to Hobart under an eccentric skipper, Cap-

The voyage to which the *Mignonette* was now committed involved sailing somewhere between 14,000 and 16,000 miles, using the route around the Cape of Good Hope. There was no advantage in reducing the distance 1,000 miles or so by using the Suez Canal, for a sailing vessel requires reliable winds that the route through the Mediterranean did not provide. The canal at this period served only the luxury passenger trade to the Orient. Precisely how many miles the *Mignonette* would sail depended on the unpredictabilities of the weather and navigational errors. The normal practice for the large sailing barques was to aim to pass close to St. Paul's Rocks in the western part of the South Atlantic, not very far from the coast of South America. They would then be in the Southeast trade winds and would follow a curving track passing well south of the island of Tristan da Cunha, entering the "roaring forties"—the belt of strong westerly winds—in latitude 40 or more south. Once in the westerlies, the barques would pass well to the south of the Cape of Good Hope, at no point entering port or coming close to land, unless there was some emergency that made it desirable. Some captains would, however, aim to pass close to Tristan, instead of 500 miles or so to the south, to check the ship's chronometer against a landfall. In general, however, masters of large sailing vessels preferred to keep well away from anything solid. Those in pursuit of record passages would follow as closely as possible a great circle route, which took them as far south as ice conditions and personal courage permitted, for the

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much faster; the famous clipper *Thermopylae* took 60 days in 1869—70. But a displacement yacht's potential maximum speed (which is rarely reached, much less sustained) is primarily dictated by her length, and *Mignonette's* was about 9 1/2 knots. She could not possibly rival the runs of the clippers or larger sailing barques. Unhappily, her longest daily run is not recorded, but her progress out does indicate that she was a fast yacht, resolutely sailed.

Dudley must have kept a log, and from his recollection of this he could record the progress of the *Mignonette* fairly precisely. At midnight on May 19, she passed the Needles. At noon the next day she was off Portland Bill, and by midnight on May 20 she was abreast of Start Point. Next morning at 10:30, she met the schooner yacht *Lady Evelyn* and put letters on her for home. These were posted in Plymouth and later gave Phillips Dudley the mistaken impression that Dudley had put in there. *Mignonette* was making good about four miles an hour, or 96 miles a day, and this in light winds. At noon on the same day she was near the Eddystone Light, her last contact with England and the point from which the ocean voyage began. Employing the traditional language of the sea, Dudley recorded this emotional moment: "At noon was off Eddystone from whence we took our departure course set a berth off Ushant 22nd. 8 Am distance was run but owing to its being hazy did not see it." Perhaps this was a relief to Edwih Stephens. Dudley's account continues, "We had a fine passage to Madeira reaching the roads at Midnight on June 1st." *Mignonette's* average daily run between Southampton and Funchal had been around 110 miles.

There, according to Dudley's own account, *Mignonette* remained a mere 12 hours, taking on water, fruit, and other provisions—probably meat, vegetables, and fish. The four men also sent messages home. Dudley cabled his wife, "All is well," and this cable reached Sutton on June 3. Stephens wrote to his wife, Ann, explaining the plan to emigrate and asking her if she would join him with their children. She replied to the Cape that she would, no doubt anticipating that the letter, by fast steamship, would reach there before the yacht arrived. It did, but Stephens never collected it. And Richard Parker wrote what was probably the first letter of his life to his foster parents. In his own hand, presumably copying from a draft by his captain, he told them that "he was happy and comfortable, that all on board were well, and that they had had a fine and pleasant voyage all the way." His tutelage had not been confined to learning his letters.

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tain Wylie, in 1860. The voyage of the 72-ton schooner *Glanie* in 1862 is better documented. She left Cowes on January 13 and arrived in Sydney on June 3, after spending three days at the Cape and 140 days at sea. *Vivid* in 1864-65 (25 tons' yacht measurement and around 16 tons' registered tonnage), a smaller yacht than *Mignonette*, was 130 days at sea, spending a fortnight at the Cape. *Aleric*, a 56-ton cutter owned by Mr. William Walker, left Falmouth on May 6, 1865, under Captain Alexander Campbell and a crew of six; crossed the line on May 31; and anchored in Table Bay on July 3, 58 days out. After spending 5 days there she put to sea again, reaching Sydney on August 23, having been 108 days at sea in all. This yacht is said to have logged, somewhat improbably, a run of 400 miles in two days, including a day's run of 240 miles. "the little clipper spanking along at a rattling pace." She returned to England safely under the command of her mate, Joseph Gentle of Gosport, after 115 days at sea. Her owner was commodore of the Royal Sydney Yacht Squadron. Dudley would no doubt have known of some of these voyages (which all, as far as it is recorded, involved a stop at Cape Town); he may even have known some of the sailors involved. The logs of several of these voyages had been fully published in *Hunt's Yachting Magazine*. Jack Want in Sydney would also know of some of them. By 1884 even the misanthropic sport of single-handed sailing was known. In 1877 Alfred Johnson sailed across the Atlantic in the 20-foot *Serrenidai*, and, lest it should be thought that bizarre voyages are a strictly modern phenomenon, the Atlantic was crossed in 1866 by the weird sailing vessel *Red White and Blue* (under Captain Hudson, with Mr. F. E. Fitch and the dog Fanny as crew). This 27-foot iron vessel, which measured only three feet from deck to keel and had a beam of only six feet, was, incredibly, ship rigged and nevertheless survived to reach Margate on August 14, after having left New York on July 12.

Small-yacht voyages across the ocean were not therefore all that uncommon; nor was *Mignonette* a particularly small yacht. She was, for example, only one foot shorter than Sir Francis Chichester's ketch *Gypsy Moth IV*, in which he circumnavigated the globe in 1966. Dudley and his navigator, Stephens, hoped to reach Sydney in 110 days or 120 at the outside. This would have required an average daily run of around 127 (or 116) miles; for a yacht of *Mignonette's* size, these figures were very optimistic, but not impossible. *Gypsy Moth* reached Sydney in 107 days in 1966; *Aleric*, a larger vessel, in 108 days in 1855. The record passage out (though to Melbourne) was



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is said to have saved a diver in Southampton Docks; the other, "when a small yacht he was in caught fire, and, though he ordered the crew to get away in the ship's boat, he stayed behind himself to fight the fire and save the ship's stores." I have been unable to find any other evidence of these incidents, but this is not to say that they never happened, especially as I have not traced one pamphlet to which McCormick refers. It is rather surprising, however, that more was not made of them at the time, or of the story of Otilia. As far as I have been able to discover, none of the yachts commanded by Dudley was ever on fire, and the idea of "salvaging the stores" is bizarre. There does survive in the Home Office files a long letter from Phillipa Dudley extolling her husband's virtues, and one would expect to find in it mention of these three brave deeds. There is none. That there may have been some brief encounter at Funchal is not implausible, and brief encounters are the more enjoyable if they are romantic, too. With the assistance of the British Historical Society of Portugal, I have attempted to locate references to the affair in Funchal, and the story was carried there in 1884 on September 19 under the headline "Horrible" ("Horrible") by a local newspaper, *Diario de Notícias*. The story was taken from the *Cape News* and noted the visit of *Mignonette* to Funchal on June 2. But of the rescue of Otilia there is no mention.

After leaving Madeira on Monday, June 2, the *Mignonette* continued to enjoy good sailing conditions and on June 8 sighted the island of San Antonio, the northernmost island of the Cape Verde group. The following day, she met an Italian sailing barque, 30 days out from Cardiff, and on Sunday, June 14, the *Bride of Lorné*, which had left Liverpool under Captain Frazer on May 5. They boarded her, and Captain Frazer took their letters and offered provisions, which they did not take, as they had no need for any. On Wednesday, June 17, the *Mignonette* crossed the line at a longitude of 26°40' west. This they had reached on their twenty-ninth day out, with average daily runs of about 120 miles. For both captain and boy, this was the first crossing of the line; whether the boisterous and sometimes obscene rituals associated with this maritime event were celebrated is not recorded. Both Dudley and his second in command were devout men, and Dudley himself had a strong sense of decency. We can be quite sure that nothing indelicate or cruel would have been permitted.

The *Mignonette* was now moving into the South Atlantic, where it was winter, and in preparation for more arduous conditions Dudley decided to reduce the yacht's top hamper. So the topmast was brought

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Dudley, a devout Anglican, took prayer books to sea, and each Sunday divine service was celebrated on board.

Dudley's is not the only account of the visit of the *Mignonette* to Funchal. Considerably more detail is supplied by Donald McCormick in his *Blood on the Sea*. In this book he claims that a curious and significant incident took place there. Dudley, it is said, rescued a 17-year-old girl from drowning. Her name was Otilia Ribeiro, an orphaned Portuguese flower seller. Later the same day, in the afternoon, the British consul visited the *Mignonette* to congratulate Dudley on his bravery. It was indeed an eventful day for Otilia; for earlier, Richard Parker had hit her on the head with a boat hook, not out of sheer *joie de vivre* but because she was trying to sneak onto the yacht. Otilia too had a wish to emigrate to Australia and hoped to secure a passage on the *Mignonette*. Dudley refused but gave her Jack Want's address in Sydney. We shall meet this lady again under the name of Ricardo Parker and follow her adventures as a spirited transvestite and transsexual. Much of her story is plainly either maritime myth or fiction, but the initial problem is to decide whether she ever existed at all. Matters are not improved by the fact that much of the detail of the incidents at Funchal, as recounted by Mr. McCormick, cannot be correct. For example, the consul—at this time one George Harvey Hayward—could not have visited the *Mignonette* in the afternoon, as McCormick claims, since by then the yacht had left. McCormick also gives an account of a picnic lunch that sounds more like a report from the Club Méditerranée than an account of the activities of a group of professional sailors of the nineteenth century; there is no possibility that this lunch ever took place.

McCormick cannot now locate the source for the story of Otilia; after nearly 20 years, this is not surprising and in no way shows that he did not have one, either in some contemporary document or in maritime folklore. It is clear too that he was in possession of a story about the rescue of a girl before he wrote the book, for in a letter to the press published on January 13, 1961, in which he solicited information for the book, he described Dudley as a man "who had risked his life to save a girl from drowning at Madeira during the yacht's voyage." I have a press clipping of this letter, given me by Captain C. C. H. Diaper of Itchen Ferry. In *Blood on the Sea*, Otilia is referred to, though not by name, in two partially reproduced letters, to which Mr. McCormick had access, by Phillipa Dudley to a Mrs. Pettit in Sutton, one in 1886 and one in 1887-90. One letter also refers to two other supposed acts of bravery—one when Dudley

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dinghy. Dudley was about to give the order to luff up and bring the *Mignonette* around. He was just too late. In his own words.

I heard the Mate who was at the tiller cry out look out I at once looked under the boom and saw a very high sea just about to brake over us I caught hold and had the weight of mine on looking round me I saw all the lee bulwarks was washed away and heard the Mate cry out her side is knocked in the boat she is sinking not very pleasant words at such a time I hastened to windward to my horror to prove his words only too true get the boat out was the thing in hand.

Stephens's account tallies with this; as the wave approached, he put the helm hard up in order to meet the wave square, but it broke right over the yacht. He recollected calling out, "My God! Her topsides are stove in; she is sinking," and he saw that the weather topsides and bulwarks abaft the beam had been shattered. He hung on by the tiller lines. Dudley and Parker were on the lee side of the boom, to which they clung, and it broke the forces of the sea. Brooks saw the wave coming: "I saw a tremendous sea—reaching I should think, quite half way up to our masthead. . . ." He instantly took two turns of the lashing of the dinghy around each arm and thus survived as the wave swept the deck.

Dudley realized at once that the *Mignonette* was sinking and ordered the dinghy lowered. It was lashed upside down over the fore skylight; Dudley cut the aft lashings and handed his axe to Brooks, who cut those forward. The dinghy, which was of relatively fragile construction, with planking only a quarter of an inch thick, was got overboard, becoming holed on the port side in the process. It was not of course provisioned, and this first essential was water. So Dudley asked Parker to go below and pass up a breaker of water kept at the foot of the ladder that led down into the accommodation. Parker did this, and then threw the wooden cask into the sea. This was not as some writers have supposed—an act of suicidal idioity; any attempt to lower the water breaker into the dinghy from the deck of the yacht would have risked smashing a hole in her bottom. A wooden cask of water will of course float, and Parker thought it could be picked up later; the cask was in fact half full and would have floated quite high in the water. According to one of the press interviews he later gave of the incident, Dudley indeed ordered Parker to act as he did, and the fact that in his earlier statements he had not explicitly said this may indicate a retrospective awareness that an attempt to

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down on deck, drastically reducing the height and weight of her rig. The *Mignonette* could now expect to be in the region of the strong and reliable southeast trade winds, which would carry her close hauled toward the Cape. For some days she did experience the conditions expected, though by June 21 the strength and direction of the wind combined with a heavy cross sea forced Dudley to run her a couple of points to the east in order to bring the seas more onto her quarter. On June 25 the wind became more variable, blowing at first from the northwest for four days and then suddenly changing to a very strong south-southeasterly gale. In these conditions, Dudley was forced to reduce canvas, first to a double-reefed mainsail and then to a storm trysail. Even this was at times too much, and the yacht, with all canvas off, lay a-hull. On July 3 the wind dropped away completely. The *Mignonette* lay in the eye of a severe storm; in the evening there was a light southwesterly breeze, which increased steadily until it was blowing strong. By Saturday, July 5, the *Mignonette* was laboring in heavy cross seas in a fresh south-southwesterly gale, and a little before 4:00 P.M. Dudley, in his own words, "made up my mind to heave to for the night and have a comfortable tea." And so, for this intensely British reason, work was set in hand to bring the yacht, then running before the gale, head to wind under minimal canvas. At the time she was carrying a reefed squaresail, a storm trysail, and a small number 3 jib. The squaresail had to be taken off, and the vessel left to ride under a backed jib and trysail. The crew had been organized into two watches—Dudley and Richard Parker had taken the afternoon watch from mid-day to 4:00 P.M., and Stephens and Brooks were below lying in their oilskins, attempting without success to sleep. At 4:00 Dudley called the watch and told Stephens to take the tiller lines and steer while sail was taken in and the maneuver completed. The other three men handed the squaresail and then busied themselves in making everything secure before Stephens brought the yacht head to wind, an operation that in the conditions prevailing, would subject the yacht to violent stresses as she came broadside to the seas. Dudley had in his hand a small American axe (i.e., a hatchet and hammer combined), and he set about nailing canvas over the aft or "ladies" skylight (on yachts the aft cabin was traditionally the equivalent of the drawing room). By about 4:30 P.M. the work was finished. Richard Parker had gone below to "wet the tea," and Brooks had just returned on deck with lashings that he was going to use to reinforce those holding the

lower the breaker into the dinghy, though hazardous, might have been wiser. However, conditions at the time left little opportunity for such reflection.

Stephens, Brooks, and Parker then got into the dinghy, which was held on a line aft of the sinking yacht; and Captain Dudley, in accordance with the proprieties, was now the last man on board. He continued to act with his customary presence of mind and first wrenched the binnacle containing the compass off the deck and handed it into the dinghy; later he was to express astonishment at this feat of strength. He then went below into the cabin, which by now was braced high with water, and secured the sextant and chronometer, which were floating about in their cases. This was a particularly courageous act, since it involved descending a ladder below deck, with little hope of escape if the yacht rolled over. He also collected some six tins of provisions. Stephens, Brooks, and Parker, seeing that the yacht was about to go at any moment, called out several times to Dudley, "Come up, Captain!" Dudley, who had felt the *Mignonette*, as he put it, "sally-over," attempted to throw the tins into the dinghy—one only landed in it. He then got into the dinghy and backed her off with the oars. A minute later, the *Mignonette* sank by the stern, about five minutes in all after the wave struck her; the dinghy was only a few boat lengths away on her port quarter when she sank.

The chronometer and sextant were picked up, and only one of the remaining five tins, which had floated. Also recovered was a piece of cotton waste (which was used by Brooks to plug the hole in the dinghy) and the wooden bed of the water breaker. The breaker itself they could not find, and it was never seen again; floating high in the water, it would have been carried off rapidly by the wind. Also recovered was the yacht's head sheets grating, which had floated clear. Immediate action was needed to hold the dinghy facing into the sea if she was not to be swamped, and Dudley went to work at once, probably assisted by Brooks, the most experienced sailor in the crew. Using wood from the binnacle together with the breaker stand and the head sheets' grating, he constructed a sea anchor that brought the dinghy's head to the sea and thus enabled them to survive the storm. A small dinghy cannot live in heavy seas in any other position. Dudley, in what seems to be the earliest of his accounts, describes the scene thus:

to relise our position it was very bad sea like a mountain at times and water coming in faster than we could bail it out and night coming on.

it seemed our time was near but we must do the best we can and trust to God to take care of us and I feel sure he ruled the waves that night they would come within a foot of our little boat at times we had only one break (i.e., bailer) on board but we managed to stop the whole up so we soon freed her again about 11 pm I should think by the moon a large shark came knocking his tail against our frail boat which made me think our time was near for him to be dining off our bods, but I prayed that we might be spared to see all at home if possible live a better life in the future.

Another account, again in Dudley's remarkable direct style, catches the man's character—a quick appraisal of the situation followed by decisive action: "About 11 pm as I should judge by the moon a great shark nearly as long as our boat came knocking his tail at our boats bottom the thought of a monster like him near us was not very agreeable I can assure you after a few hits on the head from our ore he left." Dudley was never given to indecision. The attendance of a shark was at this time universally regarded by sailors as an omen of impending death on board. And so the crew of the *Mignonette*, the minister of death repulsed, survived their first night, and the next day Dudley repaired the hole in the dinghy more effectively, cutting off the ends of his trousers to obtain material to do a good job. The position in which the yacht had sunk was, according to Stephens, the navigator, latitude 27°10' south and longitude 95° west. This was probably an approximation based on dead reckoning from her last established position. To the east lay Africa; they were about on the latitude of Luderitz Bay. Some 1,600 miles to the southeast was the Cape of Good Hope. Some 680 miles to the north on a bearing of 20° lay the island of St. Helena; about the same distance to the south, the islands of the Tristan de Cunha group. Though constituting the nearest land, St. Helena or Tristan de Cunha were equally unreachable in a shallow dinghy possessing no proper sails and incapable of making ground to windward under makeshift rig. They were in the belt between the equator and the southern ocean dominated by the southeast trades, which in July would blow at an average velocity of around 13 knots. Hence the nearest land, in any practical sense, was South America, more than 2,000 miles to the west. And although there was always the chance of meeting a sailing vessel, their course toward land would take them further and further from the normal steamship route to the Cape, which lay to the east. They were very much on their own. Parker, through ignorance, imagined that they would soon reach land or be rescued. Brooks, typical of

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the counter stern was well above the waterline, and a failure there would not have caused the yacht to founder.

The wave that swept the *Mignonette* cannot have been all that heavy, or the crew would have been carried overboard; furthermore, the relatively fragile dinghy remained undamaged on deck. The mere loss of the lee bulwarks would not in any way endanger the yacht, nor would damage to the weather topsides explain the rapidity with which the yacht was filled. Something disastrous must have happened on or below her waterline, and this suggests some structural weakness in the vessel. Since Alghous yachts were noted for their strong construction, any weakness most probably arose from some deterioration occurring in the *Mignonette* in the 16 years since she had been built. Indeed it is certain that there had been some deterioration, since she was hauled out at Southampton for replacement of the planking next to the keel—the garboard strakes. Dudley may have discovered weakness here on the trip from Tollesbury to Southampton.

He himself gave a number of accounts of the reason why the vessel foundered, and the fullest of these indicates that he thought that the yacht's planking below the waterline had sprung loose from the frames:

All I can account for the accident is this that "*Mignonette*" was aged for to have all lead ballast I myself felt when the sea on the quarter just as if the stern was being knocked away from the settled weight which would not allow the frames to spring as if something bound her amidships and I had having extra stores etc. which all went weight and had most all in the Midships but I proved her to be a good sea boat as good as could be and think if she had been a new boat the accident would not have happened. . . .

Elsewhere he said that her butt ends lay open that is to say, her planking had sprung away from her frames. Since she sank by the stern, we can be reasonably sure that what occurred was that her planking on or more probably below the waterline sprang open, parting either from the frames, the stern post, or the deadwood, rapidly allowing the yacht to fill. Dudley, as we have seen, attributed this failure to the strain put upon her by the internal lead ballast and stores carried. But properly secured planking does not of course spring loose, and it is logical to suspect that the fastenings failed because of weakness in them or in the vessel's timbers. Dudley may

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professional sailors of the period, had no real idea where they were; navigational mysteries were left to the ship's officers, who normally did not inform their men of the ship's position from day to day. In all probability he thought of voyages in days, not locations or miles, but he did appreciate that they were a long way from land, and that the sea is an empty place. Dudley and Stephens of course fully appreciated their desperate position.

Why did the *Mignonette* founder? Dudley gave the formal reason on the Board of Trade form as "stress of weather," but this explains nothing. After the story broke in England, there was a certain amount of speculation on the matter, and various views were put forward, Edward Parnell, a master mariner of 16 Beaumont Place, Plymouth, wrote a letter to the Board of Trade suggesting that a formal inquiry be set up: "Now sir that the sea should knock a hole in the *Mignonette* or any other vessel when afloat and properly handled is a very improbable story." But though the view in the Board of Trade was that the *Mignonette* was not really fit for the voyage, on account merely of her size, she was not thought to have been technically unseaworthy and could not therefore have been prevented from leaving. Since the circumstances of her loss were in a sense well known and the loss of life, by the standards of the time, was trivial, no inquiry was ever held, and the cause was never officially analyzed, though an existing Marine Department minute concludes, "It seems doubtful whether the vessel was fit for such a voyage."

Since the weather conditions were in no way exceptional, an explanation must center on the yacht herself. Thomas Hall, her previous owner, attributed the disaster to her being a very stiff boat—that is, one that possessed a high initial resistance to heeling before the wind—having therefore little ability to "give". "She was strained, and as she had a quantity of lead (nearly two tons) on her keel, the strain literally pulled her in two, top from bottom." This explanation does not fit the accounts given of the disaster, and in any event a well-constructed yacht does not come apart in this way. Hall, unaware of the facts and supposing the *Mignonette* to have been carrying the huge spread of canvas employed for fair weather English yachting, also suggested that she was overavaressed. But she was not; Dudley had seen to that. Another explanation, which appeared in the Australian press, suggested that she had been weakened when the elliptical counterstern had been built on to her original square transom stern. Dudley's drawings of the yacht, however, make it plain that

Dudley himself may have felt some guilt in the matter too, for it is inconceivable that he would not have been told of any slight weakness in the *Mignonette* that came to light when she was out of the water at Fay's Yard. The relatively lengthy account that has been quoted he crissed out, and in the final draft which he sent to the Board of Trade he merely said that "*Mignonette*" was rather aged. Age in a yacht is, by itself, nothing; the reality was that "*Mignonette*" was unseaworthy and needed expensive repairs to her timbers. But Dick Fox recollected that he had been instructed to carry out repairs using her own timbers, and he therefore confined his work to some replanking to replace the timbers would have been a very much more expensive job. Dudley, it is clear from other evidence, was an economical man and kept the repair work to a minimum. Had the yacht been brought head to wind a few minutes earlier, she would not have foundered on this occasion, but it is hardly conceivable that she would not at some later point have been struck fatally by as heavy a sea. The *Mignonette* was, for all practical purposes, doomed from the moment she put to sea.

It is ironic that Andrew Thompson, who, if anyone, was responsible for the voyage, had written on May 10 in *Land and Water*, "She is a fine, able little sea boat, but for all that the voyage is not likely to be altogether one of pleasure."

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indeed have been somewhat on the defensive, since he was, as captain, responsible for the condition in which the yacht put to sea; he ought to have known of any weakness.

This explanation tallies with two curious pieces of oral evidence. In 1935 or 1936, a young apprentice shipwright, Mr. Vernon Cole, was planking a yacht in the company of an old man of around 73, one Dick Fox. Fox had been a foreman in Fay's Yard and had returned from retirement to work in Moodies Yard at Swanwick. Vernon Cole, then aged 18, had been told to keep an eye on the old man to ensure that he did not strain himself by moving large timbers. Cole countersank the planks—they were garboard strakes—with a view to screwing them (a somewhat unusual technique, I am told) securely to the yacht's stem, where they fitted into grooves, known as rabbets, cut into the timber. Fox told him instead to drill right through the stem and fix the planking by fitting copper rods from one side of the vessel to the other and clenching the ends. This, he explained, was a safer method and made it impossible for the ends of the planks (known as the hood ends) to fly off. He then explained that many years earlier he had used screws to fix the replaced garboard strakes of the *Mignonette* before she left for Sydney: her deadwood, he noticed, had been "a little sick." The *Mignonette*, he said, had foundered in 10 minutes when her hood ends had sprung, and ever since that he had always adopted this more reliable technique. Fox had indeed been ready to give evidence on the matter at the trial but had never been called. That he felt some anxiety over the repairs was reflected in the fact that he repeated on several occasions, "I'm sure in my own mind that I did everything right," and Vernon Cole tells me that the loss of the *Mignonette* preyed on his mind. The repairs would have been much discussed in Fay's Yard after the news reached Southampton, and Brooks's reluctance to sail may have been connected with doubts about the condition of the yacht. Fox's explanation tallies with an account given by Ned Brooks in 1906 to a member of the Parker family, when he too said that *Mignonette* was "unseaworthy." Brooks worked in Fay's Yard after his return and no doubt discussed the story with others who worked there: the public house where he lived was close to the yard. No doubt his view of the state of the yacht before he sailed and after he returned differed, but this is nothing surprising—no doubt Dudley also thought the yacht was safe, but the work showed that the "fittle sickness" in the timbers ought to have been taken more seriously than it had been.

### 3 "The Horrid Deed"

*Good skipper, use him truly,  
For he is ill and sad  
"Hush! hush!" he cried, then cruelly  
He killed the little lad.*

—*"Ballad of the Mignonette"*

Although they survived the first night, the position of the four sailors at dawn on Sunday morning was desperate indeed. They possessed no fresh water whatsoever, and their only supply of food consisted of two tins of tinned corn. Brooks, who had been acting as cook, knew what was in them, and his knowledge was hardly encouraging. But the fact that they had survived the night must have encouraged them to think that God was not wholly against them, and this is reflected in Dudley's account: "I feel sure he ruled the seas that night they would come within a foot of our little boat at times we had only one brake [i.e., a baller] on board but we managed to stop the whole up so we soon freed her again." This passage also reflects Dudley's characteristic determination, which must have contributed greatly to their survival. The successful repulse of the shark was also, as we have seen, a good and significant omen. The sea anchor held the dinghy head to wind and was vital to their safety. Any attempt to run before the gale would have rapidly ended in disaster, and from July 5 until July 20 the dinghy was normally kept thus on the improvised sea anchor, one man continually steering with an oar in order to ensure that seas were met square on. At the

time of the disaster, the wind had been blowing from the southwest, but on Monday, July 7, it veered to the southeast and continued to blow strongly from that direction, though moderating on July 13. Probably it was then that Dudley put the bottom boards up at the stern to catch the wind, ensuring that the dinghy faced up into it and made sternway down wind. The dinghy is shown being handled in this way in the drawings based on sketches by Stephens and published later by the *Illustrated London News* and the *Graphic*. The artist of the *Illustrated London News* ("I. R. W.") shows the bottom boards in use only when the dinghy was sailing forward during the last nine days; his drawing includes what is plainly a portrait of Stephens, J. Nash, the *Graphic's* artist, shows them also in use when the dinghy was lying to this sea anchor.

Maritime tradition (though by 1884 not law) discharged castaways of any obligation to obey officers if their vessel foundered; authority thereafter rested on the personal qualities of the captain. But Dudley's authority over his crew was maintained, though weakened by their predicament. His men remained a disciplined body. They took turns steering, though Richard Parker was only relied on in this critical work when the weather moderated; one error could have been fatal to them all. A system of watches was established, and they seem to have adopted regular berths in the cramped conditions of the dinghy—Dudley and Brooks toward the stern, Parker and Stephens in the forward end; trim was a factor in survival. On the Sunday immediately after the disaster, Dudley's spirits must have been low, for he wrote a pencilled letter to his wife on the back of the chronometer certificate, and its tone suggests that he did not expect them to last long. He hoped it would be found after their deaths: "July 6th 1884. To my dear wife—Dudley—Myrtle Road, Sutton in Surrey. Miss Gionette foundered yesterday. Weather knocked side in. We had five minutes to get in boat without food or water." Later he continued this letter, which, since they were rescued, never performed its function as a message from the dead. As reproduced later in the press, the spelling has been corrected, for Dudley as we know could not spell the yacht's name correctly. However, Dudley seems soon to have regained his composure, if indeed he ever publicly lost it. Philipa Dudley was of course a biased witness, relying on her husband's account of the matter, but a letter she wrote later fits the independent evidence and in all probability gives a fair picture:

His wonderful forethought bravery and unselfishness were very prominent. He it was who stayed in the yacht till almost too late, procuring

provisions. He constructed the sea anchor with which to break the force of the huge waves and prevent them from engulfing them. He cut off the bottoms of his trousers to stop the hole in the boat; he urged the men to give up a garment piece to be used for sails, and on their refusal, erected all the wood that could be spared from the bottom of the boat. After constant entreaties they gave up their shirts, which, with his own, he erected for a sail. The men, hopeless and tortured, were bent on committing suicide, but were buoyed up by him. . . .

The reference to suicide probably refers to their desire to drink seawater. It was only on July 19 or 20 that he succeeded in persuading the others to make a sail from their shirts; the dinghy then ran before the wind, making some four miles each hour. This increased the risk of a capsizing, and the loss of clothing, further reduced their comfort; Dudley's aim must have been to get westward as rapidly as possible in order to cross the regular track of the sailing barques.

Dudley insisted on rationing the food, and the first tin was kept until July 7, its five pieces of turnip being divided to last two days. Thereafter the precise dating of events becomes difficult, since there are discrepancies in the evidence. On about July 9, a Wednesday, Brooks spotted a turtle, which Stephens seized by the fins. It came aboard "as light as a fly." Of it, Brooks, no zoologist, said, "I can tell you we were pleased at the prospect of having something to eat, and you can have nothing better at sea in the shape of a fish than a turtle." Dudley killed it, and they attempted to catch its blood in the chronometer case. But waves were breaking into the dinghy, and seawater contaminated the major part, so the blood was not drunk. At the time it was universally believed by sailors that to drink any seawater at all was suicidal—seawater was a sort of poison. A nineteenth-century ballad, "The Raft" (also known as "The Wreck" or "A Sailors Life at Sea"), depicts the predicament of a castaway, left without food or water, who sees a ship passing him by.

Oh, life is sweet when there is hope, heed not the words I raved,  
Speed on, before it be too late, speed on—I am saved!  
Help! help! good Heavens, they heed me not, their course is changed,  
and I

Can hope no longer, O, this thirst, my throat is parched and dry,  
And yet there's water all around, 'tis easy to be had,  
No, no keep off, one draught of you, Oh God, would send me mad!  
Would send me mad, well what of that? 'twere better mad to be,  
Than live like this, a prey to hope, between the sky and sea.

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I'll drink ye, though the fiends of hell were lurking in each draught; We'll call it nectar, yes, hurrah for a life upon the raft!

This embodied the conventional wisdom; it is now known that small quantities of seawater, particularly if combined with another fluid, can be drunk safely over quite long periods, as long as the practice is begun before the body has been allowed to become grossly dehydrated. This was dramatically demonstrated by Dr. Alain Bombard, who succeeded in crossing the Atlantic alone in an unprovisioned dinghy, living on seawater, fluid obtained from fish, and plankton. His account, *Navfrage volontaire*, was published in 1956, as the first assault on what he demonstrated to be a myth. The crew of the *Kon Tiki* also found it possible to use seawater. But in 1884 drinking any seawater was believed to be a sure recipe for madness and death, and to this day it is generally supposed to be extremely dangerous to consume any.

The flesh of the turtle was cut into strips and hung round the boat; as a sort of celebration, they also ate their second tin of turnips the same day. Though Stephens ate little of it, they lived on the turtle until between July 15 and 17, even eating the bones and chewing at its leathery skin. In the daytime it was hot, and the meat became putrid; some of the fat was so revolting that they threw it overboard. The total amount of meat from the turtle was not large, amounting only to about three pounds of meat each.

Chilled at night and burned by the sun in the daytime, the survivors' principal problem was not hunger but thirst, and by July 13, they had all begun to drink their own urine, a standard technique for prolonging life in such conditions. It did little to alleviate thirst— from a physiological point of view, the earlier this is done, the more useful it is in delaying dehydration; but understandably the men would only begin to overcome their revulsion when conditions had become very bad. Their lips and tongues became parched and blackened, their feet and legs swelled and their skins developed sores from constant exposure to sea and wind and from pressure in the crowded boat. Lack of vitamins and essential minerals must soon have reduced their bodies' ability to heal or to tolerate the grim conditions in which they just managed to exist. From time to time they caught some rain; but, as Stephens explained, "the rain, accompanying the squalls seemed to pass on both sides of us. When a squall would approach us we would button our oilskin coats which we fortunately had on, the behind part before, and, spreading our arms out with the coat

resting on them, we waited, with burning throats and stomachs, praying to the Almighty for water until the squall passed." Phillipa Dudley gave a similar, though second-hand account: "The very elements seemed to mock their sufferings—because as he [Dudley] often described it, they would eagerly watch the clouds gathering and seem ready to pour down rain in abundance and then while the poor sufferers in agony watched the clouds dispersed and left them in despair." Believing in the poisonous nature of seawater, they would not drink rain contaminated by it, and the quantities they caught were small—sometimes a wine glass full, sometimes as much as a pint. By about July 16, the turtle was finished, though some pieces of skin remained to be chewed; there was no food left and no stock of water.

In preparing for his examination for a master's ticket, Stephens had been given some instruction in techniques for survival. On his advice, he and Brooks soaked their clothes in seawater, but they found that this left them miserably cold at night. They and Parker also tried hanging naked overboard while a lookout was kept for sharks, and they found this gave some relief. They had no way of catching fish, and there is no contemporary evidence for Mr. McCormick's claim in *Blood on the Sea* that they ate plankton (a notion perhaps transferred from the *Bombard Story*). They caught some rain again, probably on July 18, but no more in the days that followed. Their condition thereafter worsened markedly; they began "to look very black at each other."

It was probably during the night of Sunday, July 20, that Richard Parker drank a considerable quantity of seawater and became violently ill. He suffered from diarrhoea (which would dehydrate him still further) and lay groaning and gasping for breath, becoming delirious and then comatose. The sudden worsening of his condition prompted him to admit what he had done. Brooks told him he was a silly young fellow, but he replied, "I must drink something." Stephens, who suspected Richard might have started to take seawater earlier than this, later said, "I had been thinking of doing the same myself and I said to him on the quiet—I did not wish the others to know what I thought—'How does it taste Dick?' and he replied, 'Oh, not so bad. I took a drop or so myself when nobody was looking, and found it burnt my throat like fire, and I made up my mind not to try again. If we had seen Parker drink it we would of course have stopped him. . . . The three older men tried to comfort young Richard, who kept asking for a ship. Ned Brooks said, 'Cheer



up, Dickey, it will all come right." But, given the beliefs of the time as sailors, they must all have thought that Richard Parker was now doomed. Indeed, according to Brooks, Richard had been explicitly warned that drinking seawater would kill him. The same belief may, as I have suggested, lie behind the reference to suicide in Phillips Dudley's account—suicide committed by drinking seawater. They were also struck by the fact that after drinking seawater Richard could not bring himself to drink urine again. Stephens too may have drunk rather more seawater than he admitted—he was the next weakest, suffering greatly from internal pains and swollen limbs. Brooks in fact thought that Stephens too was dying and held his hand for comfort as they prayed for help. So hope began to fade, and it was apparently on July 21 that Dudley completed his farewell letter:

We have been here 17 [sic] days; have no food, we are all four living, hoping to get a passing ship, if not we must soon die. Mr. Thompson will put everything right if you go to him, and I am sorry, dear, I ever started on such a trip, but I was doing it for our best. You know, dear, I should so like to be spared. You would find I should live a Christian life for the rest of my days, if ever this note reaches your hands, you know the last of your Tom and loving husband. . . . Goodbye and God bless you all, and may life provide for you. Your loving husband, Tom Dudley

None of Dudley's written accounts of the story mentions any proposal being made to draw lots in order to select one to sacrifice to save the others. This is a most peculiar fact and not at all easy to explain, since it was in Dudley's favor to have recorded any attempts to have lots drawn. It raises the suspicion that the whole subject of lot drawing was for some reason something better not mentioned at all. Contemporary accounts of the landing at Falmouth also refer to a belief in the town that no such proposal had ever been made and, in consequence, to local animosity against the survivors. But the pilot, Gustavus Collins, said later in evidence that Dudley told him that he had wanted to cast lots, which the others refused, and all three survivors claimed thereafter that such a proposal had been made. Their individual accounts differ somewhat in detail; what follows is perhaps as near to the truth as one can get.

According to Brooks, it was some time before Richard drank seawater that they first broached the possibility of drawing lots as to who should be killed to save the lives of the others. In evidence

before the magistrates at Falmouth given on Thursday, September 18, Brooks said that his captain mentioned this possibility several times. The first occasion, on about July 16 or 17, was just after the last of the turtle had been eaten. According to Brooks, Richard heard this conversation and did not then join in it; another version claims that Richard said that he would not participate in drawing lots. At this time Dudley's proposal was not that lots should be drawn there and then but eventually; the others thought it premature to discuss the idea. Someone said, "Do not let us talk about that yet. There is plenty of time." After Richard became ill, the matter was again raised by Dudley. His own account was that after drinking the seawater—probably, that is, on Monday, July 21—Richard said, "We shall die." His account continues, "I remarked, 'We shall have to draw lots boys.' This was ignored by all, and they said, 'We had better die together,' to which I replied, 'So let it be, but it is hard for four to die, when perhaps one might save the rest.'" It was on this occasion that Brooks said (according to the account he gave in the Falmouth court), "Let us all die together." Later at the trial at Exeter, this was further elaborated: "Let us all die together. I should not like anyone to kill me, and I should not like to kill anyone else." Dudley's own account of the first discussion agrees with Brooks in placing it on about July 20, before Richard became ill: "About the 15th day when lots was spoke about we all was about the same in bodily health—Brooks must admit that I offered my life did the lot fall on me and I was quite prepared to die and have God for my witness but no-one else would hear of it but it was not to be done until the last possible moment." This suggests some sort of agreement to cast lots eventually, if it came to that. But Dudley's understanding of what had been agreed differs from Brooks's understanding, and Stephens's accounts do not carry the matter further. Indeed, another curiosity of the evidence is that, in his accounts of the story, Stephens never said anything at all about drawing lots: the evidence for the discussion of lot casting comes entirely from Dudley himself and from Brooks. Stephens later made a fairly full statement to the press but glossed over the fate of Richard Parker and the events which led up to it, as if he could not bring himself to say anything about it.

It appears, then, that Dudley initiated one or more discussions of the possibility that lots would have to be drawn and that Stephens and Brooks, and perhaps the boy Richard, argued that this was premature. But matters became worse, and Dudley raised this possibility again. This was on the day before Richard Parker was killed.

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Dudley himself was uncertain as to whether Richard died on Friday, July 25 (this was the date assumed at the trial and is given on Richard's death certificate—which also gave his age wrong), or on Thursday, July 24. Stephens and Brooks settled for the Friday, too, but in my view the earlier date is more consistent with the evidence. Apart from the inevitable lapses of memory among dying men, the dating of incidents is made more difficult because the maritime day was conceived of by sailors as starting at 12:00 noon, not 12:00 midnight, and this causes further confusion.

Assuming July 24 to have been the date of death, it was on the previous day that Dudley raised yet again the question of lots. By then the condition of all the sailors was very bad, so that it was difficult for them to speak at all: "There was not much said that day." Dudley initiated discussion by saying there would have to be something done; his companions would know exactly what he meant. This was addressed generally, but Richard was by then lying in the bottom of the boat, groaning and probably comatose, so only Stephens and Brooks would hear. Dudley went on to argue that it was better to kill one than for all to die. Both Brooks and Stephens replied, "We shall see a ship tomorrow." Dudley persisted and said they would have to draw lots. Brooks's evidence at the trial was, "He said we should have to draw lots. I said I should not draw lots." So the matter was left for the time being. During the night Brooks, now the strongest of the survivors, was steering from about 1:00 A.M. until 6:00 A.M., and at about 3:00 A.M., while he was so occupied, Dudley held a conversation with Stephens that Brooks said he did not overhear. According to his own account, Dudley said, "What is to be done? I believe the boy is dying. You have a wife and five children, and I have a wife and three children. Human flesh has been eaten before." Stephens replied, "See what daylight brings forth." Brooks, it must be remembered, was thought, probably correctly, to be a bachelor.

Throughout the nineteenth century, the family destitution that was so often the result of shipwreck was a constant theme in popular literature. Thus the ballad of the *Betsy*, lost in 1821 off Fishguard, concludes, typically,

Now for to make a finish  
Of these few lines I've pen'd  
When a seaman he doth enter a storm  
He meets with many a friend,

And if that he is lost at sea,  
His friends will grieve for him full sore,  
Perhaps they'd wives and families,  
Their fate it is full sore.

The possession of dependents therefore constituted a highly rational ground for preference, and we shall meet it as a principle of selection again in an earlier case, discussed later in this book.

At about 6:00 A.M., Stephens relieved Brooks at steering, and he sat on the thwarts for a little time looking around for a ship. There was no sail in sight. Then, according to both Dudley and Stephens, an agreement was made by signs that the boy, who was lying at the bottom of the boat with his arm over his face, was to be killed. The three men's degree of participation in the discussion to kill Richard Parker, and the precise sequence of events, is again not easy to establish; and it is possible that in spite of their apparent frankness, some details were in reality suppressed. They had a considerable amount of time later on the *Mortzenius* to settle what was to be said. Furthermore, their mental and physical condition at the time was very weak, and there may have been some confusion in recollecting matters that there was strong psychological pressure to forget. It is not surprising, therefore, that the stories they told differed slightly.

In the evidence he gave at Falmouth, Brooks did not deny that this silent exchange took place, nor that he understood that the boy was to be killed, though he said he did not know *when* this was to be done. His deposition taken at the magistrate's court reads, "I understood what was to be done by Stephens nodding to the boy. We did not talk about killing the boy at any time before that. I did not hear Dudley or Stephens discuss the question of killing the boy." Some considerable period later, in November, he gave evidence at the trial in Exeter, but there he was never really questioned about the silent agreement, except when prosecuting counsel asked, in relation to the steering, "Did Stephens do anything?" He answered, "No. The Captain says to me, 'You had better go forward and have a sleep.' The question was obviously an attempt by counsel, working from the deposition, to elicit the information that Stephens had nodded at the boy. But Brooks failed to produce the expected reply. In addition to his evidence given on these two occasions, Brooks also made a long statement to the press published on Friday, September 12. He said he knew of this conversation in the night (perhaps he

learned of this later, if he did not overhear it at the time) and added that, when he was lying in the bows of the boat, "Stephens made signs to me, which I understood to mean that the Captain intended to take the boy's life, as he was dying." The point of killing Richard before he died naturally, he explained, was to secure his blood to drink. But on this occasion he said that he did not believe Stephens agreed to the killing. Nothing Brooks ever said suggested that he dissented actively or protested at the killing in any way. What he said in his deposition before the shipping master is now undiscoverable, the document having disappeared. Years later, he was to tell a very different story.

Dudley's account of what preceded the death is different in emphasis. He clearly thought that both Brooks and Stephens had agreed to the killing but claimed that both had said that they could not themselves perform the act; their own accounts do not mention this. In his letter to the Board of Trade, he put the matter thus: "We arranged if nothing was in sight at sun rise and no rain came to put the poor lad Parker out of his misery by killing him for such it was him having drank some salt water could not drink his owen about 8 a.m. nothing in sight and no rain. We Mate Brooks and I made signs between ourselves we had better do it but neither of them had the heart they said I will try and do it." His earliest account emphasizes the fact that he took the initiative: "For the last three days he lay gasping for breath and his frail frame was all but lifeless when I insisted that we should put an end to his life and drink the drops of blood if any from his body. . . ." Stephens never denied that he agreed to the killing but also never claimed that Brooks did. Brooks's involvement was probably essentially passive—he neither agreed nor disagreed—whereas he had on two earlier occasions actively dissented from any proposal to draw lots, which would of course have endangered his life too. The discrepancy between his account and Dudley's may have simply turned on what counted as "agreement" in the conditions that prevailed.

Stephens's interpretation of what happened is again subtly different. He emphasized that it was difficult to recall precisely what did happen, but in a statement to the press, he hints that all three men were implicated, and he saw the stabbing of Richard more as an acceleration of death than as a direct killing. "The lad dying before our eyes, the longing for his blood came upon us, and on Friday morning, the twentieth day of our being cast away, the master hastened his death by bleeding him." In the deposition he signed in the

customs house, Stephens said: "On the twentieth day deponent agreed with the Master that it was absolutely necessary that one should be sacrificed to save the rest, and the master selected Richard Parker boy as being the weakest Deponent agreed in this and the master accordingly killed the lad. . . ." Here it is clear that there were three stages: agreement that *someone* must be killed, selection of Richard by the master, ratification by Stephens. Stephens's description of the killing by bleeding may have as its context the widespread but inevitably ill-attested medical or nursing practice of "easing the passing," which in the nineteenth century relied on techniques different from those employed today. The law treated accelerating death as murder; popular culture did not necessarily accept this rigorous line.

So much for the evidence given in 1884. This is in one respect incomplete, since neither Dudley nor Stephens made any statement before the magistrates or gave evidence at the trial. Until the passing of the Criminal Evidence Act in 1898, it was the general rule that an accused person was not allowed to give sworn evidence at his own trial (though an unsworn statement could have been made by permission of the judge). Since all three men had ample opportunities before and after landing at Falmouth to discuss what they would say, it is possible, as I have suggested, that the full story of what went on before Richard Parker was killed was not told at the time. Certainly the more unpleasant details were suppressed.

There is some evidence—though it cannot be said to be compelling—that in fact lots were drawn. In a conversation that took place in 1906, some 22 years later, Brooks told a different tale. He said that Dudley and Stephens conversed and decided that lots would have to be drawn: "The boy was aware that something of this sort was being done. Four pieces of wood one shorter than the others were used. Brooks said that he knew it was rigged against the boy but could do nothing to alter it being too weak himself to care much. Dudley went forward and when the boy saw the knife he said 'What me Sir?' For reasons that will appear later, this tale of a sham drawing of lots, bizarre though it may seem at first sight, is not wholly implausible; and it is just possible that Brooks hinted at the trial that something of the sort took place. In the course of examination in chief, the following series of questions and answers took place:

- Q. Was anything said about drawing lots?  
A. Yes, that day [the day before the killing].

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- Q. What was it?  
 A. He [Dudley] said we should have to draw lots.  
 You said something about a ship.  
 Q. "We shall see a ship tomorrow," you said?  
 Baron Huddleston: Yes, and I believe Mr. Stephens did too. *Widener*  
 A. *the Captain did or not I do not know [italics added].*

Anyone familiar with court procedures will know that witnesses, either because they are confused or because they feel they have been cut short, sometimes answer or elaborate in answer to an earlier question, and it is just possible that in the italicized passage above Brooks was trying to say that he did not know whether Dudley himself actually drew lots or not. In cross-examination Brooks did say explicitly that no lots were drawn, but this is not conclusive of the question. If some sort of charade took place at the time, then it is not difficult to see why, on reflection, this obviously disreputable part of the story was suppressed. Again, the fact that sham lots were drawn might well in retrospect have so embarrassed Dudley that he felt unable to mention the discussion of drawing lots at all in his numerous written accounts of what happened. The whole question of lots was, as it were, better passed over in silence; to this extent candor did not prevail. In the same way, Dudley's frankness understandably enough did not extend to a full account of the more revolting details of the dismemberment of Parker's body. Again, Stephens's curious statement that the Captain "selected" Parker may be a dark reference to the drawing of sham lots. I am inclined to suspect that Brooks's later account is true, particularly because he was at the time talking to a relative of Parker, when it was against his interest to mention sham lots at all. There is also some slight corroboration in the account given by Dudley of the killing itself, to which we must now turn. But before doing so, it is worth recording that a traditional version of the story that circulated in the 1930s in Southampton was that lots were drawn; they fell on the mate, Edwin Stephens; and he then killed Richard Parker, who had been drinking seawater. How the story came to be told in this form one can only speculate.

At about 8:00 A.M. Dudley pulled himself up by the dinghy's improvised shrouds and looked around yet again for a sail; nothing was to be seen. He told Stephens to be ready to hold Richard Parker's legs if he struggled and then killed him by thrusting his penknife into the boy's jugular vein, catching the blood in the chronometer

case. Stephens described the process by saying, "the Master hastened his end by bleeding him."

Dudley wrote out eight distinct accounts of the voyage of the *Mignonette*, one of which, as we have seen, was sent to the Board of Trade. When describing the killing, these accounts vary considerably, the earliest being that "I then offered a prayer for the poor boys soul if were to commit such a rash act asked forgiveness from our Maker I then said it must be done it may save three lives so we put an end to his sufferings which was not a moments work and all was over himself never moving from where he lay. . . ." His next account claimed the boy never spoke and died in five seconds; the next extended the period to 10 seconds, and the next to 30. The next two versions state that Parker, "murmured what met." By quoting this remark by the unfortunate boy, Dudley had brought himself to reveal that Parker was conscious and knew he was going to be killed. Brooks, as we have seen, later explained this remark by saying that Parker knew that lots were being drawn, and when he saw the knife was asking if he had been allocated the fatal lot. But Dudley's next statement is stiller and provides a different explanation, though a very bizarre one—he told Parker that he was going to kill him. This account reads:

Brooks nor Mate could do the deed I said I would Brooks going in bows of boat and covering his face up and the Mate and I left to do the horrid deed I offered up a prayer for to ask forgiveness if any of us was tempted to commit any such act and ask that all our souls may be forgiven I then said no Dick your time is come poor boy murmured out what me Sir and I said yes my boy but he did not move Mate was to hold his legs if he had but in less than 30 seconds I am sure he lay lifeless.

Another version, sent to the Board of Trade and possibly composed earlier, is similar but puts the duration of life at 15 seconds. The originals of all these accounts survive in the Public Record office. Brooks heard Dudley's order to Stephens—"Hold his feet"—and then heard a noise on the inside of the boat that made him look up; what caused this noise remains unexplained. Dudley's prayer was presumably silent, or an afterthought, for Brooks never heard it. He saw that the boy had been stabbed, and he fainted. When he came to, he saw Dudley engaged in catching the blood and he and Stephens drinking it. Brooks at once asked for a share, saying, "Give me a

drop," and noticed that the eyes of the boy were quite white. Brooks was given some blood; it was congealed, and there was little of it. He swallowed it as well he could. It might now be supposed that the three sailors, confronted with the corpse of their shipmate, would be in something of the same state of puzzlement as children confronted for the first time by artichokes—uncertain how to proceed next. But Dudley and Stephens seem to have had no such problem. They stripped the body, threw the clothes overboard, and at once cut out heart and liver, which they ate. Then Brooks took over the steering for the next two or three hours. It was presumably during this period that the body was dismembered, using the dinghy's brass oar locks, or crutches, as a block, in order to avoid damage to the thin planking. Providentially, the precise details have not been recorded. Brooks later described the scene as "a horrible sight and no mistake" but added, "But I did not think so much of it except just at the moment, though when I am by myself I think of it a good deal and my thoughts then of what I have seen and what we went through are very dreadful." In all probability much of the corpse was jettisoned quite soon, and it is recorded that what remained (perhaps strips of flesh) was washed and covered up to protect it from the sun. It must be remembered that all three men would have been involved in or at least had witnessed butchery; they were not of a twentieth-century delicacy, and Dudley had worked as a ship's cook. Later, when he was in prison, Dudley gave expression to his respective horror at the recollection of the scene: "I can assure you I shall never forget the sight of my two unfortunate companions over that gastly meal we all was like mad wolfs who should get the most and for men fathers of children to commit such a deed we could not have our right reason." The following day they caught a substantial amount of rain water, and thereafter, as Dudley put it with an unhappy choice of verb, "we feasted off the body and having no rain had to drink our own water again." For the next four or five days they continued to live off the remains of Parker. Dudley and Brooks consumed most, Stephens very little. Brooks said, "I and the Captain fed on the body, and so did Mr. Stephens occasionally, but he had very little. We lived on it for four days, and we ate a good deal—I should think quite half—of the body before we were picked up, and I can say that we partook of it with quite as much relish as ordinary food." Inevitably, the remains began to decompose. Conditions in the small dinghy must have been extraordinarily repulsive.

Nevertheless, the three survivors seem to have been generally well satisfied with what had been done. Dudley was quite convinced that it had saved all their lives: "I feel quite sure had we not that awful food to exist upon not a soul would have lived until we were rescued." And, according to Phillips Dudley, who no doubt had further details from her husband, "after the deed was committed, both Brooks and Stephens grasped his hands many times in the day, saying he had saved their lives, and how they would show their gratitude in reaching home, if they ever did so." Brooks said as much both to the press and at the trial and added that, after drinking the blood, "I felt quite strong—in fact we all made use of the expression that we were quite different men." Dudley himself, recording how they had washed the decomposing pieces overboard and cut out the rotting bits, said it was better than nothing. "In fact we all said many times it and it alone kept life in our bodies." The grim thought must, however, have occurred to Stephens that he, as the weakest, was likely to be next on the menu.

But on the morning of the Tuesday, July 29, a sail was sighted. Dudley's account runs thus: "on 24th day as we was having our breakfast we will call it Brooks who was steering shouted a sail true a sail it was we then all prayed the stranger will be directed across our path." Brooks, who first saw the sail at about 6:30 in the morning, did not grasp its reality immediately; he was talking to himself and praying, but he then cried out, "Oh, my God, here's a ship coming straight towards us." Tom Dudley, practical and decisive as ever, did not confine himself to prayer. The vessel was some five miles away, coming up to windward of the dinghy. Dudley had the sail taken down in order not to increase the distance between them. They then set out to row to windward to get into her path, and Stephens waved a shirt. They did not succeed in getting directly ahead of her and endured the suspense of an hour and a half before she came up with them. In a peculiarly unhappy expression, Dudley said that during this period, "their hearts were in their mouths."

At last it became obvious that the ship had seen them, and shortly after being struck by a squall, it came up with them. Brooks then took the oars, while Dudley in the bows caught a rope, calling out, "Oh Captain, for God's sake help us. We have been twenty four days and have had nothing to eat or drink. Help us on board." The captain of the vessel replied in German and sent two of his crew down to assist them on board—Julius Erich Martin Wiese and Christopher Drewe. Brooks managed to scramble on board by the chain-

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Someone—most probably Brooks, the strongest of the survivors—must have doubted the wisdom of this and thrown most of the remains overboard, for all that was actually found in the dinghy was a rib and a few fragments of flesh. These Julius Wiese, on Captain Simonsen's orders, threw into the sea. Dudley entreated the captain to save the dinghy as a memento of this remarkable voyage—as we have seen Dudley was keen on mementos. And so it was that the dinghy was taken on board the *Moteczuma*.

Captain Simonsen, his wife, and the crew treated the three castaways with great kindness. They were all in very poor condition, with swollen feet, badly emaciated bodies, blackened mouths and lips, and skins suffering from continuous exposure to sun and salt water. Stephens was the weakest; Brooks the strongest; but for some days they could neither lie down nor stand without torment. For poor Tom Dudley, matters were made much worse by an accident the following day that gave him a serious wound, still under treatment two months later. In his own statement, Dudley was reticent about the nature of this accident, writing, "I myself happened with an accident which gave Captain Simonsen a great deal of trouble to him I owe a great deal in the kind way he treated me through the illness which was far from a pleasant task to perform and I cannot mention it here." More details of this embarrassing injury were passed down from William Danckwerts, a barrister engaged in the case, to his son, the late Lord Justice Danckwerts. The unfortunate Dudley had been sitting on a chamber pot that broke and lacerated his buttocks severely; more than two months later he had to stand through-out his trial at Exeter. At the time of the accident, he would be ill, and his body would possess little ability to heal; no doubt the wound became infected.

On board the *Moteczuma*, Dudley wrote out the eight accounts of the loss of the *Mignonette* to which reference has been made. These include one that he sent to the Board of Trade (it is now numbered "C" and stamped as received on September 8). Of the remaining seven, six are numbered, and one has the letter "D" and the roman numeral "ii" on it. The numbering is not original and does not appear to correspond to the sequence in which the accounts were originally written. Dudley's purpose in writing these accounts seems to have been to prepare a letter to the yacht's owner, Jack Want, explaining the loss, as was normal, and the later drafts, numbered "2," "6," "C," and "D," end with either "I remain yours faithfully Thos. Dudley, Master late Mignette" or "Yours obediently Thos. Dudley,

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plates and was then carried by the carpenter; Dudley and Stephens were hauled up by ropes. They were given half a glass of water each and later more water, brandy, and food. The captain of the rescuing vessel and his wife, who was on board, took personal charge of the care of Dudley himself.

The rescuer was Captain P. H. Simonsen, and his vessel was the three-masted wooden sailing barque *Moteczuma*, 42.29 meters in length, 442 tons net; she had been built in 1864-65 in Apenrade by the master shipbuilder Skifter Andersen under the name *Fetsch*, originally for the Hamburg line of Peter Diederichsen; she was then the largest ship he had ever built. She had been sold on September 12, 1881, to the Oetling Brothers, who renamed her *Moteczuma*; in accounts of the case her name is usually misspelled as *Montezuma*. She was a much-traveled ship, having in her time sailed to Pissagua, Hong Kong, Valparaiso, San Francisco, and Bangkok. Her present voyage had begun in Bordeaux, and she was returning to Hamburg from South America.

According to McCormick's *Blood on the Sea*, Captain Simonsen had earlier altered course to bring the ship near to the then uninhabited Île de Trinidad to settle a bet with the ship's doctor as to the existence there of mermaids. His story of the rescue is elaborated with much detail, some of it transparently inaccurate (the dinghy in his account was rowed to *windward* of the barque, whereas of course it was only rowed at all because it was to *leeward*). Again it would be quite extraordinary for a merchant vessel at this time to carry a doctor, and the talk of the alteration of course makes no sense if the distances involved and the ship's position are taken into account. All that is known is that the *Moteczuma* had started her return voyage from Punta Arenas in Chile, a small seaport on the western shore of the Straits of Magellan and the most southerly port in all of South America. She was carrying a cargo of fustic and cedar to her home port. At the time of the rescue, her position was 24°28' south and 27°22' west—approximately 990 miles east of Rio de Janeiro, and it was her captain who first sighted the dinghy, supposing it at first to be a piece of wreckage. He was astonished to discover men alive in it. Since the loss of the *Mignonette*, they had drifted and sailed some 1,050 miles, covering about 43 miles a day; it would have taken as long again to reach land.

The dinghy still contained the pathetic mortal remains of Richard Parker, and Dudley later claimed that he had insisted on their preservation, in conformity with his general policy of concealing nothing.

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Master." They are therefore draft letters of explanation, not confessions. Dudley also made two drawings of the yacht on a blank page, perhaps to be used to make a model of her; this was a standard shipboard hobby. Stephens also made some drawings, perhaps to show other sailors; the originals of these drawings have not survived. What else passed on the voyage home to England is not recorded, until the moment when the pilot boarded the *Montezuma* to bring her in to Falmouth, where they were taken into custody by Sergeant Lavery on a charge of murder on the high seas. It was not to be a happy homecoming.

# 4 Before the Falmouth Magistrates

*The Captain and Mate are now on their trial,  
To killing the boy they give no denial,  
'Tis a terrible story which they have to tell,  
How they have suffered and how the boy fell.*  
—"Ballad of the Mignonette"

Once the harbor police had arrested the three men, it was their duty to bring the prisoners without delay before the borough magistrates, and arrangements were made for this to be done at 11:00 A. M. on Monday morning, September 8. It was then the duty of the magistrates to hold a judicial inquiry to decide whether the charges should be proceeded with or not and, if so, whether the men should be set free on bail or held in custody. This stage in the proceedings, the preliminary inquiry or the committal proceedings, originated at a time when the magistrates performed many of the functions of a police force, including that of actively investigating suspicions of crime, arranging for the arrest of suspects, and collecting evidence from prisoners and witnesses. The procedure was regulated by Jersey's Act of 1848. By 1884 the nature of such magistrates' hearings had changed to the more passive role of deciding whether the police (who now normally investigated crime) or the private prosecutor (who now normally investigated crime) or the private prosecutor could make a sufficiently good case against the accused—a *prima facie* case—that it was reasonable to put them on trial before a judge and jury at the appropriate court of assize. The investigative function was no longer in their hands, though they did record the prosecution evidence in written depositions, which the witnesses signed. Although

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possible exhibits. It is surprising that the dinghy itself was not detained by Mr. Chaceman in the Queen's warehouse, but the evidence is clear that this was not done.

John Burton, who now had custody of Dudley's property, was a celebrated local character. His shop, The Old Curiosity Shop, stood a short way from the police station at 27 Market Street. Here Burton stocked an extraordinary collection of curios. Over the door was painted "Wonders from Many Lands," and that was indeed the nature of the merchandise he sold. On an occasion in 1882 he even attempted to outbid the Plymouth Corporation and purchase John Smeaton's old Eddystone Lighthouse; in this venture he failed, and it now stands in consequence on Plymouth Hoe. The weird collection he held provoked one H. J. Daniels to publish bad verse in the *Western Daily Mercury*, of which this is an extract:

There's a sword of Shere Ali, no more to be drawn  
And stirrups from Delhi, that city of blood,  
There are Japanese coins, not at all like our own  
And brutes from the forest and fish from the flood.

Later in the month of September 1884, he even had a sea serpent for sale, caught, he claimed, on the Mannic Reef. Much of his stock was acquired from sailors calling at Falmouth, and mementos of British cannibalism were just the sort of thing that Burton would covet; it was as an entrepreneur that he would have visited Dudley. But he was also a kindly and generous man and offered practical help. Burton probably put the men in touch with a solicitor, Harry Tilly, another prominent local citizen and a partner in the legal partnership of Fox and Tilly, whose office was also close at hand in Church Street. At first Dudley was so confident of his own rectitude that he saw no need for lawyers, but someone—perhaps John Burton—persuaded him otherwise. He was, as it turned out, going to need them badly.

The three men were also visited by Mayor Liddicoat, who seems to have been somewhat apologetic about their arrest; he continued to take a close personal interest in their comfort. On Monday morning they all appeared before him and seven of his magisterial colleagues on the bench, charged with murder on the high seas. The court sat in the Guildhall (now called the Old Town Hall). Sergeant Lavery described the conversation he had overheard and produced the penknife with which Richard Parker had been killed. He asked

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the magistrates no longer took the decision to prosecute, they did retain the option of simply dismissing the charges. Dudley appears to have been quite confident that, once the magistrates heard the evidence, they would do so. The point of a formal inquiry, as he saw it, was simply to set an official seal of approval on his conduct so that he could be set free, judicially exonerated from any blame in the matter.

While Dudley and his companions remained in a cell or cells in the borough police station, Sergeant Lavery continued to investigate and to assemble his evidence. He already had the knife, and the depositions signed in the customs house had been sent from there to the Board of Trade in London, together with Dudley's long and incriminating letter. These documents in their turn were sent on from the Board of Trade to the Home Office, as standard practice, for the Board of Trade was not responsible for prosecuting regular crimes alleged to have been committed on vessels at sea. There were, however, other properties still on the *Moezuma*; and William Hodges, the waterman, was employed to row out to the barque early on Sunday morning to bring ashore the dinghy, its paddles, the pair of brass crutches or oarlocks, a chronometer, a sextant, and a bundle of clothing, all of which were handed over by Captain Simonsen, together with a list written in German. William Hodges also collected the two sailors Julius Wiese and Christopher Drew; though neither spoke English, they were potential witnesses as to the contents and condition of the dinghy when it was found. Arrangements for holding them would have been settled with Mr. Robert Fox, the German vice-consul, of the leading local firm of shipping agents. All the property was handed over in the customs house, where Sergeant Lavery also seized a package of papers that fell out of the clothing; it comprised the seven additional draft statements by Dudley as well as his letter to the Board of Trade, all written in his own hand. All were incriminating and potentially exhibits in the case.

That evening Sergeant Lavery visited Dudley at the police station at 33 Market Street and, somewhat oddly, asked him what should be done with all his possessions. Dudley asked him to hand them all over to a Mr. John Burton. The sergeant insisted on retaining the papers and the knife but otherwise complied with Dudley's request. The dinghy itself was placed in the warehouse of a Mr. John Buckingham, a marine stores dealer, who had premises at Upton Slip. Presumably Sergeant Lavery, armed with numerous "confessions," did not think he would require the dinghy or the other items as



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in appearance as well as in voice, then met Dudley, Stephens, and Brooks and, astonishingly, shook hands formally with them all—Dudley first, then Brooks, then Stephens. What they talked about is not recorded. Daniel then remained in Palmouth for the hearing on Thursday.

Meanwhile in London the file concerning the case, marked "Pressing" in red to ensure attention, was circulating up the hierarchy of officials in the Home Office, and on Monday, Sir Adolphus Liddell, the permanent under-secretary of state, wrote on it: "Sir W. Harcourt to see." So it was that on Wednesday the home secretary himself, having discussed the case with the law officers of the crown, the attorney general, and the solicitor general, placed on the docket the decision to go ahead with the prosecution. "This is a very dreadful case. The law must decide what is the character of this terrible act. I presume these men will be committed [i.e., sent for trial by the magistrates]. In any case, I should wish the Public Prosecutor to take charge of the case so that it may be properly dealt with." From this it is apparent that Sir William assumed that an important point of principle was involved in the case—was this terrible act murder in the eyes of the law or not? There was a leading case to be made of the tragedy. Appropriate letters were then dispatched on September 13 to the director of public prosecutions and the Board of Trade by Sir Adolphus Liddell. The legal machinery had now been set irrevocably in motion, and the lawyers took over for the moment. Almost at once the Home Office was made aware of the apparent incongruity of accusing good Tom Dudley of murder, for on September 10 Mr. I. Macnab, whose schooner *Reindeer* Tom had commanded, wrote to the home secretary to express his astonishment at the affair:

Thomas Dudley was at one time Captain of my yacht and while in my service I conceived the highest regard for him in every way . . . upright, truthful and honest as a man and kind to a degree to all under his command. He was generous too and gave freely from his small store to his less fortunate friends. . . . But it passes my understanding to conceive the horrors of the extremity that could induce so good and brave a man to do a wrong. I am sure of this that whatever view the law may take of the act Dudley could not have thought it unjustifiable. Neither selfishness nor cruelty had any part in his character.

The letter, prophetic of the problem that the case was later to present to the home secretary, was acknowledged and filed.

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for a remand in custody and an adjournment until he had received instructions from the treasury solicitor representing the Home Office; a deputy, the Hon. H. J. A. Cuffie, actually handled the case. This request followed advice he had probably been given by the clerk to the magistrates, Mr. W. J. Genn, who had recently received instructions from the attorney general, Sir Henry James, to seek the advice of the Treasury lawyers in all murder cases. This new system had been announced in the House of Commons on March 17, 1894; it was intended to ensure that capital charges were competently handled by London lawyers, particularly when the sanity of the accused was in any doubt. This new system alone would have ensured that the case of the *Mignonette* would not be handled locally. However, the Board of Trade (and through it the Home Office) had already been informed, and the clerk told the magistrates that the treasury solicitor had been instructed already to deal with the prosecution and wanted an adjournment. He had no doubt been in touch with London by telegram.

For Harry Tilly the defense of the survivors of the *Mignonette* must have been a thrilling experience; he was now responsible for the defense of the three men in a case that was certain to be nationally or even internationally famous. He was clearly determined to defend them with vigor, and when his turn in the proceedings came, he boldly applied for them to be released on bail, though to do this in a murder case was at that time virtually unknown. He pointed out that all three men had been entirely cooperative and emphasized their weak health as an argument against their continued detention. They were, he said, "willing that all the facts should be brought before a proper tribunal." This application was carefully considered and must have secured some support behind the scenes, for the bench considered it "for some time." But it was eventually refused, and the men were remanded in custody for a further hearing to take place on Thursday, September 11. So they returned to the borough police station. There on Tuesday evening a macabre incident occurred. Daniel Parker, Richard's eldest brother, was on the racing yacht *Marquise* at Torquay, where he somehow heard on Sunday evening of the death of his brother; fuller details were read out from the newspapers to the whole crew by its sailing master, Captain T. Diaper of Itchen Ferry, on Monday. Daniel traveled at once to Palmouth, arriving on Tuesday evening at the police station. There Dudley heard him talking to Superintendent Bourne and called out, "Why, that's little Dick's voice!" Daniel, who closely resembled his young brother

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What, if anything, the good grocer who presided (for his colleagues) made of all this learning we do not know; he was more familiar with such down-to-earth matters as the sale of wines and spirits—good port wine at 1s. 4d. a bottle, "quality and strength guaranteed." But the clerk to the justices also had a contribution to make. He had been in touch with the Treasury solicitors and heard that they did not ask for a remand in custody. "They add that the question of bail is one which they desire to leave entirely in the hands of the Bench, and will raise no objection if they think fit to grant the application." This broad hint did the trick, making it unnecessary for the bench to delve into deep matters of criminal theory, and, after retiring for 10 minutes, they took the quite remarkable step of granting a release on bail to prisoners charged with a capital offence. Already the legal establishment's curious approach to the case of the *Mignonne* was beginning to emerge—a determination to secure a conviction for murder, combined with a humane and slightly inconsistent desire to see that Dudley and his companions did not suffer unduly in consequence.

The decision to release the men was received with loud applause. Dudley was to be required to offer bail of £200 himself, with a surety in the same amount. Stephens' and Brooks' bail was fixed at half the same sum. These monies did not have to be actually produced, merely formally promised by an archaic mechanism known as a recognisance—a contract to pay the Queen £200 (or £100) *unless* they appeared for trial when required. Failure to attend could lead to the forfeiture of the promised sums of money. John Burton stood surety for Dudley and, after some hesitation, for Stephens and Brooks as well; at first he offered to be surety for £50, if someone else would share the burden; but nobody in court came forward. "What would we the Falmouth News Slip, commented approvingly. "What would we do without old Burton? He was the only man at the Court ready with £400 bail for the Mignonne's crew. He brought gladness and joy to the distressed crew." The men were now free to leave. Before they did so, Daniel Parker talked to Dudley about the wages due Richard, which had been left at the customs house. (Apparently Stephens's wages had been paid by Phillipa Dudley directly to his family.) Dudley's slightly parsimonious character comes out in the fact that he was reluctant to pay any wages for the period after the loss of the *Mignonne*, as appears from correspondence surviving in imouth; he was not in fact legally liable to do so. But no dispute arose over Richard's pay.

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Back in Falmouth on Thursday, September 11, Dudley, Stephens, and Brooks again appeared in court. Superintendent Bourne's men held the public back until a little before 11:00 A.M., but then the crowd rushed the diminutive courthouse, which became "densely packed with an eager and expectant throng." Murder cases were a major source of interest and entertainment in Victorian England, and murder combined with cannibalism was about as entertaining as even Victorian criminals could offer. The drama was heightened by the presence in court of Daniel Parker dressed as a yachtsman, with his yacht's name, *Marguerite*, embroidered in red on his jersey; no doubt gossip told the crowd of his resemblance to Richard, and it is not often that a murder case occurs with the alter ego of the victim present in court. And, when the maritime background to the case is taken into account, it is hardly surprising that the population of Falmouth was particularly fascinated. The prosecution simply asked for a further remand until the following Thursday, September 18. Then it was Harry Tilly's turn. By now better prepared, and dealing for probably the first and only time in his life with a really interesting question of law, he made a spirited application for bail again. In part he relied on his clients' "wretched state of health" and the difficulties they had faced in unsuitable accommodation. But more significantly, he argued and indeed assured the lay magistrates that the charge of murder was a mere technicality. He asked them "to consider this principle—the great universal principle of self-preservation which prompts every man to save his own life preferably to that of another. At its worst the case was not one in which there was the slightest possibility that the charge alleged against them could hold." And since the charge was a technicality and they were not wealthy men, bail should not be set at a high figure. He supported his argument by reference to legal authorities—Sir Francis Bacon; the great Sir William Blackstone, author of the *Commentaries on the Laws of England*; and the contemporary guru of criminal law, Sir James Fitzjames Stephen, one of Her Majesty's judges and author of the monumental three-volume *History of the Criminal Law of England*, first published in the previous year. Harry Tilly was indeed something of a local intellectual. He was for many years, up to 1893, on the committee of the Falmouth and Penryn branch of the Royal Cornwall Polytechnic Society (which was dominated by the Quaker Fox family of Falmouth; the secretary in 1884 was his partner, Wilson L. Fox). His legal argument was a creditable performance.

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According to one account, the dinghy bore bloodstains. The show produced a "handsome donation" and the exhibition of the dinghy £4.12s. Mr. W. Clark Russell, the celebrated marine novelist and journalist, sent a check for the three men and congratulated the people of Falmouth on their generosity, reminding them of their kindness on an earlier occasion in 1825 when they had cared for Colonel Fearon and the men of the 31st Regiment of Foot, shipwrecked when the Kent foundered on March 16 of that year.

Sympathetic feeling also found expression in a long editorial in *Luke's Falmouth Packet and Cornwall Advertiser* on Saturday, September 13. This supported the mayor over the arrest but argued, on lines different from Henry Tilly's, for the innocence of the prisoners. "It is utterly impossible that men can endure the tortures of nineteen days' starvation, the exquisite agony of a long continuing thirst, the anguish of mind and the prospect of excruciating death . . . without the mind becoming in a measure at least deranged; and without thus becoming to the fullest extent irresponsible for their actions." In any event, Darwin's "survival of the fittest" justified the killing. So the paper trusted that the men would be discharged by the magistrates once the business had been judicially investigated.

Dudley left for home late on Thursday afternoon, the last London train departing at 5:25 P.M. Mr. Cheesman, as ever nervous of his local reputation, turned up at the station to see him off. Dudley bore with him his sextant, his chronometer, and his letter to his wife, Phillips and two friends met him at Paddington Station at 4:00 on Friday morning. The press was also there, and of course release on ball gave all three survivors a chance to publicize their version of the events, which they did. Dudley allowed his last letter to his wife to be published; it first appeared in the *Falmouth News Slip* on September 13. It was a touching document, and its publication can only have increased popular sympathy for him; it is something of a masterpiece in this genre, rivalled only by Scott's last message from the Antarctic. Passages have previously been quoted, but it is here reproduced in full from a newspaper version; the original has not survived.

To my dear wife Dudley, Myrtle Road Sutton in Surrey. Mignonette foundered yesterday. Weather knocked aside in. We had five minutes to get in boat, without food or water 9th picked up turtle. July 21 . . . we have been here 17 days; have no food, we are all four living, hoping to get a passing abip. If not we must soon die. Mr. Thompson [of the London Yacht Agency] will put everything right if you go to

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This matter settled, Daniel again shook hands ritually with the three men in open court; they had now been publicly exonerated by the head of Richard's family. They then left the court and walked without hindrance about the town. For the mayor, however, the day did not have a happy ending. By the late post he received a letter from Sheffield; it was anonymous. It contained "nothing but a series of disgusting oaths calling the Mayor by the most outrageous names for having issued the warrant . . . he had no right to take such a course, as the men had not committed murder. The writer concluded by saying that he intended to come to Falmouth next week to shoot the Mayor. . . ." It may be that the writer of this letter, who fortunately for the grocer failed to keep his promise, had had a similar experience as a castaway.

By now it was clear that in Falmouth public opinion was entirely on the side of Dudley and his men. At first this may not have been so. The *Western Mail* said, on September 8, "The question which was most extensively discussed by the public was 'Why did they not cast lots?' and in the mind of a very large section a feeling of strong antipathy to the survivors has been created on this point." Local opinion obviously thought this was the correct procedure. Once the full facts were known (including Dudley's attempt to cast lots), opinion changed; they all became heroes, and public sympathy took practical forms. The men were destitute and needed money for living and defense. The dinghy was put on show by John Buckingham to raise money, and the *Falmouth News Slip* exhorted its readers, "Go and see the Boat of the Yacht Mignonette at Buckingham's, and leave some coppers for the men." At the time a visiting showman, R. D. Patterson, had booked the Royal Polytechnic Hall for *Zealandia*, a "Grand Diorama of New Zealand," a "stupendous Work of Art" painted on 2,000 yards of canvas by a colonial artist, one J. S. Willis, depicting 50 scenes in the colony. The proceedings were also enlivened by the activities of such artists as Mr. Watson Thornton, "Humourist, Lecturer and Author," and Mr. Dan Everett, "Coloured Colonial Philosopher and Eccentric Comedian"; and by a performance of a farce, *The Ghost in the Pawn Shop*. Seats were 3s., 2s., and 1s.; and tickets were on sale at Messrs Uglow and Thuell's Music Store. On Wednesday, September 17, Patterson arranged a special benefit night for Brooks and Stephens; this was inspired by Dudley's reluctance to pay them any wages from the date of the loss of the *Mignonette*, which alone local feeling condemned. A photograph of the dinghy, exhibited there, was later sold as a postcard and still survives. Ac-

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the first rank of England's heroes." Both men also made full statements to the press, Stephens including little sordid detail but emphasizing that, in the event, he had not actually physically participated in the killing. Brooks was rather more explicit. The whole affair naturally filled the local press.

As the men dispersed, so did their rescuers. The barque *Mocetzima*, short-handed now, having left behind two of her crew, put out to sea again past St. Anthony's Head and turned east up channel for the voyage to Hamburg. She was pursued by the officials of the Board of Trade, following a practice originating in the Foreign Office, they encouraged the rescue of castaways by a system that combined indemnities and rewards; it was not until 1911 that the master of a ship was put under a legal obligation to aid other vessels in distress by the Maritime Conventions Act, though a duty to stand by after collision had been imposed earlier in 1862. Captains of rescuing vessels were reimbursed for their costs and rewarded by the presentation of useful gifts. So, on September 8, it was noted in the file that a reward should be considered, and Mr. Cheesman was told to look into a possible claim for subsistence for the 38 days the men from the *Mignonette* had been on board the *Mocetzima*. Once the ship left, these inquiries were handled through the British consul in Hamburg. Whether Captain Simonsen ever did receive any money, I do not know; but he did in the end get a pair of binoculars. It should surely have been donated by the legal profession, to whom he had given the most remarkable leading case of all time.

By now, of course, the story of the *Mignonette*, or "The Terrible Tale of the Sea," was filling the world's press, and it is clear that in general public sympathy was strongly in favor of the three men. They had become widely considered as heroes. The murderer as folk hero need not particularly surprise us in Victorian England, murder was a source of fascination with fewer rivals than today, and contemporaries were particularly titillated by the believed ubiquity of the phenomenon and the thrilling possibility that there was a good chance one's everyday acquaintances might include an undiscovered murderer or so. The barbarous rituals that still accompanied executions—including the solemn reading of the funeral services to the condemned man before he died—no doubt served to heighten the macabre fascination of the whole subject, and from time to time there were bungled executions to add to the horror. Dudley, Stephens, and Brooks were perhaps unusual in that they were respectable "murderers" with whom one could legitimately sympathize, and

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him, and I am sorry, dear, I ever started on such a trip, but I was doing it for our best. You know, dear, I should so like to be spared. You would find I should live a Christian life for the rest of my days. If ever this note reaches your hands, you know the last of your Tom and loving husband. I am sorry things have gone against us thus far, but I hope to meet you and all the dear children in heaven. Dear, do love them for my sake. Dear, bless them and you all. I love you all dearly you know, but it God's will if I am to part from you; but I have hope of being saved. We were about 1300 miles from Cape Town when the affair happened. Goodbye and God bless you all, and may life provide for you. Your loving husband, Tom Dudley.

Messages from the dead of the sea actually did turn up in the nineteenth century from time to time—for example, the *Times* published one dated January 2, 1863, found in a soda water bottle: "Latitude 70 Longitude 25, Lord Help us All. The bark Ely of Card. Capt. P. Schrabt." None I have seen rivaled Dudley's. Phillips Dudley had indeed already met the press on September 9; even then, letters of support and sympathy from friends and from Dudley's superiors and subordinates had begun to arrive in considerable numbers. Accompanied by journalists, the Dudleys took a cab to Victoria Station and caught the 6:10 A.M. train to Sutton. The captain was by now viewed with such awe that men took off their hats and stood bareheaded as he passed by in carpet slippers, for he was still unable to wear boots. When they arrived home, a doctor attended to his wounded buttocks, and all day a stream of sympathetic callers visited. In the evening, considerably distressed, Dudley told the press of his experiences.

Edwin Stephens and Ned Brooks too seem to have anticipated no hostility in Southampton, where they returned, near though it was to Richard's home just across the River Itchen. They went straight there, arriving on Friday at 12:30 P.M.; friends were shocked at their emaciated condition. Stephens was almost prostrate; he suffered from severe headaches and a general inability to concentrate on what he was doing. He walked on his mother's arm, accompanied by his brother-in-law, Mr. Fisher. Ned Brooks, in relatively good health, was met by friends, and a considerable crowd accompanied him back to his lodgings at 39 Millbank Street; there seems to have been a sort of heroes' homecoming. Stephens received the following letter (said to be typical of many) from a correspondent in Cowes: "The great privations you and your noble companions have undergone, and the great skill with which you handled your frail back under such exceptional circumstances and under a tropical sun, will place you in

their release on bail made them available to public inspection and reverence in a manner denied in the case of such giants of the trade as Constance Kent, William Palmer, Franz Müller, Henry Wainwright, or the great Charles Peace himself. Had Dudley and Stephens been executed, their names would be better known today than they are; they were, however, mercifully to be denied that guarantee of immortality.

In assessing public opinion, we need to distinguish popular feeling, which was all one way, and the more variegated opinions of the intelligentsia. As far as the former is concerned, the most striking evidence is the feeling in Itchen Ferry itself, the home of the unfortunate Richard and his many relatives. There, if anywhere, one might expect to find evidence of violent hostility, particularly toward Captain Dudley himself; he had, after all, stabbed the boy to death. The *Southampton Times* recorded that initially feeling did indeed run high against Dudley and his crew but that, "while many of the briny fraternity complain that an equality of chance was not given to the four exhausted survivors by the casting of lots, others regard with more charity the unparalleled extremity to which they were driven, and contend that it would have been equally a crime to have sacrificed one of the other three, when it was evident that the boy . . . could not have survived many more hours." A week later, as the facts became more fully known, this hostility had gone, and in the village pity rather than a feeling of revenge was expressed. Even Richard's foster mother said, "I do not think that there is any really strong feeling at the Ferry against the poor unfortunate men, and all I have to say about it is that I really do not think they should have killed him. I can seem to see him looking up at Captain Dudley and saying 'What, me Sir?' " So spoke the broken-hearted Mrs. Mathews.

Popular feeling was also reflected in practical steps taken to provide for the men and finance their defense in court. The exhibition of relics in Falmouth had, as we have seen, raised "a handsome donation." In Southampton, one Charles Harrison compiled a ballad that sold in the streets and raised £4 for them. I have been unable to identify with any certainty the text of this ballad or the identity of its author, but out of the three street ballads I have located that arose out of the case, one was plainly published while the men were awaiting trial and may be by Harrison (though I think this unlikely). It is possible that he was connected in some way with the Amy Harrison who later owned relics of the affair. To the music of *Driven from Home* it ran,

Just for a few moments your attention I crave,  
While I relate a sad death on the wave;

God help poor sailors—for we cannot see  
What they go through when alone on the sea.

A terrible story, alas, has been told,  
A worse one I'm sure we ne'er could unfold,  
Of the sufferings of sailors on the ocean alone,  
What they went thro' may never be known.

The waves rose like mountains round the poor shipwrecked crew,  
Starving and thirsty, oh, what could they do,  
They thought of their children, their homes and their wives,  
They killed the poor boy to preserve their own lives.

It was but a vessel fragile and small

Not fit to sail the Atlantic at all,

The "Mignonette" yacht was a speck on the wave,

A coffin to carry poor men to their grave.

A storm she encountered she could not withstand

She sank on the ocean far, far from the land;

The captain and crew in an open boat lay

Exposed to the weather by night and by day.

For twenty-four days they were tossed on the sea,

Expecting each moment their last it would be,

Five days without water seven days without food,

By ravenous sharks the boat was pursued,

Mad with the thirst and the hunger as well,

What they did then is fearful to tell.

Between life and death on the desolate wave,

They killed the poor boy their own lives to save.

The captain went to him as he laid on his side,

"Diek your time's come" to him he cried,

I pray God forgive me for what I must do,

The story is terrible but alas it is true.

The poor lad was strangled, they drank his life's blood,

He died as his manhood was yet in the bud,

Only nineteen he drew his last breath,

To give life to others he met with his death.

They lived on the body of the ill-fated boy,

To satisfy hunger his limbs did destroy,

It may seem strange to me and to you,

But we cannot tell what hunger will do,

What must it be when day after day,

Starvation slowly takes life away.

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The burning sun on them, 'tis fearful to think  
 Tho' surrounded by water not any drop to drink.

The captain and mate are now on their trial  
 'To killing the boy they give no denial,  
 'Tis a terrible story which they have to tell,  
 How they have suffered and how the boy fell.  
 They never forget those days on the sea,  
 As long as they live, wherever they be,  
 God bless poor sailors alone on the wave,  
 The ocean alas, is too often their grave.

Ballads were also compiled, and probably sold on their behalf, in Falmouth; this particular ballad could also be one of the Falmouth ballads. Appeals were also made in the papers. One appeared in the *Southampton Times*, particularly directed to helping Edwin Stephens and his five children, who also received help from the Cape of Good Hope Masonic Lodge, of which he was a member. The subscribers to these appeals included prominent local citizens—the Southampton list, for example, includes two local justices of the peace. An appeal was also organized by yachtmen. The initiative seems to have been taken by the vice-commodore of the Corinthian Yacht Club at Erith, S. Harman Sturgis, and by Augustus G. Wildy, who was rear commodore of the Junior Thames; they wrote to the press, appealing for money for the defense of "men who in their time have been foremost in our great national sport of yacht racing for their pluck and zeal—men of good character or ability . . . now to be tried for their lives." The Thames Yacht Agency was also involved in the appeal. The fund was managed by Arthur H. Glennie in London, and H. N. Custance in Falmouth. John Burton continued his efforts to help the men, telegraphing Brooks in Southampton, "Doing all I can to get a sum of money in hand to hand over to you all. Hope Southampton will do the same." The Peace and Harmony Lodge raised £5, and from Australia Jack Want did the decent thing by sending the £100 that was to have been paid to Dudley on delivery of the yacht in Sydney. Eventually, it appears that a surplus remained after all defense costs had been paid. Because of their involvement in the rich man's world of yachting, and also because Edwin Stephens was the son of a well-known sea captain in Southampton, the survivors of the *Mignonette*, though not themselves wealthy, received considerable help and direct support from the prosperous as they might not have if they had

simply been common seamen. Association with the gentry served them well in this respect.

The views of the literate upper middle-class world were also reflected in press comment and in letters that found their way directly or indirectly into print. The *Royal Cornwall Gazette* noted that, in Cornwall, "the men of the ill-fated yacht have been real heroes." "Old Salt" wrote sympathetically to the *Morning Post* explaining that he had spent five years in the search for the Franklin expedition, lost in the Arctic, since 1845. "Experience taught us that men would eat anything rather than die of hunger, for I have known things to be eaten—although we were not reduced to cannibalism—that would fairly sicken me now to think of." This view was opposed by a lady from Burton-on-Trent who wrote privately to the Falmouth magistrates to "suggest that at least some notice should be taken of this irregular proceeding." The irregularity, she thought, lay only in the failure to draw lots. In the *Daily Telegraph* of September 11, W. C. Russell, who wrote under the pseudonym "A Seafarer," published a florid defense of the survivors, arguing that it was "impossible to make a lawyer's question of this dreadful circumstance." His letter is full of passages like this: "Follow on till you come to the sunken eyes already repulsive with the fires of famine, to the gaunt and haggard faces, to the voices which can but whisper hoarsely as they seek to cast their accents the length of the boat. . . ." William Clark Russell (1844–1911), though now a somewhat forgotten figure, was then a very well known and extremely prolific novelist. Having been himself a sailor, he specialized in marine stories, such as *The Wreck of the Grosvenor* (1897) and *The Death Ship* (1888), which even has a heroine named Imogene Dudley, surely an echo of the affair. Since 1882 he had been on the staff of the *Daily Telegraph*, and his identity was well known. A lively correspondence developed, involving "A London Magistrate," "A Barrister," "Feluca," "Another Barrister," "An Old Salt," "An Old Seafaring Surgeon," and "A Law Student." Though reflecting a difference of opinion as to whether it was appropriate to bring the men to trial at all, and advancing most of the arguments that were to feature later in the trial, this correspondence reflects a general assumption that, whatever the law said, the men would suffer only a nominal punishment or no punishment at all. "Another Barrister," writing in the *Daily Telegraph* on September 12, argued powerfully that "our sympathy with these men ought surely not to make us desire to suspend or vary that regular course of procedure which, however superfluous it may appear, in some

cases, is in others the only protection against crime"; but he conceded that there was no danger whatever that the men would be made to suffer for their act—mercy had already pardoned them. Instead, his argument was that it was essential to bring them to trial and convict them, because a failure to do so would endorse "a new canon of legal irresponsibility" and "dangerously wide application": that one may take the life of another if his own life is in danger, if such an act is necessary to save himself.

A similar point was made by Lamed Nun Dhalet Yod, writing improbably from Bodmin to the *West Briton* on September 13; he would be happy if the men, if convicted, received "an hour's or other light imprisonment, and thus assert the sacredness of human life." What he objected to was the acceptance of the idea that their act was justified, that the strong could kill the innocent weak. To avoid the canonization of this dangerous doctrine, a prosecution must be brought. Among the editorials, one in the *Standard* contains a passage that (noting in passing that "the Welsh, if we may believe the antique Chroniclers, were not free from this compromising trait") was mildly hostile in its argument: "It is impossible to justify such revolting acts: even wild beasts will often die rather than eat their own species. At the same time it is only the well fed moralist who will anathematise those who, in the fearful agony of famine, have proved faithless to their higher nature." Again, the assumption seems to have been that the men's act, though morally indefensible, did not merit any punishment. What was important was that the point of principle involved in the case should, for the first time, be authoritatively settled, and to this end the only possible procedure was to bring the case before the courts for trial and, in Russell's phrase, "make a lawyer's question" out of the tragedy of the *Mignonette*. That this intellectual view ran quite contrary to popular opinion is beyond question: It wholly baffled Tom Dudley, who regarded any legal proceedings as both unjust and pointless, the outcome being in any event quite certain. In one of his letters to his wife from Falmouth before bail was granted, he had written, "No harm can come to me, or any of us dear. They say it is my statement that has caused the enquiry. I have told the truth, if I had told a lie I should be sharing the comforts of home instead of being here." Dudley even took the desperate step, which must be unique in English legal history, of writing to the *Times* itself to express both his gratitude and his sense of outrage, and the letter was published on September 22: "May I through the medium of the *Times* express my thanks for numerous favours of sympathy to

myself and companions for our past unparalleled sufferings and privations on the ocean, and our present torture under the ban of the law, being charged with an act which certainly was not accompanied by either premeditation or malice in the true sense of the word, as my conscience can affirm." He wrote a similar letter to the Plymouth papers suggesting that he was not of sound mind at the time. But the Home Office was quite unmoved and committed to legal proceedings that would ensure that the case of the *Mignonette* became a leading case.

Central to the approach of Sir William Harcourt, the home secretary, appears to have been revulsion against the popular idea that Dudley was a hero. It is of course not difficult to see why he could be so regarded—he had, as they say in the Westens, done what a man must do. Confronted by the dictates of necessity, he had risen to the occasion and atoned himself to the terrible act of killing the boy when his companions shrank from the deed. He had fulfilled a captain's role. At a more intellectually level, and one that perhaps was not missed by the classically educated intelligentsia of the period, he had acted as Agamemnon did in sacrificing his own daughter, Iphigenia, to appease Zeus and ensure that the Achaean fleet reached Troy; the very horror of the sacrifice that had to be performed is integral to the heroic stature of the actor. But moral approval of Agamemnon's act in submitting to necessity belonged to a heathen culture from which, Victorians believed, Christianity had liberated them; hence only in a pagan culture should such an action be viewed as heroic. Contemporaries were not to know how the ultimate fate of Captain Dudley was to echo the Greek myth.

The prosecution was entrusted to junior Treasury counsel in the person of William Otto Adolph Julius Danckwerts, whom the Treasury solicitors briefed for the preliminary inquiry. A local agent, Mr. G. Appleby Jenkins, town clerk of Peiryn, was employed to look after the interests of the Crown as local agent. Mr. Danckwerts was a barrister of the Inner Temple; he was 31 at the time and had been in practice for only some six years. He appears to have specialized in appearing in wreck inquiries and had close contacts with Walter Murton (solicitor to the Board of Trade), whose book on the subject he had worked on in 1883. Family tradition, recorded by Danckwerts's son, who became a lord justice of appeal, preserved the fact that he was well aware of the strong local feeling in favor of the three men—so strong that it was said a conviction achieved could have put his life in danger in the West country.

BEFORE THE FALMOUTH MAGISTRATES

case before the magistrates at the renewed hearing on September 18, Danckwerts, without apparently elaborating the point, announced his intention of turning Brooks into a prosecution witness: "As to Brooks, having carefully considered his position, he had come to the conclusion that in point of law probably Brooks would have to be acquitted, and therefore he proposed to offer no evidence against him, and to ask the Bench to discharge him that he might be called to give evidence. It was fair to Brooks and to the other two prisoners, because they would then have the opportunity of eliciting the facts of the case." Another account of his speech puts Brooks in a more favorable light: "As to Brooks, I have carefully considered his position, and I am taking the responsibility on myself of saying I have come to the conclusion he was in no way an actor or participator in the crime of his two companions." Viewing the forthcoming trial as a dramatic exercise, Brooks was on his way to being cast as a rival hero of the story, and it would of course assist the prosecution of Dudley and Stephens if it could be shown that Brooks, starving like them, nobly held out against the temptation to which they succumbed.

The magistrates agreed to the discharge of Brooks, and their decision was met with hearty applause, which provoked Danckwerts to an appeal to the chairman, Mayor Liddicoat: "I beg, sir, you will ask the public to suppress these manifestations." The chairman obliged: "I must ask the public to suppress their feelings either way, or I must order the court to be cleared." Brooks appeared surprised by his discharge and made no protest at being recast as a prosecution witness. There is no evidence that any bargain had been struck with him, though it may have been.

Danckwerts then proceeded to put forward the prosecution case, assuring the magistrates that there was no question in law of there being any defense to a killing in the circumstances in which Richard Parker had died. He called his witnesses: Sergeant James Lavery, Mr. Robert Gandy Cheesman, Julius Erich Martin Wiess, and Edmund Brooks. Giving evidence through an interpreter, Robert Herschel, Julius Wiess proved unhelpful. He saw some flesh and a bone and threw it overboard but could give no evidence as to what it was; his companion was not called. Sailors were not sympathetic to criminal prosecution in cases of shipwreck. Under cross-examination, Mr. Cheesman strongly emphasized the fact that the men had not been cautioned before making their statements: "Witness begged to be allowed to state that when the statements were made to him he had no idea they would be used against the men on a criminal charge.

CHAPTER FOUR

It must have been apparent to Danckwerts at once, on studying his brief, that he was facing formidable odds. The Falmouth borough magistrates had to date behaved impeccably but, local feeling being what it was, could hardly be relied upon; and the evidence available to the prosecution was not such as to inspire great confidence. The two sailors available from the *Mercurius* were likely to be reluctant witnesses with little to contribute, and that left only the eavesdropping Sergeant Lavery and the unsympathetic shipping master, Robert Gandy Cheesman, as prosecution witnesses. In effect, all the witnesses to the killing of Richard Parker were defendants. In the contemporary state of the law, it was quite out of the question for them to be required to give their account of what happened or give sworn evidence in court and thereby expose themselves to cross-examination to elicit the facts. Not until the Criminal Evidence Act of 1898 were prisoners on such a charge even allowed to give sworn evidence. As far as the preliminary inquiry was concerned, they were legally entitled to say nothing at all and would without doubt be advised to exercise this right. Danckwerts possessed, of course, the depositions made in the customs house to the shipping master, but these were open to challenge, since they had not been taken for criminal purposes, and consequently no caution had been administered. It was also arguable that they were not made voluntarily (there being a legal obligation to make them), and this also might exclude their use as evidence. The law also ruled that confessions were only admissible as evidence against the individual making the confession—not against others—and the account of the facts in the depositions was meager. Dudley's letter and his other draft accounts were perhaps the best evidence available. It was plain, too, that the defense of necessity would be raised; the legal status of this defense was problematical, and its application might well depend on the precise conditions in the *Mignonette's* dinghy. Only a witness who had actually been there could speak convincingly about them.

Mr. Danckwerts therefore needed such a witness, and the only candidates were Dudley, Stephens, and Brooks. One of them must appear for the Crown, and the obvious choice was Brooks, who was of subordinate status and had taken no active part in the killing. Precisely what he had said in his deposition is now undiscoverable, since the document does not survive. It is just possible that it did implicate him and therefore had to be discreetly suppressed; in any event, it could not be tendered as prosecution evidence. More probably it ended up in the lost treasury solicitor's file. In opening his



or he should not have asked them the questions he did." The written accounts of the tragedy found among Dudley's clothing were handed in unread as exhibits. At the conclusion of the prosecution case, nothing of substance had emerged that was not already familiar through press accounts. But there had been a dramatic intervention by Dudley. When Robert Cheesman was giving an account of Dudley's reenactment of the killing he forgot which side of Richard's neck was stabbed. Dudley, as ever anxious that the whole and accurate truth be known, intervened from the dock, calling out "it was the left side."

In the event, Danckwerts does not seem to have had much difficulty in persuading the magistrates to send Dudley and Stephens for trial at the next assizes before a judge and jury. After referring to the sympathy all must feel for them, he went on, "The evidence could not leave the bench in doubt as to their course of sending the prisoners for trial. They had not met there to settle the case, but merely to decide whether there was sufficient evidence to send the men before a jury of their own countrymen." Though maintaining that in his opinion the killing was legally quite unjustified, he pointed out that this was a matter for a jury and a higher court to determine and not a suitable question for the Falmouth magistrates to resolve. His speech also contains a hint that the matter would be decided eventually not by a single judge but by "the judges of the land." One of the local papers, *Lake's Falmouth Packet and Cornwall Advertiser*, throws further light on Danckwerts's skilled handling of the matter: "Counsel displayed sincere sympathy with the accused; and intimated as plainly as he could, without saying it as much in so many words, that the clemency of the Crown would be extended to them in the event of a conviction . . . the learned gentleman took considerable pains to elicit every fact that could possibly tell in the prisoners' favour." Perhaps for this reason Harry Tilly's defense was not pressed, and after a short retirement the magistrates committed Dudley and Stephens for trial at the next winter assizes for Cornwall and Devon—the case to be heard at the sittings at Exeter. The mayor explained that the matter was too grave for the magistrates to decide. He was referring to the defense of necessity, which was clearly going to be treated as the crux of the case. Bail was again extended, and the two men were free to go. The hearing, which had lasted more than six hours, had been an ordeal for them both. Throughout the hearing, Stephens "exhibited a good deal of emotion" and frequently buried

his head in his hands. Captain Dudley, who had to remain standing throughout because of his injured buttocks, maintained his composure until the end, when he burst into tears. The renewal of the two men's bail provoked further applause in the court.

Dudley and Brooks left Falmouth by the 7:08 A.M. London train next day; they were seen off by the shipping master, the calculating Cheesman, and Stephens, who was to leave later by boat, calling at Plymouth, where he could meet Mr. J. H. Cocksey, chairman of the Southampton magistrates, and Mr. T. Cleveland, both had been ready to offer bail if need be. Brooks traveled to Southampton, arriving at 5:00 in the evening, and again talked to the press of the kind treatment he had received. As he was now a Crown witness, his expenses were defrayed by the Treasury. He later traveled to Brighton to visit his mother. Stephens arrived at Southampton on Saturday on the *Levy Whépoise*, free passage having been arranged by Mr. J. E. Le Feuvre, another Southampton magistrate, a prominent Mason, and a shipping agent. Captain Dudley went to Colchester, presumably to visit relatives in Essex and his home village of Tollesbury, not yet linked to the railway. Expressions of sympathy continued to pour in, together with practical help. Stephens was still ill and destitute, but his Masonic friends came to his aid. Money was even pressed anonymously into his hands. An impromptu concert raised two sovereigns, and subscription funds were set up and advertised in the local press. The yachting community also assisted by establishing a defense fund. At first Dudley (who was not of course destitute) was ashamed to accept charity, but he gave way on condition that any balance remaining unspent should be put in trust for Edith Parker, Richard's younger sister.

On October 28, the *Times* announced that the trial at Exeter would open on Saturday, November 1, before Baron Huddleston; the date was subsequently altered to Monday, November 3. Mr. Arthur Charles, Q.C., was to lead for the Crown; Mr. Arthur John Hammond Collins, Q.C., assisted by Henry Clark, was briefed for the defense. Dudley and Stephens's leading counsel was, on the face of things, the best man that could be obtained. A benchet and former treasurer of Grays Inn (where he had been called to the bar in 1860), he was also a member of the Middle Temple and the leader of the Western Circuit at that time. In addition, he had been since 1879 the recorder of Exeter, where the trial was to take place. Nobody would be able to say that the two prisoners were not given the best legal

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talent to defend them. What sort of job Collins made of the defense we shall see; anyone with his familiarity with the English judiciary must have realized that as a matter of law he had little hope of success on the theoretical issue of legal guilt. Killing and eating cabin boys was not a practice likely to recommend itself to Her Majesty's judges.

5 The Custom of the Sea

*Her body then they did dissect  
Most dreadful for to view  
And serv'd it out in pieces,  
Amongst the whole ship's crew*

—“Ballad of the Brig George”

The story of the *Mignonette* was essentially a tale of maritime disaster and of the ensuing fall from grace, through extreme temptation, of the victims. The nineteenth century was a great era for disasters. The Victorians, like ourselves, were always delighted to hear of the latest ones, and ample material lay at hand. Thus the index to the *Times* for 1884 lists, with a slight air of frivolity, the following remarkable examples of sudden death:

Captain Berry, at Nyasa, from a huge Alligator seizing him in the Middle while Bathing.

Thomas Farmer, at Chatham, from taking Liquid Ammonia instead of his usual Cough Mixture.

Mr. A. W. Jaisson, who fell Down and Expired while Running at the Oxford Boat Race.

Mary Jane Butterfield, by having her scalp torn away by a Lion during a panic in Wombwell's Menagerie at Boston.

Mr. Richards, Thrown into a Millpond as a Joke by Getting Entangled with the Weeds.

The Revd. J. Selby-Watson, by Falling out of his Hammock in Parkhurst Prison.

Josephy Jacklett, who Died from Holding some Dynamite over a Gas Flame, at Aldershot.

Samuel Haldiday Smith, Shot Dead by the Explosion of An Explosive Walking Stick.

These improbable events involved individual deaths only; major disasters killing large numbers of people at once usually involved mines, railways, and ships. Shipwrecks provided the most dramatic of all catastrophes, for like air crashes today, they killed large numbers of people at the same time. But aircraft are more efficient and leave less scope for the tales of heroism and precarious survival that grace the stories of the sea; storm and tempest also lent an air of grandeur that is lacking in most air accidents. There were indeed plenty of shipwrecks, and their monotonous frequency was reflected in the grim entry in the index to the *Times*: "Disasters at Sea, see each day's paper." In addition to the daily press, magazines such as the *Illustrated London News* and the journals of philanthropic societies gave extensive accounts of the horrors of sea travel, and there was an abundant literature of marine catastrophes, much influenced by the belief that literature must improve and instruct, not merely entertain. An example is the popular work *Notable Shipwrecks* by "Uncle Hardy" (a pseudonym for one William Senior), first published in 1873. *Being Tales of Disaster and Heroism at Sea*. This catalogued such notable wrecks as that of the *Royal George*, which capsized at Spithead on August 29, 1782, establishing a record, lasting nearly a century, of around 900 killed, and of the *Rothsay Castle*, which more or less fell to pieces on August 17, 1831, finally running aground and breaking up on Dutchman's Bank near Puffin Island in the Menai Straits. The tone was melodramatic and sentimental: "Fathers and children, husbands and wives, brothers and sisters, took loving farewell of each other; last embraces, heart-rending to give or witness, were exchanged; children were clasped to the arms of fond mothers . . . the air was rent with hysterical wails and piercing shrieks; people swooned, tore their hair, ran wildly to and fro, or prayed for pardon, for mercy, for aid." Also included was sharp censure and self-congratulatory moralizing: "The captain's conduct can only be accounted for on the supposition that his senses had deserted him. . . . What volumes it speaks for the innate love of order and discipline which the English-

man possesses, that they, in the face of this gross incompetence and obstinacy, kept up a show of respect for the captain's office!"

Many of these wrecks are now all but forgotten, but they were familiar enough in their day. There was the *Amphitrite*, which sank on August 31, 1833, off Boulogne, with 101 doomed women convicts aboard. The loss of a convict ship had of course the drama inherent in the death through "Act of God" of those who had escaped the gallows at home and thought they would live; there were quite a number of such sinkings—the *George III* and *Nova* in 1835 (killing 139 men and 145 women, respectively), and the *Waterloo* in 1842 (143 drowned). Ballads recounting the disasters to the first three survive and are published in Hugh Anderson's *Farewell Old England*. "The Melancholy Loss of the *Amphitrite*" concludes particularly grimly:

This wreck will never be forgot,

This dreadful tale of woe,

We hope their souls in Heaven will rest,

While their bodies rot below.

As for heroism, there was the sinking of the troop ship *Birkenhead* on February 26, 1852 (454 lives lost), where the men of the 74th Highland Regiment stood at attention on deck, the band playing, while the women and children were saved, and the captain very properly went down with his ship. Emigrant ships packed with human cargo produced some of the very worst catastrophes. The *Annie Jane* foundered in September 1854 (348 lost); the *Austria*, built on the Clyde in 1857 and "fitted with every appliance of modern science," caught fire on passage from Hamburg to New York in September 1858. The boatswain was fumigating the steerage with burning tar, and his misguided sanitary enthusiasm led to the disaster. "We are all lost!" cried the captain and fell overboard; he was nearly correct in his estimate, for of the 538 persons on board, only 67 were alive to be picked up five hours later by the French barque *Maurice*. The following year the *Pomona*, another emigrant ship, went ashore on the Wexford coast, killing 386 of those on board. The *Copatrick* (1874) was destroyed by fire; only three out of a total complement of 479 ultimately survived. But they were more fortunate than any of the 569 or so persons on the *Great Queensland* (August 1875), emigrants who shared the ship with a cargo that included explosives. All that was ever found was some wreckage from the explosion.

## THE CUSTOM OF THE SEA

even for all the crew to escape a sinking ship. In general sailors adapted a fatalistic attitude to shipwreck, making little or no prior provision for such an eventuality. Furthermore, sailors usually could not swim and sensibly did not try to learn. It merely prolonged the agony.

Disasters at sea were therefore a normal and prominent feature of the Victorian world; and the press, popular and elite literature, the theater, and the arts generally ensured that the subject of shipwreck was continually brought to public attention. Thus the awful fate of the French frigate *Méduse*, lost in 1816, generated a classic account of shipwreck by A. Corréard and J. B. H. Savigny, published in a London edition in 1818, as well as a famous painting, *La Rade de la Méduse*, by Théodore Géricault. The celebrated story of Mrs. Fraser, survivor of the *Stirling Castle*, wrecked on the Australian coast ("The Fatal Shore") in 1836, led to that lady's exhibition in a penny ballad. For example, the *Royal Charter* was wrecked in Red Wharf Bay, Anglesey, on October 25, 1859, with a loss of 459 lives, en route from Melbourne to Liverpool, in a storm that claimed hundreds of vessels and was always known as "the Royal Charter Storm." An anonymous ballad writer publicized the event in a work of 27 stanzas. One noted the statistical positions:

And such a melancholy wreck

With loss of human life,

Thank God, we do not often hear

Though wrecks are very rare.

Another noted the courage of the parson:

And in the midst of that sad throng,

Was heard the voice of prayer

The Reverend Mr. Hodge did raise

His supplications there.

Less admirable conduct was immortalized in an Irish ballad on the loss of the emigrant ship *Eliza*:

When the Captain saw our danger it's from the ship he drew

And launching out a small boat to save himself and crew,

He left us to the ocean to perish one and all,

But God he was our safeguard and prov'd his sad downfall.

## CHAPTER FIVE

Regular passenger vessels were in no way immune from disaster, either. On April 1, 1873, the *Atlantic*, through a wholly inexcusable navigational error appropriate to the date, hit Nova Scotia, killing 562 of the 933 persons aboard. This was the worst disaster to an Atlantic liner until the same shipping line's loss of the *Titanic* on April 14, 1912, when 1,490 died, surpassing all nineteenth-century records and never surpassed by a merchant vessel, though more passengers alone died on the *Empress of Ireland* in 1914.

The nineteenth-century British and European record was held by the affair of the *Princess Alice*, and memories of this disaster would be fresh in 1884. She was simply a pleasure vessel—a saloon steamer—and she left London Bridge for a cruise to Sheerness and back on September 3, 1878, carrying 600 or 700 pleasure-seeking passengers. She was returning up the Thames in the evening, and the band had just struck up the popular tune "Nancy Lee" when, at 8:20 P.M., she was cut in two by the steamship *Bywell Castle* just off Tripcock's Point in Galleons Reach, a mile or so below Woolwich Arsenal. It was never really established how many died, but by November 21, 632 bodies had been recovered, and the total deaths may have been as high as 700; no passenger lists existed. Even more—some 850 coolies—had died when the *Flora Temple* was lost in October 1859, but that was far away in the East.

Dramatic though these individual disasters were, they were insignificant when set against the background of continuing regular, relentless loss of ships and life. Thus in 1884-85 561 British-registered vessels were totally lost; the tonnage came to 212,149. This total included no fewer than 398 sailing vessels, so the *Mignonne* was clearly not an isolated case. In particular years the numbers of ships lost could be much higher; in 1881-82 no fewer than 838 sailing vessels, with a combined tonnage of 204,236, were totally lost at sea. The statisticians were to note in 1889-90 that the total tonnage lost, 192,696, was the highest for 13 years. As steam replaced sail, the number of sailing vessels lost, which reached 443 in 1887-88, began to fall, but the losses continued high for many years after that. The sacrifice of life was appalling. In 1884-85, for example, deaths (from all causes) to crews of registered British vessels with United Kingdom ownership came to 2,769, and to passengers 1,490, making a total of 4,259. If one adds those who lost their lives on fishing boats, harbor boats, etc., but excludes yachts, the total figure rises from 4,259 to 4,632. Passenger ships in this period never carried sufficient life boats, and in merchant ship disasters it was very unusual indeed