* The **Four Speluncean Explorers**, the defendants --> accused for the **crime of murder**.
* convicted and sentenced to be hanged by the Court of General Instances of the **County of Stowfield**.

What is Speluncean Society?

* Cave Explorers Organization --> Amateur

**CHRONOLOGICAL FACTS**

Prologue

* **May 4299**, **Roger Whetmore** and company entered into the interior of a limestone cave
* Located in **Central Plateau of the Commonwealth**
* Landslide occurred while they were far from the only known entrance
* Entrance was blocked by boulders
* Explorers were trapped and waited for rescue at the blocked entrance
* A Rescue Party was dispatched to their location
* Temporary camp was established in the isolated region
* Constant landslides caused **10 workmen** to die while clearing the entrance
* Rescued **32 days** after the men entered the cave.

Main Content

* Minimal Provisions brought and no livestock nor vegetation within the cave --> Possible **death by starvation**
* On **20th day** (of entrapment), it was learned they had radio communication. Communication was established with the trapped men
* By this time, they were told that **at least 10 days** would be needed until they were freed --> This was under the circumstance that no new landslides would occur.
* Detailed description was given of the living conditions of the trapped men and an assessment was requested on their survivability
* **Chairman of the Committee of Physicians** at the camp told them there was little possibility of survival given the conditions.
* **8 hours of radio silence** from the trapped
* **Whetmore** contacted **the chairman** and inquired whether they would survive for at least 10 days given the fact that they ate one of their own.
* Chairman responded hesitantly with a yes but no response as to who is to be eaten.
* Whetmore requested advise from a judge, a government official, a priest but no one was willing to answer
* No further messages were received on the false assumption that the radio ran out of power.
* On the **23rd day**, **Whetmore** had been killed and eaten by his companions.

Testimony of the Defendants

* **Whetmore** first proposed the idea of eating one of their own
* The method of determining which one is done by **dice**
* Whetmore decided beforehand that they should wait another week before making the choice
* The others charged him with a **breach of faith** and rolled the dice anyway.
* Whetmore did not roll the dice on his own accord, it was cast for him by one of the defendants as he was against the idea.
* Whetmore was asked to declare any objections to the fairness of the roll.
* The roll went against him and he was put to death and eaten by his companions
* After the rescue, the defendants were treated for malnutrition and shock.
* They were also indicted for the murder of Roger Whetmore
* The Prosecutor and the counsel for the defendants adopted the procedure to leave it to the court to decide on their prosecution.
* In a special verdict, the jury found the facts stated, that the defendants were **guilty of murdering Roger Whetmore**.
* The judge sentenced them to be hanged, permitting him no discretion with respect to the penalty to be imposed.
* After the release of the jury, the members and the trial judge asked the Chief Executive that the sentence be changed to imprisonment of six months.
* No action has been taken with respect to the pleas.
* Chief Executive is waiting on our disposition of this petition of error
* Whoever shall willfully take the life of another shall be punished by death

Words to remember

* **Principle of Executive Clemency**
* Petition of Error
* Law of Nature
* Maxim Cessante Ratione Legis, Cessat Et Ipsa Lex

**Foster J.** - Defendant of the Accused

Support that the defendants were not guilty of any crime

* Believes that the law declares the defendants to be innocent of any crime under 2 independent grounds

First Ground

* **Law of the Commonwealth** was not applicable to the Speluncean Explorers
* The case is governed by the **Law of Nature**
* Life only became possible by the taking of life
* The case may be removed geographically speaking as the accused made a fateful decision remotely away from legal order.
* The accused were not in a **state of civil society** but in a **state of nature**
* The law applicable to them is not of the Commonwealth but of the law derived from the principles appropriate to their condition
* What the accused has done was in an agreement accepted by all and first proposed by the late Whetmore
* They built their own principles or "government" appropriate to their situation
* Powers of government can only be justified morally on the grounds that it is agreed upon by reasonable men and accepted
* Human life as an absolute value, not to be sacrificed under any circumstance
* If it was proper that these ten lives should be sacrificed to save the lives of five imprisoned explorers, why then are we told it was wrong for these explorers to carry out an arrangement which would save four lives at the cost of one
* What is the absolute value of human life in the desperate situation of the accused and the late Whetmore

Second Ground

* Assume that the first ground is hypothetically incorrect. Reject it
* Assume that the Consolidated Statuses have the power to penetrate 500 feet of rock and impose themselves upon the accused
* A man may break the letter of the law without breaking the law itself
* Any law is to be interpreted reasonably for its evident purpose
* Centuries ago, it was established that a killing in self-defense is excused
* Exception in favor of self-defense cannot be reconciled with words but only with purpose
* The decision to live or die will not be controlled by the contents of the criminal code
* One of the principal objects underlying any criminal legislation is that of deterring men from crime
* A man whose life is threatened will repel his aggressor whatever the law may say