What’s on the docket today…

November 20 1820…whale sinks ship. Shipwrecked Sailors eat each other. Some survive to tell the story…no criminal charges filed. Herman Melville writes a pretty good book.

May 1884…ship sinks off the coast of Africa. Four crew members are stranded in their lifeboat. Two sailors kill the cabin boy and all three eat him. When they are saved, two are are charged with murder and sentenced to death.

Can murder be justified? “Justification” is what the defendants would use to explain “why” the killing happened…they would be found not guilty if their defence was accepted by the court. Therefore, the killing was justified.

So, what changed? Sailors had always used necessity as a defence for their actions when shipwrecked.

**Case Citation**…a criminal case always starts with the letter “R” in Canada. “R” refers to Regina, or the Queen. The Queen is represented by the Crown Prosecutor. (R. v. Goldsack)

A civil Case starts with the plaintiff’s last name…because we have an “adversarial system”, the letter v. (or vs) will appear in both citations. (Goldsack v. Smith)

Who has **jurisdiction**? Where does the trial take place? Example, Bill and Sarah are British sailors who killed a Chinese sailor on board a Canadian registered ship in African waters…who has jurisdiction to try them for murder?

**Precedent** is a legal term. A precedent is a ruling (decision) in a case that sets the standard for all similar cases in the future. Precedent is the basis for our common law system.