

# Speluncean explorers essay



**ASSIGN  
BUSTER**

Question 1 Write a short summary of the facts of the case- i. e. , what happened to the spelunkers The facts of the case from judge Truepenny, C. J. The case of the Speluncean Explorers came about after five members of the Speluncean Society became trapped in a cave they were exploring after a landslide . this event occurred in May, 4299 in the Central Plateau of this Commonwealth. After they failed to return home their families notified the Secretary of the Society, who then sent a rescue team to the spot. The task of the rescue team was delayed by further landslides and the death of ten workmen.

The trapped men had in their possession a machine which was capable of sending and receiving messages. On the twentieth day they made contact with the rescue team to ask how long it would be until they were rescued and how long could they survive without food . The Physician replied it was unlikely to survive the further ten days without food. Whetmore, one of the trapped then asked if they could survive by eating the flesh of one of the member's . The Physician answered the question affirmatively but refused to say how the decision of who to eat would be made.

On the release of the men on the thirty second day it was discovered that after a throw of dice to decide who was to be eaten, Whetmore was the victim. The four remaining members were indicted for his murder. After a lengthy trial the judges found the defendants guilty of murdering Roger Whetmore and sentenced them to be hanged . (www. nullapoena. de/de/stud/explorers. html) (245 words ) Question 2 Decide which Judges' arguments convince you more: decide whether you would uphold the

convictions or overturn them. Write a short essay, in which you explain your position.

You should quote from the five judgments, pointing out strengths and weaknesses in the judge's arguments and coming to a coherent conclusion. In this essay I will discuss my views on this case, I will also point out strengths and weaknesses in the five judgments . I will explain how I feel about the conviction and other issues which arise in the case. I thoroughly agree with Judge Keen. I agree that the defendants should be found guilty because, as stated in judge Keen's judgment, the language of the statute is as follows: " Whoever shall willfully take the life of another shall be punished with death " .

I think that the defendants did " Willfully take " the life of Roger Whetmore and therefore should be convicted with murder and punished with death. I felt Judge Keen's argument was a very strong , convincing argument because he doesn't let his sympathy get in the way of enforcing the law, he says " To put it bluntly , my brothers do not like the fact that the written law requires the conviction of these defendants . Neither do I, but unlike my brothers I respect the obligations of an office that requires me to put my personal predilections out of my mind when I come to interpret and apply the law of this Commonwealth.

This proves my point about his sympathy. While mentioning sympathy I would like to point out what I would classify as an extremely weak point. Chief Justice, Truepenny said: " The statute permits of no exception applicable to this case; however our sympathies may incline us to make

allowance for the tragic situation in which these men found themselves". I think this is a weakness in his argument because he is letting his sympathy get in the way of interpreting the law. I thought Judge Foster's argument was very weak I did not agree with him and found some weaknesses in his argument.

One being he says: " It seems to me to amount to an admission that the law of this Commonwealth no longer incorporates justice. Another word for justice is Fairness but I don't think it's fair that Roger Whetmore was killed so that the defendants could live therefore in a way the Commonwealth does incorporate justice. Judge Tatting withdrew himself from the decision of this case, most people would think this was stupid, think that it's a simple black and white case when really it's not.

I think that what Judge Tatting did was wise he withdrew himself from the case because he felt he was unable to interpret the law without sympathizing with the defendants which would have made the case unfair. I did not agree with Judge Handy not only because he believes the defendants are innocent whereas I think they are guilty but also because he made the suggestion that " the court take account on public opinion. " I think he wants the court to do this because he doesn't want the burden of having to prove why he thinks the men are innocent.

I conclude that I strongly believe that the defendants are guilty and I Believe that they should be convicted of murder and all convictions should be upheld. The judges argument which has convinced me more was Judge Keen's argument and I agree with him completely . I have pointed out

weaknesses in the judges argument and I disagree with: Judge Foster and Judge Handy. I have learned that it is hard to incorporate law and justice in a case like this which was law vs. justice but I believe both Law and Justice were incorporated and I am pleased with the verdict