

**INSECURITY OF BRITISH
PROPERTY IN PERU:
IMPRISONMENT OF A BRITISH
SUBJECT: CONTEMPT OF BRITISH
AUTHORITY**

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Insecurity of British Property in Peru: Imprisonment of a British Subject: Contempt of British Authority by Henry de Wolfe Carvell

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HENRY DE WOLFE CARVELL

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INSECURITY
OF
BRITISH PROPERTY IN PERU.

IMPRISONMENT OF A BRITISH SUBJECT.

CONTEMPT OF BRITISH AUTHORITY.

BAD FAITH AND FRAUD IN THE ADMINISTRATION OF
THE LAW.

PERSECUTION ENDURED IN THE ATTEMPT TO OBTAIN
JUSTICE.

AN APPEAL

TO THE

REPRESENTATIVES OF THE BRITISH NATION

BY

HENRY DE WOLFE CARVELL.

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THE "TIMES," OF AUGUST 5, 1862.

"OUTRAGES IN PERU.

"Captain JERVIS asked the Under-Secretary of State for Foreign Affairs whether any steps had been taken to obtain from the Government of Peru satisfaction for the outrages committed against Captain Melville White and Captain Carvell.

"Mr. LAYARD said the treatment by the Peruvian Government of British subjects had been such as to call forth the most grave remonstrance on the part of her Majesty's Government. The two cases referred to by the hon. and gallant member were only examples of the unjustifiable proceedings which the Peruvian Government had taken with respect to Englishmen in Peru. Captain White had been arrested, thrown into prison, treated in the most barbarous manner, refused a statement of the charges against him, and suddenly sent out of the country. He was now preparing a statement of his case, which as soon as it was received at the Foreign Office would be acted upon by the Government and redress demanded for Captain White. Captain Carvell had had the misfortune to fall into the jaws of what must in courtesy be called a court of justice. Until the legal proceedings were exhausted, her Majesty's Government could not interfere: but the case had been referred to the law officers of the Crown, and further papers were expected from Peru. When the Government were in a position to act they would endeavour to obtain justice for Captain Carvell. Both these cases were most serious, and the House might rest assured that her Majesty's Government would insist on full reparation. (Hear, hear.)"

TO
THE BRITISH NATION,
THROUGH ITS REPRESENTATIVES
THE HOUSES OF LORDS AND COMMONS IN PARLIAMENT
ASSEMBLED.

AWARE of the value of time to those whose attention I now respectfully claim, I have condensed the statement of my wrongs into the narrowest possible compass. The narrative is precise and unvarnished.

I am confident that I shall not have appealed in vain to the constituted guardians of the honour of the British nation and the interests of Englishmen. My petition is for justice, which has been shamefully violated.

H. DE WOLFE CARVELL.

119, Westbourne-terrace, Hyde Park, London.

INTRODUCTION.

I COME forward to show that there is a case of grievous injustice—that all the temperate measures prescribed by the most eminent legal advisers have been resorted to in vain—that courts of judicature have violated the laws of two countries—that personages of exalted rank, high Government authorities, have, some from culpable indifference, others from interested motives, and others again from timidity, refused to render that even-handed justice due to all men in countries laying claim to civilisation, or thrown their weight in the scale to further iniquity and oppress the innocent.

The proofs I adduce are clear and irrefragable; they constitute a chain of evidence of striking and unbroken continuity. In all the legal proceedings that have taken place, the case has never been met on its merits, the evidence never been impugned; technical objections have alone been resorted to in pursuance of the too obvious design to obstruct the course of justice.

Though the corroborative proofs and explanatory incidents connected with my case require to be given at length, the facts themselves are simple enough, and may be embodied in a few words. An Englishman empowered by the laws of his own country to execute in a foreign land a sacred mission, and acting in all things in accordance with the laws of

that land, is plundered by individuals, deceived by the Government, denied justice by the tribunals, and sentenced to imprisonment in a dungeon destined to prove his tomb.

That wrongs such as these should entitle him to the protection of his own Government, to the satisfaction and redress which no civilised Government fails to demand when the rights of its subjects are infringed, their liberties attacked, their property spoiled, and their lives jeopardised, would seem the natural conclusion. Yet, though during eighteen weary months, at every fresh injustice, at every new outrage, I have appealed to the Home Government, thus far I have done so in vain. The reasons for this seeming neglect of the interests of a British subject must be sought in the apathy of its representatives abroad, and in the unblushing misrepresentations of the Peruvian Government. The narrative I now present of the succession of iniquities practised on one side, and of the tame policy with which they were looked upon on the other, will convince the reader that the long-sufferance of the Home Government in so flagrant a case of denial of justice can be attributed to two causes only—viz. the inefficient manner in which the case has been presented, and the facility with which the *ex parte* statements—statements totally unsupported by proofs, and contradicted on all points by the documentary evidence I adduce—have been accepted. Not satisfied with a denegation of law and justice which is without precedent in Europe, the Executive and Judicial authorities in Lima, through the instrumentality of the Peruvian Minister in London, have actually changed the respective positions of the parties in this strange case, charging me with seeking by subterfuges and evasions to avoid the decision of the suit, and thus occasioning the very delay, and the spirit-crushing, heart-sickening vexations of every description I have endured!

Had I succumbed, England would perhaps have taken signal vengeance on my murderers. That I have survived to relate my wrongs seems almost taken as a proof of their

insignificance! But even were the result of my protracted sufferings other than it unfortunately is, it could not affect the merits of the case. Whether my life was sacrificed, or merely shortened—my health injured for ever, or only for a time—can neither strengthen or weaken my claim. The question is one of denial of justice, not one of vengeance.

Only those who have a knowledge of the unscrupulous duplicity and low cunning of Peruvian officials can form an approximate idea of the value of a despatch emanating from them to a Foreign Government in vindication of their evil practices, and my case affords no solitary instance of the readiness with which their falsehoods have been accepted. The following may be cited among many others :

Thomas Melville White, a British subject, was seized in Callao, there brutally handled, taken thence to Lima, and thrown into the ancient prison of the Inquisition, where he remained "incomunicado" for several days. By some stratagem, he contrived, however, to communicate his position to some one outside, and, although things of this kind were of such frequent occurrence that people had learned to regard them with apathetic indifference, the knowledge that a British subject was confined in that loathsome den created some indignation among his countrymen resident in Lima. On learning the rumours afloat, I resolved to ascertain the particulars. I went with a friend to the prison, but was refused admittance, the only reply to our inquiries being that they must be addressed to Judge Ponce. We left our cards, desiring they should be given to the Englishman confined within the walls. After innumerable difficulties we finally obtained, through the Peruvian Minister for Foreign Affairs, an order to see our countryman. When Judge Ponce found he could no longer keep the prisoner "incomunicado," *i.e.* in solitary confinement, he permitted his removal to a cell less filthy than the one in which he had first been placed, but even this was the most horrible it has ever been my lot to behold. Human life must be counted by hours in such a place.

In that cell another Englishman, James Edwards, was murdered; and there, too, was I doomed subsequently to be sent by Judge Gamboa. Yet in the face of the well-known fact, that White had been lodged for days in this loathsome den, the Peruvian Minister for Foreign Affairs, in a despatch to the British Minister rebutting the charge of ill-treatment of White, boldly asserted that, when first imprisoned, he was placed in a *large, airy apartment, and supplied with everything necessary to his comfort*. I can describe the cell and the prisoner's occupation on my being admitted to him.

A dungeon seven feet by nine, damp stone walls, a wet stone floor; not an article of furniture of any kind, save a rusty iron pan, alongside of which was Melville White on his knees, eating with his fingers the dirty-looking rice it contained. This pan was absolutely the only article in the cell. White was haggard, wan, and labouring under an excitement, from which he was relieved at last by a passionate flood of tears.

The cell in which he had first been confined baffles description.

We at once went to purchase a bedstead, bedding, chairs, a table, a lamp, and such other articles of necessity as could render his situation more endurable.

Notwithstanding these facts, of which there is ample proof, the Peruvian Minister made the assertion above-mentioned.

Some four or five weeks after the arrest of White, a Peruvian official came to me one evening privately, and stated that information had that day been received from Tacna, that White was *there* on the day he was charged with firing at General Castilla, that the Government was annoyed and fearful of getting into trouble in consequence of the infamous manner in which an innocent man had been treated. On my remarking that he would of course be at once released and adequately compensated for the sufferings he had endured, my informant replied that the