

LITERARY COUNTERFEITS.

It appears from the following, that some ingenious scribblers in England, have written and palmed upon the world an imitation of Lord Byron's poems as identical works of that author. Though some passages of the spurious works (which have been republished here) are absurd and prosaic, yet others are truly poetical and sublime.

LAW REPORT.

Court of Chancery. (London) Nov. 28.
BYRON v. JOHNSON.

Sir Samuel Romilly stated that this was a bill filed by the plaintiff, Lord Byron, against the defendant, a bookseller in Cheapside and Oxford-street; and prayed that the Lord Chancellor would grant an injunction to restrain the defendant from publishing certain poems which he had advertised as the works of the plaintiff, but to which the plaintiff was as much a stranger as any person in that court. On the 13th of November instant, the defendant caused the following advertisement to be inserted in *The Times* journal:—
"Lord Byron. A short time ago we little anticipated the pleasure of announcing a new work from the pen of this noble and justly admired author, which is this day published, uniform with his other works, price 5s. 6d. entitled, *The Right Hon. Lord Byron's Pilgrimage to the Holy Land*. To which is added, the poem of the *Tempest*. Printed for J. Johnson, 98 Cheapside and 335 Oxford-street." On the same day, the defendant published another advertisement in a morning paper in these words:—
"Lord Byron. On the 16th inst. will be published, uniform with the noble author's former works, the *Right Hon. Lord Byron's Pilgrimage to the Holy Land*. To which is added, the *Tempest*. Printed for J. Johnson, 98 Cheapside and 335 Oxford-street; and sold by all booksellers.—Of whom may be had, by the same author, a new addition (the third price 5s. 6d. Farewell to England; with three other poems, viz. *Ode to St. Helena*, to my Daughter on the morning of her Birth, and to the *Lily of France*." As soon as these advertisements appeared, Mr. Murray of Albemarle-street, convinced that they were no less impositions on the public than injurious to himself, drew up the following statement, which appeared in a morning paper of the 16th inst. "Lord Byron. The public are respectfully informed, that the poems lately advertised under the titles of *Lord Byron's Pilgrimage to the Holy Land*, &c. are not written by Lord Byron. The only bookseller at present authorised to print Lord Byron's poem is Mr. Murry, to whom Lord Byron has lately sent, from the continent, two new works entitled, 1. *A third Canto of Childe Harold*; and 2. *The Prisoner of Chillon*, &c. both of which will be published (price 5s. 6d. each) on Sunday 23d. inst." On the same day, however, the defendant, either apprised of Mr. Murray's intention, or naturally concluding that some such measure would be adopted, caused the following advertisement to be published in the same paper:—
"Lord Byron.—The publisher of the *Right Hon. Lord Byron's Pilgrimage to the Holy Land*, together with the *Tempest*, begs to say that it will be ready for delivery on Wednesday next, price 5s. 6d. uniform with the noble author's former works. He likewise takes this opportunity of informing the public, lest they may be misled, that the copyright of this work was assigned to him exclusively by the noble author himself, and for which he gives him five hundred guineas.—98, Cheapside, and 335, Oxford-street."

Now, (said the learned Counsel) Lord Byron not being here, it is impossible for me to produce any affidavit of his Lordship that he is not the author of these poems; but I can produce another affidavit to that effect, which, at least must place the defendant under the necessity of showing, by his own affidavit, that Lord Byron is the author, and that he gave his Lordship five hundred guineas for them. Mr. Seroupe Davis, an intimate friend of Lord Byron, and who was with him abroad, has lately returned to this country with three poems, for which Mr. Murray gave his Lordship 3000l. and Mr. Davis is quite satisfied that Lord Byron never wrote any of the poems which the defendant has thought proper to advertise. Mr. Davis has been in the habit of conversing with his Lordship in the most confidential manner; he has frequently conversed with him on the subject of money received for the copyright of his works, and never heard that the noble Lord had written any such poems. Mr. Murray's affidavit stated that Lord Byron had often proposed several poems to him, and that he had several times paid his Lordship 3000l. for copyright; but he never heard his Lordship speak of such subject as the *Pilgrimage*, or the *Tempest*, and he verily believed that the defendant's advertisements were published without the consent or knowledge of the plaintiff, that the plaintiff is

not the author of those works, and that the publication thereof is an injury to him, as he gave 2000l. to his Lordship for the two poems which he has recently published in full faith that he was to be the only publisher of his Lordship's productions. The learned counsel then stated that an *ex parte* application had been made to the Vice-Chancellor to restrain the defendant from publishing those poems, but his Honor thinking that there were no person who could swear positively that his Lordship was not the author, notice ought to be given to the defendant. Accordingly notice had been given, and therefore if the defendant had thought proper to advertise to all the world that he had paid the money mentioned in his advertisement, and now refuse to swear to that fact, it was to be hoped that his Lordship would see sufficient grounds to grant the injunction.

Mr. Shadwell followed on the same side. He observed, that whatever might be thought of the reputation of Lord Byron as a poet, (tho' he believed, no adequate judge would venture to question his merits,) it was undeniable that his Lordship was at least a correct scholar. But what was the character of the poems which the defendant had been insolent enough to publish to the world in his Lordship's name? They manifested, indeed, a total ignorance of the English language, as must be evident from the following extracts: In the *Pilgrimage to the Holy Land*, canto 1, stanza 3, the poet, whoever he might be, introduced this grammatical line,—
"And live there *him*—on continent or Isle," which correct and elegant diction was strongly confirmed by another line in canto 2, stanza 1—"Oh! sail there *him* down life's unfruitful deep." So much for the poet's knowledge of his vernacular tongue. But then Lord Byron was well acquainted with the Latin Language, and of course could not mistake its poetical quantities; yet, what said the author of *The Pilgrimage*, on this head? In canto 2, stanza 2, he tells his readers, that—
"The joyous schooner bounds before the wind,
"And leaves old Nile and *Canopus* behind."

This, no doubt, was admirable enough, but it was still surpassed by another line, where he sings of "The Lethæan stream," and, certainly, if any person could produce an authority in any Latin composition, where Lethæus was used as a dætyl, there could exist no doubt that Lord Byron was the author of this poem. But after all, what is this compared to the enchanting lines in *The Tempest*, where the burthen of the song is "a *Friendly Leech*?"
"The wandering Greeks had left the spot,
All save that leech—why went he not;
Did pious pity hold him there,
To soothe the parting soul with prayer?
No! 'twas that deep, that stifled sigh,
And the side glance from that wild eye,
Which held with more than pity's chain,
And made that friendly leech remain,
But oft upon the index stone
That friendly leech would sit alone;
And though the storm would buffet him,
And drenching rains soak every limb,
He recked not—On his dying couch,
He told strange tales, which some can vouch,
Which made the started eye-ball glare,
And 't'rifery the stiffening hair,
Of deeds of hell—but they have sped—
God rest the souls of all the dead."

A noble line, and worthy of the conclusion of such a poem! But to speak seriously; will any one of these poems exhibit such a treat of scholarship that would be injurious to Lord Byron if they were suffered to go into the world as his productions? After that thundering advertisement of the defendant, that Lord Byron was the author, and that he had paid his Lordship 500 guineas for the copyright, it was to be expected that the defendant would swear positively to those facts; but what had he done? He had merely taken a technical objection to the bill, that no place of residence was assigned to Lord Byron, and he believed that Lord Byron was abroad. If the defendant, however, had any doubt that this bill was filed by his Lordship, most ample security would be immediately given for the costs.

Mr. Leech, on the part of the defendant, contended, that he was not called upon to answer to the allegations of this bill. It would require some authority to satisfy his Lordship that the court of chancery sat there to vindicate the poetical or literary character of any man. The court, no doubt, would protect his pecuniary interest; but all that the bill said, was, that the poems were published without Lord Byron's knowledge, and that his reputation as a poet would be injured, by such publication. It was evident, indeed, that Lord Byron's reputation could not be injured by these poems, since Mr. Shadwell had told the court they were so contemptible, that no one could believe them to be his Lordship's works. Upon the merits too, it was necessary to look at the form of this motion. Upon what ground could his Lordship be called upon to restrain

the publication of works which were declared not to be the works of Lord Byron? But this bill was not the bill of Lord Byron; it was the bill of some friend here, and had that friend satisfied the court, that there was sufficient ground to call for any answer at all? Could a bill be filed in the name of an absent person, and was it enough to call upon the defendant to answer it in a court of justice, because an individual said, I had some conversation with Lord Byron four months ago, and he never told me that he intended to publish such poems. Nothing would be more absurd; for any one acquainted with the literary world must know, that nothing was more common, than for an author to conceal his name until he saw what success attended his works. The defendant, indeed, had not gone into the merits, but had filed an affidavit, that Lord Byron was abroad, for the purpose of calling on the court to protect him against the costs.

Sir Samuel Romilly, in reply, observed, that a person abroad might certainly file a bill, and the residence of Lord Byron was immaterial, as there could be but one person in the world who was entitled to that appellation. As to the objection that this was not a matter of pecuniary interest, suppose all the pecuniary interest were out of the question, (which was not the case,) the court would interfere to prevent any person from injuring the reputation of another. To cite examples to his Lordship was almost unnecessary; but did not Mr. Pope procure an injunction to restrain Cud. the bookseller from publishing his letters? Did not Dr. Paley's executors obtain an injunction to prevent the publication of some of his sermons? Yet what pecuniary interest could they have? Another instance was that the executors of the great Lord Chesterfield, who obtained an injunction to restrain the publication of certain letters to his son, which he never intended for the public eye; but the injunction was obtained too late to prevent the publication. There could be no doubt that the court would protect the character of an individual against works which he never published. Mr. Leech had said these poems were so contemptible, that they could not injure the reputation of Lord Byron; but the defendant was the only person who could not use that argument, as he had assured the public that he received them from his Lordship, that he had paid him a valuable consideration for them. The silence of the defendant was conclusive that they were not Lord Byron's works; the defendant had the opportunity of proving the truth of his assertions, and he had not availed himself of it. It was argued, indeed, that Lord Byron himself did not file this bill; but an affidavit could be procured to show, that his Lordship had given a general authority to file a bill in his name, in case such spurious productions should be published as his works.

The Lord Chancellor.—I think the Vice-Chancellor was very right in not granting an injunction without notice to the defendant.—The question now is, whether an injunction should be granted, after such notice has been given. I suppose Mr. Shadwell meant his speech should operate as an injunction, and so it may, but I have nothing to do with that.—One objection to the injunction is, that it is put off the loss of character; but I must suppose there is a pecuniary interest also, since Mr. Johnson himself has said, that he gave 500 guineas for these poems. Mr. Johnson, however, has had an opportunity of proving the truth of his assertions, and he has not made use of it. Lord Byron must, therefore, give security for the costs of this bill, and I think that an injunction must be granted. Mr. Leech has certainly done every thing he could for his client, but he has not satisfied the court that the injunction ought not to be granted. Let the defendant, therefore be restrained from publishing these poems.

SOUTH AMERICA.

Spanish Official Account of the Attack on Barcelona.

From the Caracas Gazette, of 26th February 1817.

The operations of the army, from the 6th to the 10th February, are contained in the following dispatch of General Real, commanding the army of operation of the east, to his excellency the captain general.

After a difficult march from the cantons of Orituco and Chaguanaras, with a scarcity of water and provisions, I arrived on the 6th inst. at Pillar, where I received information of the situation of the enemy in Barcelona. From persons worthy of credit, I learned that Bolivar, with 1000 men, armed with arrows and fire arms, had fortified himself in a convent, where he had mounted six pieces of artillery, one of 16, two of 12, two of 8 and one of 6, supplying himself with provisions for a long siege.

least in my operations.—At 5 in the morning of the 7th, I marched to Juncal, where I encamped, and joined the division of Clarines, and at 12 at night, I marched on the city.

At sun rise, after uniting the column of chasseurs and the division of Clarines, commanded by colonel Bansa, I directed them to take possession of the bridge, which separates the city from the suburb called Portugal, with the design of intercepting the communication with Marino, and of observing him at the same time, in case he should approach, as I repeatedly understood he intended.

Whilst this officer and colonel Gimex resisted the constant attacks and efforts made by the enemy to recover the bridge, I attacked them on the opposite side of the city, and succeeded in driving to their strong position, such of the inhabitants as had marched out to interrupt us. A firing was kept up during the day, and the rebels were repulsed in every attempt; and I am persuaded, that had they not been so well fortified with rum, as some prisoners confessed, that they would not have been so obstinate in their attacks. Having reconnoitred to my satisfaction, the position of the bandits, I made dispositions to join Bansa with the rest of the army, and at 2 o'clock I marched, until I approached his left flank, at the same time directed colonel Uveiziete with two companies of Granada, and three of his corps, to enter the city, and to enclose the enemy anew. This was performed, and my expectations were realized.

The small loss sustained by the army, as exhibited by the annexed statement, is in a great measure to be ascribed to the ardor of the troops. Each corps had admired the conduct of the others. The loss of the enemy will exceed 300, in killed, wounded and missing.

Notwithstanding, that my designs were accomplished, I wished to make a last stratagem, to draw the enemy from their position. In order thereto I made dispositions for a retreat to the neighborhood of the place, where I remained some hours; but observing their prudent conduct, and obliged by the scarcity of provisions, and the fatigue of the troops, I proceeded to Juncal, where I encamped and remained until 12 o'clock of the following day with the same design; but not having observed him to make any movement, I returned to Pillar, and cantoning the division of Clarines at Fintu, I await cannon to batter the edifice fortified by the rebels, with a certainty, that on obtaining them, their destruction is the work of but a few moments. Your excellency may be assured, that if I had had the fortune to meet with our squadron on the coast, and it would have assisted me with a few pieces of large calibre. Bolivar, with all his defenders, would have been at this moment in my power.

When the chief of the staff marched to possess himself of the mouth of the river, an unavoidable misfortune happened to the women, who were embarking; as four insurgent privateers, keeping up a heavy fire, caused many to perish.

Here follows a detail of the services rendered by, and compliments to particular officers. Number of killed, wounded and missing in the affair of the 8th. 13 killed, 50 wounded, 6 missing—total 69.

In consequence of these operations, says the Caracas Gazette, the city of Barcelona remains blockaded from the 10th, by all the roads, excepting that of Cumana. On the 12th, the royal squadron, which was returning to Cumana, attacked 4 vessels, which it encountered near the port of Barcelona, cannonaded them, and pursued them so closely, as compelled some of them to ground. The squadron then proceeded to Cumana, from whence it will shortly return.

The Gazette of the 5th March, says, on the 26th February, the squadron returned from Cumana, with the artillery required. On the 27th, the active chaceon caused the Conejo, a beautiful pilot boat, grounded on the 12th, to be raised; and finding her not much injured, has determined to arm her. The rebels presented themselves on the shore to impede this operation, but a few cannon shot caused them to disappear. The forces of the royal squadron are in possession of the Moro, and the vessels anchored before it.

On the 14th February, General Morillo was at the village of San Fernando, and would shortly be in the town of Calaboza.

KROSTON, (JAM) March 17.

Recent advices from Cumana state, that Gen Marino, with an independent force, had taken that town on the sixth ult, after a loss of between four and five hundred men. Before the attack, Marino sent a flag of truce to the royal garrison, stating that if they would surrender, they should be treated as prisoners of war, and allowed four hours for an answer. Gen. Prado said the answer did not require four minutes consideration, and that they would not surrender. The attack, upon receiving this reply, immediately commenced; when, after a severe contest, the indepen-