

[JAMES MCNEILL WHISTLER (1834–1903), the son of a U. S. Army engineer, studied drawing at the Imperial Academy of Fine Arts in Petrograd when his father directed the construction of the Russian railways. Whistler failed at West Point, then worked for a year as an engraver of charts and maps for the U. S. Coast and Geodetic Survey in Washington. There he learned to etch and developed his dexterity and skill as an engraver. He decided to be a painter and went to Paris, entering Gleyre's studio in 1855. Fellow students, Fantin-Latour and Bracquemond, called his attention to Lecoq de Boisbaudran's methods for training the visual memory. Lecoq, an artist and a teacher, had published a pamphlet, *The Training of the Memory of Art* in 1847. This pamphlet was much studied by artists who were dissatisfied with academic teaching methods for it taught the steps in memory training and how "to seize on the essential points of everything." Whistler developed an enthusiasm for Japanese art, which depicted essentials in quaint patterns, when prints were first shown at the Paris Exposition Universelle of 1855 by a syndicate from Holland, the only nation admitted at the time to Japanese ports.

Whistler's first enthusiasm was for the realism of Courbet, but he soon repudiated all realism related to socialism or local color. He elected to paint atmospheric reality. He sought an arrangement of color and light that would be a valid imitation of an appearance of nature. To such an impression, free from any literary content, Whistler assigned the title "Symphony" or "Nocturne."

In 1859 Whistler established himself in London and, except for painting excursions to the continent, lived there forty years to effect by his wit and artistic talent a revolution in English painting. His first picture, "At the Piano," was accepted at the Royal Academy in 1860. His portraits were "Arrangements" of tones and curvilinear designs on a flat background containing rectangular shapes. His "Symphony in White, No. 1," called by the public "Dame Blanche," was a sensation at the Salon des Refusés in 1863. It contained qualities found in Japanese art combined with Whistler's color and design in

which the description of personality is discovered in the color harmonies. His portraits are unnamed, for he held the public was not interested in their identity.

Turning his talent in the 1870s to the representation of landscape, Whistler created his pictures from memory in a chosen color harmony, and exhibited them as "Nocturnes." To the public accustomed to "reading" a story, and often a moral, in a picture, this was an affront, as Ruskin asserted. The famous libel suit which resulted won Whistler one farthing in damages and ruined him financially. He left London for a year in Venice, where he took up etching again. His book, *The Gentle Art of Making Enemies* (1893), was widely circulated and is his account of the episode.

His "Ten O'Clock Lecture," delivered and published in 1885, set forth his attitude on the nature of the artist and made him a leading spokesman of the "art for art's sake" group. Whistler asserted that the artist has no relation to the time in which he lives. The artist concerned with art for the sake of art leads two lives, one in the real world and the other in his fascinating world of art. The *Lecture* was translated by Stéphane Mallarmé and was widely read. Although Whistler moved to Paris in 1892, and was admired by J. Huysmans, the majority of French writers have ignored him as a forerunner of Post-Impressionism, and do not acknowledge his ascendancy over the British artists, or his contribution in bringing the art of the two countries together.

SEE: A. J. Eddy, *Recollections and Impressions*, Philadelphia, 1903.]

#### *ACTION FOR LIBEL AGAINST MR. RUSKIN<sup>1</sup>*

Yesterday morning the trial of an action for libel in which Mr. James Abbott M'Neill Whistler, an artist, seeks to recover damages against Mr. John Ruskin, the well-known author and art critic, was commenced in the Exchequer Chamber, before Baron Huddleston and a special jury. The case excited great interest, and the court was crowded throughout the entire day; even the passages to the court being filled.

Mr. Serjeant Parry, in stating the case to the jury, said the

<sup>1</sup> Quoted from *The Daily News*, London, Tuesday, November 26, 1878.

plaintiff had followed the profession of an artist for many years both in this and other countries. Mr. Ruskin, the defendant, was a gentleman well known to all of them, and he held perhaps the highest position in Europe or in America as an art critic. Some of his works, he thought he was not wrong in saying, were destined to immortality, and it was the more surprising, therefore, that a gentleman holding such a position could traduce another in a way which would lead that other to come into a court of law to ask for damages. He thought the jury, after hearing the case, would come to the conclusion that a great injustice had been done. Mr. Whistler was born in America. For many years his father was an eminent military engineer, and in that capacity he was engaged to construct a railway for the Russian Government. Mr. Whistler, the plaintiff, therefore resided in Russia, after which he followed his profession in France and Holland, and in the United States he had earned a reputation as a painter and an artist. Mr. Whistler, however, was not merely a painter, but was an etcher or engraver, and he had achieved considerable honours in that department of art. The gold medal was awarded to him at Amsterdam, and his works were exhibited both in the British Museum and at South Kensington. He had been for many years in this country exhibiting his works. He had also exhibited in France, in which country he was the pupil of a well-known painter. He was, in fact, a gentleman who for years had devoted himself to art and had endeavoured to live by that profession. In the summer of 1877 he exhibited several pictures at the Grosvenor Gallery. He also exhibited in the Dudley Gallery, and altogether he had been an unwearied worker in his profession, always deserving to succeed, and if he had formed an erroneous opinion even, he should not have been treated with contempt and ridicule by Mr. Ruskin. He ought rather to have been treated with the highest respect. Mr. Ruskin edited a publication called "Fors Clavigera," which had a large circulation amongst artists and art patrons. In the July number of 1877 there appeared a criticism of many matters besides art, but on the subject of art he first criticised in general terms what he called the modern school, speaking in complimentary terms of Sir Coutts Lindsay, and referring to Mr. Burne-Jones as an artist, after which came the paragraph which was the defamatory matter complained of, and which ran as follows:—"Lastly, the mannerisms and errors of these pic-

tures (meaning some pictures by Mr. Burne-Jones), whatever may be their extent, are never affected or indolent. The work is natural to the painter, however strange to us; and it is wrought with utmost conscience and care, however far, to his own or our desire, the result may seem to be incomplete. Scarcely so much can be said for any other pictures of the modern schools; their eccentricities are almost always in some degree forced; and their imperfections gratuitously, if not impertinently, indulged. For Mr. Whistler's own sake, no less than for the protection of the purchaser, Sir Coutts Lindsay ought not to have admitted works into the gallery in which the ill-educated conceit of the artist so nearly approached the aspect of wilful imposture. I have seen and heard much of cockney impudence before now, but never expected to hear a coxcomb ask 200 guineas for flinging a pot of paint in the public's face." Mr. Ruskin pleaded that the alleged libel was privileged as being a fair and bona fide criticism upon a painting which the plaintiff had exposed to public view. He submitted that the terms in which Mr. Ruskin had spoken of the plaintiff were unfair and ungentlemanly, and that they were calculated to, and had done him considerable injury, and it would be for the jury to say what damages the plaintiff was entitled to.

Mr. Whistler was then called, and he said—I am an artist and was born in St. Petersburg. My father was the engineer of the St. Petersburg and Moscow Railway. After leaving Russia I went to America, and was educated at West Point. I came back to England in 1865, or 1866. I resided in Paris for two or three years, and studied with M. Glare [Gleyre]. After leaving Paris I came to London, and settled here. While I have been in London I have continually exhibited at the Academy. The last picture I sent to the Academy was a portrait of my mother. The first picture that I exhibited in England, called "At the Piano," I sold to Mr. Phillips, R.A. Since then I have exhibited "La Mère Gerard," "Wapping," "Alone with the Tide," "Taking down Scaffolding at Old Westminster Bridge," "Ships in the Ice on the Thames," "The Little White Girl," and many others. I have also exhibited in Paris. These pictures were painted by me, as an artist, for sale. Subsequently to this I exhibited pictures in the Dudley Gallery. I have been in the habit of etching. A number of my etchings were exhibited at the Hague, and I received a gold medal for them, which was the first intimation I had that they were

there. There is a collection of my etchings in the British Museum. It is not complete. There is also a collection at Windsor Castle, in her Majesty's library. I exhibited eight pictures in the summer of 1877 at the Grosvenor Gallery. No pictures are exhibited there but on invitation. I was invited by Sir Coutts Lindsay to exhibit. The first was a "Nocturne in Black and Gold,"<sup>2</sup> the second a "Nocturne in Blue and Silver," the third a "Nocturne in Blue and Gold," the fourth a "Nocturne in Blue and Silver," the fifth "An Arrangement in Black" (Irving, as Philip the Second), the sixth "A Harmony in Amber and Black," the seventh "An Arrangement in Brown." And, in addition to these, there was a portrait of Mr. Carlyle. That portrait was painted from sittings which Mr. Carlyle gave me. It has since been engraved, and the artist's proofs, or the mass of them, were all subscribed for. All the Nocturnes but one were sold before they went to the Grosvenor Gallery. One of them was sold to the Hon. Percy Wyndham for 200 guineas, the one in blue and gold. One I sent to Mr. Graham in lieu of a former commission, the amount of which was 150 guineas. A third one, blue and silver, I presented to Mrs. Leyland. The one that was for sale was in black and gold. I know the publication called *Fors Clavigera*. I believe it has an extensive sale.

Since the publication of this criticism have you sold a nocturne?—Not by any means at the same price as before.

What pictures have you been able to get to-day for inspection of those that were in the Grosvenor Gallery?—The pictures of "Irving, as Philip the Second," and "Thomas Carlyle." I could obtain no more.

Is the one sold to Mr. Wyndham here?—I expected it, but a telegram has come saying it could not be lent.

Is the picture of "Irving, as Philip the Second" a finished picture?—It is a large impression—a sketch; but it was not intended as a finished picture. It was not exhibited as for sale. There were no paintings exhibited for sale but the Nocturne in black and gold.

What is your definition of a Nocturne?—I have, perhaps, meant rather to indicate an artistic interest alone in the work, divesting the picture from any outside sort of interest which might have been otherwise attached to it. It is an arrangement of line, form, and colour first; and I make use of any incident

<sup>2</sup> [See Plate 50.]

of it which shall bring about a symmetrical result. Among my works are some night pieces; and I have chosen the word Nocturne because it generalises and simplifies the whole set of them.

Cross-examined by the Attorney-General—I have sent pictures to the Academy which have not been received. I believe that is the experience of all artists. I did not send any of those which were exhibited in the Grosvenor Gallery. The nocturne in black and gold is a night piece, and represents the fireworks at Cremorne.

Not a view of Cremorne?—If it were called a view of Cremorne, it would certainly bring about nothing but disappointment on the part of the beholders. (Laughter) It is an artistic arrangement. It was marked 200 guineas.

The Attorney-General—What was the "Arrangement in Amber and Black?"

Witness—It was a young lady in an amber dress with a black ground. The "Arrangement in Brown" was similar. These were impressions of my own. I make them my study. I suppose them to appeal to none but those who may understand the technical matter. I did not intend to sell the "Harmony in Amber and Black." The "Arrangement in Brown" was also the portrait of a lady. I have not got the "Harmony in Amber and Black." I painted that one. I believe that the "Arrangement in Brown" is here. I had made arrangements for the various pictures being shown at the Westminster Palace Hotel.

I suppose you are willing to admit that your pictures exhibit some eccentricities; you have been told that over and over again?—Yes; very often. (Laughter.)

You send them to the Gallery to invite the admiration of the public?—That would be such vast absurdity on my part that I don't think I could. (Laughter.)

Did it take you much time to paint the "Nocturne in Black and Gold," how soon did you knock it off? (Laughter.)—I knocked it off possibly in a couple of days—one day to do the work, and another to finish it.

And that was the labour for which you asked 200 guineas?—No; it was for the knowledge gained through a lifetime. (Applause.)

Mr. Baron Huddleston said that if this manifestation of feeling were repeated, he would have to clear the court.

Cross-examination resumed—You don't approve of criti-

cism?—I should not disapprove in any way of technical criticism by a man whose life is passed in the practice of the science which he criticises; but for the opinion of a man whose life is not so passed I would have as little opinion as you would have if he expressed an opinion on law.

You expect to be criticised?—Yes, certainly; and I do not expect to be affected by it until it comes to be a case of this kind.

Cross-examination continued—What was the subject of the “Nocturne in Blue and Silver” given to Mr. Graham?—A moonlight effect near Old Battersea Bridge.

What has become of the “Nocturne in Black and Gold”?—I believe it is before you.

You have not sold it?—No; but I have deposited it.

You can get it?—It would be very difficult. I believe you have it. (Laughter.)

The Attorney-General proposed to show to the jury the “Nocturne in Blue and Silver.” . . .

The picture called the “Nocturne in Blue and Silver” was then produced in court.

Cross-examination resumed—That is Mr. Graham’s picture, and is the “Nocturne in Blue and Silver.” It represents Battersea Bridge by moonlight.

Baron Huddleston—Is this part of the picture at the top old Battersea Bridge? (Laughter.)

Witness—Your lordship is too close at present to the picture to perceive the effect which I intended to produce at a distance. The spectator is supposed to be looking down the river towards London.

The prevailing colour is blue?—Yes.

Are those figures on the top of the bridge intended for people?—They are just what you like.

That is a barge beneath?—Yes. I am very much flattered at your seeing that. The thing is intended simply as a representation of moonlight. My whole scheme was only to bring about a certain harmony of colour.

How long did it take you to paint that picture?—I completed the work of that in one day after having arranged the idea in my mind. . . .

Re-examined by Mr. Serjeant Parry—I have also painted the portrait of Mr. Carlyle, and a picture of a young lady, which have not been exhibited in the Grosvenor Gallery. Besides those portraits I have produced one other nocturne pic-

ture. The picture of Philip is a mere sketch unfinished. There is another picture which was at the Grosvenor called “A Variation in Flesh Colour and Green.” There is another representing the sea-side and sand, called “Harmony in Blue and Yellow.” The “Nocturne in Black and Gold” was the one to which Mr. Ruskin alluded. This subject of the arrangement of colours had been a life study to my mind. The pictures are painted off generally from my own thought and mind. Sketching on paper is very rare with me.

Do you conscientiously form your idea, and then conscientiously work it out?—Certainly.

And these pictures are published by you for the purpose of a livelihood?—Yes.

Your manual labour is rapid?—Certainly.

At this stage of the proceedings the court adjourned for luncheon, and for the purpose of enabling the jury to see the pictures in the Westminster Palace Hotel.

The jury having returned into court, the “Nocturne in Black and Gold” was produced.

By the Attorney-General—This is Cremorne?

(Laughter.)—It is a “Nocturne in Black and Gold.”

How long did it take you to paint that?—One whole day and part of another. That is a finished picture. The black monogram in the frame was placed in its position so as not to put the balance of colour out.

You have made the study of art your study of a lifetime. What is the peculiar beauty of that picture?—It would be impossible for me to explain to you, I am afraid, although I dare say I could to a sympathetic ear.

Do you not think that anybody looking at that picture might fairly come to the conclusion that it had no peculiar beauty?—I have strong evidence that Mr. Ruskin did come to that conclusion.

Do you think it fair that Mr. Ruskin should come to that conclusion?—What might be fair to Mr. Ruskin I can’t answer. No artist of culture would come to that conclusion.

You offer that picture to the public as one of particular beauty as a work of art, and which is fairly worth 200 guineas?—I offer it as a work which I have conscientiously executed, and which I think worth the money. I would hold my reputation upon this as I would upon any of my other works.

Re-examined by Mr. Serjeant Parry—That picture was painted not as offering the portrait of a particular place, but

as an artistic impression which had been carried away. Many of my works are sketches of scenes on the Thames. I live on the Embankment.

Mr. William Michael Rossetti<sup>3</sup> called and, examined by Mr. Serjeant Parry, said he had been connected with literature and art since 1850, and had from time to time been engaged in art criticism. He knew both plaintiff and defendant. He had seen the picture called "Black and Gold." He was aware of the nomenclature of Mr. Whistler's pictures, and he appreciated its meaning. He criticised the pictures in the exhibition of 1877 in the Grosvenor Gallery, and he had a knowledge of Mr. Whistler's other pictures generally.

What judgment have you formed upon them?—If I am to take that picture—the pale picture—I consider it an artistic and beautiful representation of a pale but bright moonlight.

Baron Huddleston—That is the blue and silver Nocturne, Mrs. Leyland's picture.

Serjeant Parry—Then take the other one—the other blue and silver. To that I apply nearly the same observation. The "Nocturne in Black and Gold" is an effort to represent something of an indefinite kind. Being a representation of night, it must be indefinite. It represents the darkness of night mingled with and broken by the brightness of fireworks.

What was your judgment of the works in the Grosvenor Gallery exhibited by Mr. Whistler?—Taking them altogether, I admired them much, but not without exception.

Do you, or do you not, consider them the works of a conscientious artist desirous of working well in his profession?—I do, decidedly.

By the Attorney-General—I do not myself paint; but I have been in the habit of writing out criticisms, and I have occasionally written severe criticisms. My criticism appeared in the *Academy*. I know Mr. Ruskin personally. He is a man much devoted to art, and has written much upon it. He is the Slade Professor of Fine Arts in the University of Oxford.

What is the peculiar beauty of the "Nocturne in Black and Gold"—the representation of the fireworks at Cremorne; is it a gem? (Laughter.)—No.

Is it an exquisite painting?—No.

<sup>3</sup> [A brother of the painter and poet, Dante Gabriel Rossetti, who was responsible for the publication of the pre-Raphaelite Brotherhood, *The Germ*. See page 132.]

Is it very beautiful?—No.

Is it eccentric?—It is unlike the work of most other painters.

Is it a work of art?—Yes, it is. It is a picture painted with a considerable sense of the general effect of such a scene as that, and it is painted with a considerable amount of manipulative skill.

Has there been much labour bestowed upon it?—No.

Two hundred guineas is a stiffish price, is it not, for a picture of that kind?—I don't know that I am called upon to express any opinion on that point.

The Attorney-General—I call upon you to do so.

The witness appealed to Baron Huddleston, who thought the question ought to be answered.

The Attorney-General—Is 200 guineas a stiffish price for a picture like that?

Witness—I think it is the full value of the picture. (Laughter.)

Do you think it is worth that money?—Yes.

And would you give that for it?—I am too poor a man to give 200 guineas for any picture.

By Mr. Serjeant Parry—Mr. Ruskin has, I believe, severely criticised the works of other artists. I adhere to the opinion I have stated as to the two lighter pictures. I do not look on the other, the darker picture, as an indifferent picture.

Mr. Albert Moore, called and examined by Mr. Petheran, stated—I am an artist. I have seen most of the picture galleries in Europe. I have studied in Rome, and have followed my profession in London for 15 years. I have had my pictures in the Academy and in the Grosvenor Gallery. I have known Mr. Whistler for 14 years. I have seen the pictures which have been produced here to-day. The two pictures produced, in common with all Mr. Whistler's works, have a large aim not often followed. People abroad charge us with finishing our pictures too much. In the qualities aimed at I say he has succeeded, and no living painter, I believe, could succeed in the same way in the same qualities. I consider them to be beautiful works of art. There is one extraordinary thing about them, and that is, that he has painted the air, especially in the "Battersea Bridge" scene. The picture in black and gold I look upon as simply marvellous.

Would you call it a work of art?—Certainly, most consummate art.

Is 200 guineas a reasonable price?—I should say that as prices go it is not an unreasonable price. If I were rich I would buy them myself. The picture of Mr. Carlyle is good as a portrait and excellent as a picture.

Is the picture with the fireworks an exquisite work of art?—There is a decided beauty in the painting of it.

Is there any eccentricity in these pictures?—I should call it originality.

The Attorney-General submitted that his learned friend had made out no case whatever, as he had not shown malice.

The Attorney-General then addressed the jury for the defence. . . . He would not be able to call Mr. Ruskin as he was far too ill to attend, but if he had been able to appear he would have given his opinion of Mr. Whistler's work in the witness-box. For years he had devoted himself to the study and criticism of art. Since 1869 he had been professor of the fine arts at the University of Oxford, and had written many works upon the subject of art. Judging from the contents of those works it was obvious that Mr. Ruskin was a man of the keenest appreciation of that which was beautiful. He was also a man who had the greatest love and reverence for art. He had the highest appreciation for completed pictures, and he required from an artist that he should be devoted to his profession, and that he should possess something more than a few flashes of genius. He held that an artist ought to entertain a desire not simply to gain a large sum for his work, but that he should struggle to give the purchaser something worth the money paid. He held further that no piece of work should leave the artist's hands which was capable of farther labour—of being farther improved. Mr. Ruskin entertaining those views as to the duty of artists, it was not wonderful that his attention should be attracted to Mr. Whistler's pictures, and determine to subject them, amongst others, to criticism. If he subjected the pictures to severe criticism, or if they chose, to ridicule and contempt. But if he honestly believed what he wrote he would have been neglecting his duty if he hesitated to express the opinions honestly formed. The learned gentleman was proceeding with his address when, it being five o'clock, the Court was adjourned till this morning.