"Driving that train, high on cocaine,
Casey Jones you better watch your speed.
Trouble ahead, trouble behind,
And you know that notion just crossed my mind."

In a perfect world, the above-quoted, 1970 rock song by The Grateful Dead, "Casey Jones," should have been around in the latter part of the Nineteenth Century to serve as a red flag for the immediate attention of the talented and acclaimed Irish novelist, short-story writer, poet and playwright, Oscar Fingal O'Flahertie Wills Wilde (1854-1900). Wilde, an extraordinarily talented author, sorely lacked someone or something to send him a message, cautioning that he had better "watch his speed" and abandon what was for those times a blatant and extremely dangerous, gay life-style. Tragically, Wilde remained oblivious to the alarms that were sounded from many directions, resulting in his criminal conviction for "gross indecency," his bankruptcy proceedings, social ostracism by London society, and ultimately an untimely death during a self-imposed, continental exile. These self-inflicted wounds not only destroyed Wilde, but also injured his wife, children and others close to him.

As will be examined in the text below, Wilde's bankruptcy resulted from an overly hasty and likely misguided decision to trigger the commencement of libel proceedings against the prominent and well-heeled father of his lover. On March 1, 1895, Oscar Wilde initiated a criminal prosecution for alleged criminal libel against John Sholto Douglas, the 9th Marquess of Queensbury and the father of Wilde's partner, Lord Alfred Bruce Douglas. This charge arose from a handwritten note scrawled by the Marquess, claiming that Wilde was a sodomite. This note was "published" in a private club then situated on Albermarle Street in the Mayfair area of London's West End. For his client's trial defense, the Marquess' counsel, Edward Henry Carson,² filed a plea of justification in which the defendant asserted that Wilde had engaged in sexual relations with many men in England during the past year. Shortly thereafter, the libel prosecution against Queensbury was withdrawn, the defendant was acquitted, and Wilde was arrested and imprisoned. The next day, April 6, 1895, Wilde was charged with criminal "gross indecency" along with Alfred Taylor, whom Queensbury accused as having acted in concert with Wilde in procuring young men for sexual purposes. In the subsequent criminal prosecution titled *Regina v. Wilde and Taylor*, Wilde was found guilty and was sentenced to the maximum two years imprisonment with hard labor.

After the close of the criminal proceedings against Wilde, the Marquess of Queensbury, then the holder of the largest claim against Wilde, filed on June 21, 1895, an involuntary insolvency petition against his debtor by the holder of the largest claim against him. This claim arose for legal fees and costs incurred by Queensbury from his successful defense against Wilde's libel prosecution. Other claims arose from unpaid debts related to Wilde's extravagant life style. What little was left of his assets as of the date of his bankruptcy were collected by a court-appointed receiver and

¹ "Casey Jones," music by Jerry Garcia and lyrics by Robert Hunter (1970), as performed by the iconic American rock band, "The Grateful Dead." Here is the link to the song on YouTube: https://www.youtube.com/watch?v=x2m6i4KFqg.

² Edward Carson (1854-1935) was a former classmate of Wilde's at Trinity College Dublin, who later became the leading opponent of the Irish "Home Rule" movement. His statute prominently stands before the Parliament Building in Stormont, East Belfast, Northern Ireland.

liquidated, with the proceeds being distributed among Wilde's creditors. Because some of these assets were intangibles, e.g., copyrights, that would generate value over time, the liquidation of these assets and periodic payment of dividends would not be completed until 1906, when creditors had received a final distribution of 20 shillings on the pound in full satisfaction of their claims, six years after Wilde's death in Paris on November 30, 1900.

- I. The Life and Times of Oscar Wilde: An Anglo-Irishman in a Changing World
 - A. Birth and childhood: A privileged and unconventional upbringing (1854-1864)

Oscar Wilde was born on October 16, 1854, at 21 Westland Row in Dublin, Ireland, only a stone's throw away from the grounds of Trinity College on the south side of the Liffey River, which divides the city. His parents were "figures of note on the Dublin scene."³

"Although both were still in their thirties at the time of Oscar's birth, they were already marked out as real 'celebrities': ,Surgeon' Wilde and his wife, 'Speranza'. And if they were famed in Dublin, their reputations also carried beyond the Pale. Their names were known across Ireland, in England, on continental Europe, and even in America."⁴

Oscar's father, William Robert Wills Wilde, is easily classified as a polymath and his wife, Jane Francesca Elgee, gained fame primarily, although not exclusively, as a renowned poet. Again, Matthew Sturgis captures their status and importance in Dublin at midcentury:

"William Wilde was not only the leading aural and ophthalmic surgeon in Dublin, and a leader in medical research, he was also the author of popular books on travel and history, an acknowledged expert on Irish archeology, topography, ethnology and folklore, and a leading light of both the British Association for the Advancement of Science and the Royal Irish Academy (RIA). His wife, Jane, was a Poet and,--to a large portion of the Irish populace--a national heroine. She may have been 'odd and original', but she was also, as Sir William Rowan Hamilton noted, 'quite a genius, and thoroughly aware of it.' She contributed erudite articles to Dublin's periodical press, read Greek for pleasure, and produced acclaimed translations from both French and German."

One year after Oscar's birth, the Wilde family (then consisting of Wilde's parents and Oscar's older brother, "Willie"—a sister, Isola, would be born later) moved only a few streets away to a substantial home at One Merrion Square. This house, in which six live-in servants attended to the family's needs, still lies directly across from the northwest corner of Merrion Square, where the multicolored statute of Wilde now reclines on a

³ Matthew Sturgis, *Oscar: A Life*, p. 4, Head of Zeus Ltd., London (2019) (hereinafter cited as *Sturgis*.

⁴ *Id*.

⁵ *Id.* at pp. 4-5.

large boulder. It was in this dwelling that Oscar was raised among a constant flow of many leading lights of Dublin society and culture, who would attend salons hosted by the Wildes. These colorful events and family life itself provided the "small unruly boy" named Oscar great social and intellectual stimulation. Evenings would typically be energized by his mother's poetry readings of her own work and those of other major poets, including Tennyson and Longfellow and the singing of songs composed by the Dublin-born master, Thomas Moore (1779-1852). Vacations would be spent at the Irish seaside and, later, at a country home purchased by William Wilde in County Mayo on the shores of Lough Corrib, consisting of 170 acres and named "Moytura House."

B. Early Education: Portora Royal School in Enniskillen (1864-1871)

Oscar Wilde's "home-schooling" on Merrion Square was interrupted by his parents' decision, taken in January 1864, to send Oscar and his brother, Willie, to the "public" Portora Royal School located in the town of Enniskillen, County Fermanagh. Portora had been founded in 1608 by King James I and was one of the oldest and highly regarded such schools in Ireland—often being referred to as the "Eton of Ireland." At the time of the Wilde brothers' arrival, there were 175 students in attendance—112 boarders and 63 dayboys.

Oscar was only nine years old when he arrived at Portora, which was one year short of the required minimum age and his immaturity showed. He has been described as having "little in his character that suited him to the rough-and-tumble of boarding-school life: slight, imaginative, independent and dreamy, he drifted to the edge of things. He made no firm friends. Games...held no interest for him. . . .Work, too, at first failed to engage his energies."

Nevertheless, as Oscar aged and gained more experience in a previously foreign environment, he matured and began to develop a distinct personality and to excel at his studies. After his sister's death through illness in 1867, Oscar's mother took Willie and Oscar to France during the summer holidays and, upon returning to Portora in the fall, Oscar made noticeable strides in his "growing sense of self, of style and of humour." Along these lines, he developed a distinct style of dress featuring lilac and scarlet shirts, long hair and hats that bordered on "dandyism." He also concentrated on his studies, developing a strong interest in the English classics and, unsurprisingly in retrospect, came to prefer the novels of Benjamin Disraeli, the "'silver fork' literary and political dandy."

Undoubtedly influenced by his mother, Oscar developed a love of poetry which never left him. He read voraciously Shakespeare's works, the English Romantics, Tennyson, Elizabeth Barrett Browining and Walt Whitman. To top this all off, the young student grew into the figure of raconteur and wit, becoming a favorite among his fellow students

⁷ *Id.* at p. 27.

⁶ *Id.* at p. 21.

⁸ *Id.* at p. 29.

as well as Portora's schoolmasters. "He talked—fluently, amusingly, interestingly and well. He entertained gatherings in the Stone Hall. . . . His ,descriptive power 'was far above the average' but his real gift was for comedy. He had a way with exaggeration that could transform even the most mundane occurrence into a vision of romance guyed by humor."

Towards the end of his career at Portora, he developed an interest in Ancient Greece, which by his own admission gave him great "pleasure" to pursue. Overall, his progress in his studies was notable and his reputation increased from being a "fair scholar" to "one of the leading figures in a very able classical sixth form." Although not winning the top prizes in his form, Oscar nevertheless was close to the top: "He was one of three classical prizewinners of the head class; he shared the assistant headmaster's prize in ancient history and was also awarded a drawing prize." With these achievements behind him, Wilde continued on to Trinity College Dublin (TCD) for his university studies.

C. University Days: Trinity College Dublin and Magdalen College, Oxford

1. Trinity College Dublin (1871-1874)

Oscar Wilde matriculated at TCD on October 10, 1871, just six days shy of his 17th birthday and at first, he resided in the family home at One Merrion Square. Later, he would move to rooms on the north side of the campus known then as "Botany Bay." At the start, Oscar was disappointed with his fellow students; he considered the university atmosphere "barbaric," and coarse. ¹² Many of his fellow students reciprocated in kind, characterizing the new student as ungainly and awkward. Oscar was fastidious in his dress and conduct and refused to engage in sexual adventures in places like Dublin's red-light district, Monto, as so many of his classmates.

Nevertheless, Wilde formed a strong friendship with a young TCD professor of ancient history, the Reverend John Pentland Mahaffy, who was 32 years old when the Portora graduate began his academic career at TCD and acted as Oscar's academic tutor. Mahaffy, described as "stalwart," "bewhiskered" and possessing an "air of imposing dignity," was also a well-known bon vivant, accepted by members of Dublin's high society (including Oscar's parents) and enjoying their company at parties, dinners and banquets. Mahaffy was also a prolific writer, having penned during his career books on topics ranging from "The Principles of the Art of Conversation" (1887) to "Social Life in Ancient Greece: from Homer to Menander" (1874). Wilde was said by his friend, Frank Harris, to have obtained from Mahaffy "a deeper love of the Greek thought and feeling." It was also Mahaffy who persuaded Wilde to leave TCD and finish his academic career at Oxford University.

¹⁰ *Id.* at p. 35.

⁹ *Id.* at p. 31.

¹¹ *Id.* at p. 36.

¹² *Id.* at p. 38.

¹³ Frank Harris, Oscar Wilde: His Life and Confessions, p. 28 (1916).

At TCD, Wilde continued to absorb the works of the giants of English literature along with the writings of the American writers, Edgar Allen Poe and Henry Wadsworth Longfellow. Oscar also began at TCD to experiment with writing poetry himself, but perhaps most importantly for his future career as a poet, he discovered the works of the revolutionary English poet, Algernon Charles Swinburne (1837-1909). Swinburne's collection of poetry titled *Poems and Ballads*, which appeared in 1866 contained more than a hint of eroticism when describing the act of love-making and stimulated Wilde to describe the volume as "a song of the flesh" that was "very perfect and very poisonous." 14

Oscar's academic career at TCD was marked by a series of triumphs. Throughout his time at TCD, he never scored below the first rank on his examinations and, at the close of his junior freshman year, he scored a "first of the first" in the final honors examination in classics. In 1873, Oscar applied for a foundation scholarship, which was awarded only to the top ten students on the basis of a "grueling course of papers on Latin, Greek and English composition." As the student receiving the sixth highest score in the competition, Wilde was awarded one of these coveted scholarships, capturing the highest marks in English composition and Greek translation. The following year, Oscar also gained academic distinction at TCD when he was awarded the prestigious Berkley Gold Medal for Greek on the basis of compositions on a selected text. This high achiever possessed an impressive resume when he began his studies at Magdalen College, Oxford, on October 17, 1874, having previously been awarded on the basis of a competitive examination one of only two scholarships in classics awarded by the college.

2. Magdalen College, Oxford (1874-1878)

In deciding which college within Oxford to select, Oscar chose Magdalen. According to Sturgis' biography, Magdalen "did not have the intellectual reputation of Balliol, the social cachet of Christ Church, or the historical associations of Merton or New College, but it was known to be beautiful. . . .(Magdalen was then) a relatively small college, with fewer than a hundred undergraduates." Wilde was one of three undergraduates reading for Honors in classics in his first year. Sturgis notes that at Magdalen, "more importance was attached to social ability' than to scholastic excellence or even 'athletic superiority." ¹⁷

Wilde fit in quite well with this environment. He was a gregarious student who, more and more during his Magdalen days, became an aesthete, with a touch of dandyism in his dress.

¹⁴ Sturgis, op cit., at p. 44.

¹⁵ *Id.* at p. 50.

¹⁶ *Id.* at pp. 54, 63.

¹⁷ *Id.* at 63.

He also became more rambunctious, especially when it involved challenging the authority of the college and its dons. Although there were many important and well-known professors at Oxford during this time (e.g., Matthew Arnold and Benjamin Jowett), Oscar gravitated to the circle around John Ruskin (1819-1900), the inaugural Slade Professor of Art and the author of the two volumes of the classic, *The Stones of Venice*, published in 1851 and 1853. Wilde found Ruskin to be "immensely appealing, . . . like a violet filling the whole air with the ineffable perfume of belief," which belief was centered on the importance of "Beauty—its divine origin in the forms of nature, its distillation in the visual arts, its moral force and its vital connection with Life. . . . Wilde determined to become Ruskin's disciple." ¹⁸

Along with being occupied with his academic work, Wilde filled up his time at Magdalen with decorating his rooms with expensive objects and bunches of flowers purchased dangerously on credit terms, visiting London often and being introduced to its high society, composing poetry, socializing with fellow students in his gregarious manner, and travelling to Italy and Greece, both of which excursions having been hosted by his TCD friend and former professor, John Pentland Mahaffy. Towards the end of his career at Oxford, he was disciplined severely for returning to school decidedly late and for rudely challenging a professor in a college assembly. He also was attracted to the emerging Aesthetic Movement, which was arguably founded by the Oxford Professor of Classics, Walter Pater (1839-1894), who argued that, contrary to Ruskin who sought proofs of morality in art and beauty, those elements should encourage a sensory and sensual engagement with the world. In other words, man should concern himself alone with his own sensations and impressions when experiencing art and beauty, which philosophy was thereafter reduced to the pithy slogan, "art for art's sake." Against all of this, Wilde suffered the loss of his father, who passed away on April 19, 1876, after a long and debilitating illness. This event had the natural consequence of tightening the family's financial condition, especially as Oscar's mother aged.

Notwithstanding Wilde's somewhat topsy-turvy existence along the River Cherwell, he achieved great academic success at Magdalen, winning the prestigious Newdigate Prize on June 10, 1878, for his poem, "Ravenna," which he had visited earlier on his rambles in Italy. He also was awarded a Double First on his exams and, after passing his examination on the subject of Divinity, he received his degree on November 28, 1878. Draped with these successes, Wilde had little interest in returning to Dublin but decided upon an assault on London and its pleasures. One evening while still at Magdalen, he was quizzed by his friends about his ambitions, to which he responded with great seriousness, "God knows I won't be a dried up don, anyhow. I'll be a poet, a writer, a dramatist. Somehow or other I'll be famous, and if not famous, notorious." Little did Oscar know then that he would end up being both.

3. Young Oscar in London: The young aesthete and world traveler (1878-1881)

¹⁸Id. at 65-66.

¹⁹ Sir David Hunter-Blair, *Oscar Wilde, As I Knew Him,* in *In Victorian Days and Other Papers*, pp. 120-21 (1939)

Upon Oscar's arrival in London, he began boarding with an Oxford friend of his, Frank Miles, who had been introduced to Wilde by the don, John Ruskin. Wilde was immediately impressed with Miles, who was an accomplished artist and very well connected with London society. Wilde undoubtedly believed that Miles could smooth his way into penetrating the homes and other gathering places of London's social and artistic elite. Oscar guessed rightly and soon enough, he began to make inroads into this rarified atmosphere. To illustrate--the social highlight of Wilde's first London season was attending a ball at Carlton House Terrace given by Lady Olive Guinness. Wilde was also befriended by two former Dubliners, Bram Stoker (of "Dracula" fame) and his wife, the former Florence Balcombe, of whom more will be written later, who introduced him to Henry Irving, an actor who played often at the Lyceum Theatre, and other members of Iriving's social circle.

In these early London years, Wilde was generally regarded as highly intelligent, joyful, gregarious, inquisitive and enthusiastic. Many of London's elite, especially women, greatly enjoyed his company (e.g. Lillie Langtry and Sarah Bernhart), but he was considered by others to be an unabashed self-promoter, an effeminate dandy and, therefore, was disliked. These personal characteristics nevertheless caused Wilde to be introduced to denizens of London's Aesthetic Movement. Oscar especially prized his friendship with the American-born artist James Abbott McNeil Whistler, the painter of the famous portrait of his mother and formally titled "Arrangement in Grey and Black No. 1." Whistler and his fellow aesthetes, including Wilde, adhered to the basic artistic principle espoused by the French polymath, Théophile Gautier--l'art pour l'art.

Wilde's preoccupation with self-promotion paid off handsomely, when he convinced the London impresario, Richard D'Oyly Carte, to sponsor a tour of North America by Wilde, where he would speak to audiences in the United States and Canada on the topic of Aestheticism, "the latest form of fashionable madness." When all was said and done, Oscar boarded the passenger ship, USS Arizona, in Liverpool on December 24, 1881, and disembarked in New York City on January 2nd of the following year. Oscar Wilde would soon be following in the footsteps of Charles Dickens, but the Irishman's strides would be longer and his distances greater.

Wilde's first lecture in the "New World" was held in Chickering Hall, which was located at Manhattan's Fifth Avenue and West 18th Street. Although the audience at first was hostile, they quickly responded positively to Wilde's presence and message as he hit his stride. After making a joke, the mood in the auditorium "changed. From thereon, . . . Wilde 'found good sailing.' The sepulchral atmosphere was banished. The novel and picturesque eloquence of Wilde's style began to take hold as the lecture unfolded—and he mapped out a vision of art for art's sake, in which creative and imaginative work should be free from political arguments or moral responsibilities." From New York City, the lecture tour traveled along the East Coast with stops at Philadelphia, Washington,

²⁰ Sturgis at p. 192.

²¹ *Id.* at p. 207.

D.C, Baltimore, Boston, New Haven and Hartford, among other cities. The cortège turned west, stopping at Chicago, Cincinnati, Cleveland and Minneapolis, and thereafter proceeded to penetrate further into America's interior, presenting lectures in Omaha, Salt Lake City and San Francisco. Swinging then south, Wilde lectured in San Antonio, Memphis and New Orleans, with a visit to Biloxi, Mississippi to visit Jefferson Davis, the former President of the Confederate States of America during the American Civil War. Wilde's trip finished with another run up the East Coast and then on to Canada, where he spoke in Quebec, Toronto and St. John, New Brunswick, Wilde's last stop on October 13, 1881. During this trip, Wilde took time to visit twice with Walt Whitman in Camden, New Jersey and once with Henry Wadsworth Longfellow at his home in Cambridge, Massachusetts. Oscar's journey stretched over nine months, during which he gave 140 lectures in 130 places. All in all, Wilde's travels throughout North America exceeded 15,000 miles.

4. Oscar Wilde as developing playwright, poet, short-story and fable writer (1880-1889)

In 1880, prior to his American tour, Wilde began writing a melodramatic play titled "Vera or the Nihilists," the plot of which was placed in contemporary Russia and involved the assassination of the Czar. This work was timely in the sense that in 1878, Czar Alexander II's regime was opposed by the Nihilists in Russia, resulting in a failed assassination of St. Petersburg's mayor by a female anarchist and her subsequent trial. That summer, Wilde completed the text of the play and sought to market it to his circle of theatrical contacts, but he had no takers. After returning from his tour, Oscar worked on revising the play, but progress came slowly. His second play, "The Duchess of Padua," suffered a similar fate. He finished work on this tragedy in 1883, but it failed to be taken up by the London theatres for presentation.

Nevertheless, Wilde's assembly of 42 of his poems in a slim but decoratively-packaged volume in 1881 proved to be a solid success. This work received mixed reviews in England, but he was able to convince an American publisher to market the volume in the United States and, when the final accounting was made, Oscar had turned a profit on the sale of the first collection of his poetry. At that time was not a common result for a fledgling poet.

It was probably the 1887 publication of a comic short-story about a medieval ghost haunting an English big house purchased by an American family and titled "The Canterville Ghost," that established Wilde's reputation as a first-rate writer in this field. The plot of this tale is described by Sturgis as follows:

"Wilde's ghost story comically inverted the established tropes of the genre. The unfortunate ghost is terrorized by the boisterously and philistine and materialist American family that takes a lease on the old English country house that is his home—before, in a romantically sentimental conclusion, he achieves a blessed release through the kindness of the family's teenage daughter. The American element of the story allowed Wilde to reuse and

refine some of his transatlantic witticisms, such as the English having 'really having everything in common with America nowadays except, of course, language."22

Wilde soon followed up this literary achievement with other successes in the genre, including "Lord Arthur Saville's Crime" and "The Model Millionaire."

Finally, in the late 1880s, Oscar began to experiment with composing fables, many of which were satirical and appealed not only to children but also to adults. His first serious foray into this genre appears to have come about during a visit to Cambridge in November 1885 by the invitation of a university student there whom he had befriended a few years before in London. At a get-together with Cambridge students in his host's rooms one evening, Wilde sketched out the concept that would eventually be transformed by him into the fable, "The Happy Prince," which was published the following May in MacMillan's Magazine. Three years later, five of Oscar's fables were published in book form under the title, "The Happy Prince and Other Tales," to broad critical acclaim and strong sales.

5. Oscar Wilde as a successful, maturing author: From "The Picture of Dorian Gray" to "The Importance of Being Earnest" (1890-1895)

The year 1890 witnessed an important breakthrough made by Wilde with the publication of his first and only novel, "The Picture of Dorian Gray," a mystery, tragedy and supernatural thriller all rolled into one. The plot of the novel was conceived by Wilde when he sat for his portrait in December 1887. Stugis quotes Wilde as remarking sometime later that, when his sitting finished, "and I had looked at the portrait, I said in jest, 'what a tragic thing it is. This portrait will never grow older and I shall. If only it was the other way.' The moment I had said this, it occurred to me what a capital plot it would make for a story."23

In expanding upon this core idea, Wilde

". . .created the figures of Dorian Gray, the vain young man, who wishes that his portrait might age so that he will not; Basil Hallward, the artist who—infatuated with Dorian—creates the magical picture; and Lord Henry Wotton, the worldly advocate of a 'New Hedonism,' who leads Dorian along a fateful path of selffulfillment through self-indulgence: 'The only way to get rid of a temptation,' he tells Dorian, 'is to yield to it.'"24

The novel was perhaps the most ambitious project undertaken by Oscar as of then; the work contained more than 55,000 words and he slaved over his writing. Upon completion, he considered it his "best piece of work," and was successful in marketing

²² *Id.* at p. 346.

²³ *Id.* at p. 393.

²⁴ *Id.* at p. 394.

the novel for publication to *Lippincott's Monthly Magazine* published in Great Britain. The publication, first in serial form, created a sensation in London and elsewhere. The novel was hailed by many critics and members of London society, and was compared to works by Edgar Allen Poe and Nathaniel Hawthorne, as well as to Robert Louis Stevenson's *The Strange Case of Dr Jekyll and Mr Hyde*. Some critics, however, were not so kind in their reviews. One wrote that Wilde's creation was a mix of Stevenson, Joris-Karl Huysmans and Wilde himself that did not quite jell. Nevertheless, the novel and Wilde received significant criticism concerning the "unnatural" homoerotic undercurrents in the piece, using adjectives such as "morbid," "unhealthy" and "dangerous." Nevertheless, it was clear that Wilde had produced a significant literary work that generated great interest by readers and critics alike.²⁵

Wilde's greatest literary achievement during this five-year period was clearly his great popular and critical success resulting from the stage plays that he authored and that were performed within this timeframe. These plays were "Lady Windemere's Fan" (1892), "A Woman of No Importance" (1893), "Salome" (1894, composed but not performed), "An Ideal Husband" (1895), and "The Importance of Being Earnest" (1895). At least judging by the public's reception of these plays at the time, the last piece was by far adjudged to be the most successful. Shortly after viewing a revival of Richard Brinsley Sheridan's comic farce, "A School for Scandal," Wilde had the idea of writing a play in the same comic vein. On February 14, 1895, "Earnest" premiered in London to rave reviews. Yet this performance contained more than a hint of coming doom for Wilde—a foreboding that was not yet apparent to him. The father of Wilde's lover, the 9th Marquess of Queensbury, had planned to disrupt this opening night performance by making a scene in the theatre. Fortunately, his plans were discovered before the event and were successfully foiled. Yet the Marquess, who was a hard and revengeful character, was not yet done with Wilde and Wilde's perceived insult to his and his family's honor.

- II. Oscar Wilde's Changing Sexual Proclivities
 - A. Oscar's early flirtations, his marriage to Constance Lloyd and the birth of his two sons
 - 1. Flirtations with Florence Balcome and Julia Constance Fletcher

Before meeting and courting his future wife, Constance Lloyd, Oscar engaged in extended flirtations with two women, one of whom was Irish, Florence Balcome, and the other was an American, whom he met on travels in Rome. Florence Balcome (1858-1937), who was born in Clontarf, Ireland, was the daughter of Lieutenant-Colonel James Balcome and his wife, Philippa Anne Marshall. When she met Wilde during the summer of 1876, she was a remarkable beauty, which Oscar soon sketched and remarked upon: she had "the most perfectly beautiful face I ever saw and not a sixpence of money." ²⁶ In

²⁵ *Id.* at pp. 399-400.

²⁶ *Id.* at p. 93.

July, 1876 in Dublin, Wilde presented her with his sketch of her face along with a silver cross memorializing one of their dates. When returning to Oxford at the close of summer two years later, Wilde learned from friends that Florence had been recently engaged to Oscar's former TCD classmate, Bram Stoker. Nevertheless, Oscar kept in touch with this married couple while living and working in London. Interestingly, After Stoker's death, Florence commenced an action against F.W. Murnau, the German director who filmed the 1922 German silent version of "Dracula," named "Nosferatu: Eine Symphonie des Grauens," for violation of Stoker's copyright.²⁷

Oscar's other "girlfriend" during this time was Julia Constance Fletcher (1858-1937), an American who lived in Rome with her mother and stepfather when Wilde met her there in 1877. At that time, Wilde was in Rome on his trip to Italy and Greece with his former professor at TCD, J.P. Mahaffy. Wilde's poem, "Ravenna," for which he was awarded the Newdigate Prize at Oxford in 1878, was dedicated to Julia using, however, her *nom de plume* as an author, "George Fleming." *Sturgis* remarks that Julia was "clever, amusing, well-traveled and well-read, Wilde found himself 'much attracted to her in every way.'" Julia would write a number of novels during her career and also translated poetry. ²⁹

2. Constance Lloyd Wilde (1859-1898)

Wilde first met his wife to be, Constance Mary Lloyd, during the summer of 1881 at a tea party, when he was assiduously developing his reputation as a "ladykiller."³⁰ Constance was the granddaughter of friends from Dublin and was living in London with her paternal grandfather and maiden aunt at Lancaster Gate in Paddington. At age 22, she was described not only as "blue-green eyed" and "beautiful," but also as "attractive, with literary interests and artistic leanings, and also a ready intelligence.³¹ Important to Wilde was the fact that she was expected to become a "heiress" upon the death of her grandfather, who had become rich from his development of a railway bond for use by investors. Wilde would court Constance during the years from 1881 through 1884; they were married on May 29, 1884, in Paddington.

Two sons were born as a result of this marriage. Cyril was delivered on June 5, 1885, and Vyvyan followed the next year on November 3rd. After the birth of Vyvyan, Oscar began to lose sexual interest in Constance. This likely derived from what was probably his first same-sex encounter that occurred in 1886. His partner was likely Robbie Ross, a seventeen-year old youth whom Oscar had met in 1886:

²⁷ See generally David J. Skal, *Hollywood Gothic: The Tangled Web of Dracula from Novel to Stage to Screen,* Farrar, Straus and Giroux, New York (2004).

²⁸ Sturgis at p. 108.

²⁹ Elaine Schowalter, *Daughters of Decadence: Women Writers of the Fin-de-Siècle*, p. 321, Rutgers University Press, New Brunswick, New Jersey (1993).

³⁰ Sturgis at pp. 175-76.

³¹ *Id.* at 176.

"This first encounter came as a revelation to Wilde—of pleasure, excitement and liberation. It opened up new vistas of sexual activity and self-fulfillment. Wilde had always chosen to 'stand apart'—and now he stood apart in the matters of sex and passion. He described the 'joy, the delirium' that marked the discovering of his 'originality' and 'independence.' And although to most Victorians, sex was considered as something people did—an individual act—rather than as the expression of a person's sexuality, there is no doubt that Wilde's new experiences gave him, in his own eyes, and enhanced and altered status. It changed his relationship to the world around him, and to himself. Henceforth his actions would demand secrecy, and the elaboration of a double life. He was not only betraying Constance, he was breaking the law."³²

B. Oscar Wilde and homosexuality

1. Wilde's early, same-sex affairs

As noted above, Robbie Ross, an experienced homosexual at age 17, probably seduced Wilde and imparted to him a new sense of freedom, thereby opening up the possibility to Oscar of an alternative lifestyle, where he could experiment in real time with relationships only previously imagined. Wilde thereafter collected around him a group of young gentlemen who likely shared these same predilections, if not desires.

It was with Lord Alfred Douglas, the son of the 9th Marquess of Queensbury, that eventually took precedence in Wilde's affections over all of these other young men. In June, 1891, after reading "The Picture of Dorian Gray" a dozen times Douglas arranged with a friend to meet with Wilde at his home in Tite Street, Chelsea. According to *Sturgis*,

"Wilde greeted his two undergraduate admirers. . . and dazzled them with his talk. He, for his part, though, was somewhat dazzled too—by the fair-haired, fair-complexioned, youthful beauty of Lord Alfred. Beside his looks, Douglas was also conspicuously charming: he had poetic ambitions; he admired Wilde's work; he said amusing things; he made a good impression on Constance when they went up to the drawing room to see her; and he had a title. And, maybe, at that first meeting, he hinted at his 'frank paganism' and enthusiasm for sex with other young men. Wilde was certainly intrigued and excited."³³

2. Relationship with Lord Alfred Douglas and Wilde's downfall

Wilde's relationship with Lord Alfred Douglas lasted from 1891 to 1895, when it was cut short by Wilde's arrest after his conviction for "gross indecency" in violation of English criminal statutes. During these years, their relationship was

³² *Id.* at p. 339.

³³ *Id.* at p. 419.

passionate but went back and forth between extremes. Douglas was often petulant with Oscar, which led to angry separations from time to time, only for them later on to reconcile after Douglas pleaded with Wilde to take him back. Eventually, rumors circulated in London society about not only a sexual relationship between these two but also concerning Wilde's conspicuous gay behavior with other partners in public places, e.g., in restaurants and hotels.

These rumors eventually came to the attention of Douglas' father, the 9th Marquess of Queensbury, who was known for endorsing a code of behavior for the sport of boxing, even though the rules themselves had been composed by a Welsh sportsman, John Graham Chambers. The Marquess was also known for his violent temper and mendacious behavior, especially to those whom he considered to be his enemies. The Marquess promptly and repeatedly demanded that his son cease fraternizing with Wilde and threated Wilde with retribution if this relationship did not cease. Because the relationship between father and son had previously been poisoned, Douglas refused to concede to his father's wishes and would intentionally enrage the Marquess with insulting taunts and comments. These actions and Wilde's refusal to end the affair would have serious consequences for Oscar after the London premiere of his play, "The Importance of Being Earnest," when the Marquess' plan to publicly embarrass Wilde in the theatre was foiled by its manager and Wilde, both of whom received advance notice of these plans.

- III. Oscar's Arrest and Conviction for Gross Indecency, Bankruptcy Proceedings and Untimely Death (1895-1900)
 - A. The Legal Background: English Laws Criminalizing "Buggery" and "Gross Indecency" and Establishing Bankruptcy Procedures
- 1. From Buggery to Gross Indecency

In 1533, England's Parliament enacted the "Buggery Act," which term was not defined in the statute but was judicially interpreted to mean "not only penetrative sex between men, but also anal sex between a man and a woman, or any sort of penetrative sex between person and an animal." This offense carried the death penalty, which continued even after this statute was repealed and replaced in 1828 by the Offenses Against the Person Act. This extreme penalty in these cases was sometimes imposed by judges until 1835. In 1861, Parliament revised this statute and abolished the death penalty for buggery, substituting in its place a prison sentence extending from 10 years to life. Only in 1967 was this crime reduced in England and Wales from felony status. Wilde, however, was prosecuted under §11 of the 1885 Criminal Law Amendment Act,

³⁴ *Id.* at p. 339, in footnote.

³⁵ *Id.* See also Benjamin Merkler, *I'll Take Your Answer One Way or Another: The Oscar Wilde Trial Transcripts as Literary Artefacts,* Majesterium: Anglistik, Ruprecht-Karls-Universität, pp. 11-12 (Jan. 2010) (hereinafter cited as *Merkler*).

which prohibited, *inter alia*, acts of "gross indecency" between males and provided for a maximum prison term of two years, and possibly with hard labor.

2. From Debtors' Prisons to Partial Distributions and Partial Asset Liquidations

By 1895, the year in which the Marquess of Queensbury filed his involuntary bankruptcy petition against Wilde, debtors' prisons of the type described by Charles Dickens in his *Sketches by Boz, Pickwick Papers, David Copperfield* and *Little Dorrit* had largely disappeared. They did, however, exist in towns and other areas outside of London and were sometimes used to incarcerate debtors for judgments rendered in favor of their creditors on what may best be described as "small claims." These judgments were rendered by inferior courts in these towns and regions, such as county courts. As described below, the involuntary bankruptcy proceeding against Wilde resulted in the auction of his tangible personal property and collection of his debts, but his intangible personality, e.g., his copyrights, were not liquidated. Thereafter, a ratable distribution on claims was made to creditors in full settlement of those claims. Wilde himself did not petition the court for a discharge of his debts after being released from prison once he served his two-year term, and thereafter soon passed away in 1900.³⁶

B. Commencement of Libel Proceedings and their Dismissal

On February 18, 1885, the Marquess of Queensbury delivered his card to Sidney Wright, the hall porter at the Albermarle Club in Mayfair, which card contained the following handwritten notation: "To Oscar Wilde, posing as a Somdomite (sic)." The card was thereafter delivered to Wilde, who then consulted on March 1, 1895, with his lawyers to discuss the possibility of commencing a criminal libel proceeding against the Marquess. The barrister representing Wilde, Sir Richard Somers Travers Christmas Humphreys (1867-1956), assembled a trial team with himself as Junior Counsel and the formidable barrister, Sir Edward George Clark as Lead Counsel. Wilde represented to his lawyers that he was completely innocent of this charge and, consequently, these lawyers began an initial criminal libel proceeding against the Marquess in the Magistrates Court in Great Marlborough Street, London. The Marquess, after having initial difficulty retaining counsel to defend against this charge, finally settled on Edward Carson, Wilde's former TCD classmate.

After testimony by the club's hall porter, Wilde and the Marquess, these initial proceedings were closed and moved to Central Criminal Court in the Old Bailey for a criminal libel trial that commenced on April 3, 1895. The proceedings were titled *Regina (Wilde) v. the Marquess of Queensbury*. Between the close of the Magistrate Court proceeding and the opening of this trial, the Marquess had retained a team of private detectives to discover the names and addresses of the young men who were suspected of consorting with Wilde in his sexual escapades. As a result of these painstaking investigations, the defense had obtained "names and addresses of young male homosexuals, mostly in the humbler walks of life, as well as other documents linking them

³⁶ See generally, Margot C. Finn, *The Character of Credit: Personal Debt in English Culture, 1740-1914*), Cambridge University Press (2003); Jerry White, *Mansions of Misery: A Biography of the Marshalsea Debtors' Prison*, Vintage Books, London (2017); Bruce Kercher, *The Transformation of Imprisonment for Debt in England, 1828 to 1838*, 60 J.L. & Soc'y, No. 2 (1984), available online.

with Wilde."³⁷ This information was summarized in a Plea of Justification filed with the court on the Marquess' behalf prior to the opening of proceedings, with a copy being served on Wilde's counsel. After testimony by the Albermale Club's porter establishing the facts of the alleged libel, Wilde took the stand to be cross-examined by Carson. Wilde was examined by Carson extensively on his writings which indicated the possibility that he was a sodomite and towards the end of this session, Carson indicated to the presiding judge that he would introduce the testimony of several of the young men named in the Marquess' plea of justification. After adjournment for the day, Wilde decided to withdraw the prosecution on the limited ground that he had indeed so posed, thereby collapsing his case. The jury was then dismissed and the court found that the alleged libel was true and had been published by the Marquess for the benefit of the public. In addition, the Marquess was awarded his costs and attorneys' fees incurred in his defense.³⁸

C. Wilde's two criminal trials for gross indecency, his conviction and his sentence to two years' imprisonment with hard labor

On April 5, 1895, Wilde was arrested by two plainclothes policemen, who escorted him to Scotland Yard, where it was formally announced to Wilde that he had been arrested under Section 11 of the 1885 Criminal Law Amendments Act for "committing acts of gross indecency with other male persons." Oscar was then placed in a cell overnight and the next morning, he was taken to Bow Street Police Court, where he was arraigned with Alfred Taylor, a procurer of young men for Wilde. At this hearing, a series of Wilde's former sexual partners testified, wherein they graphically described their numerous illicit encounters. Two additional days were required for the court to hear this testimony and, at the conclusion of the hearing, the court denied Wilde's request for bail and he was moved to Holloway Prison in London.

The trial of Oscar Wilde and Charles Taylor for the crime of gross indecency began on April 2, 1895 at the Old Bailey and lasted for five days before Mr. Justice Arthur Charles as the presiding judge. Most witnesses testifying for the Crown were the alleged accomplices of Wilde and Taylor along with some other, miscellaneous fact witnesses. Wilde also testified, and in probably the most noteworthy event of this first trial was questioned by the prosecuting attorney whether Lord Alfred Douglas referred to "unnatural love" when he wrote in a published sonnet "the Love that dare not speak its name." Wilde answered this question eloquently as follows, which caused an outburst of clapping from the public gallery:

"The 'Love that dare not speak its name' in this century is such a great affection of an elder for a younger man as there was between David and Jonathan, such as Plato made the very basis of his philosophy, and such as you find in the sonnets of Michelangelo and Shakespeare. It is that deep, spiritual affection that is as pure as it is perfect. It dictates and pervades great works of art like those of Shakespeare and Michelangelo, and those two letters of mine, such as they are. It is in this century misunderstood, so much misunderstood that it may be described as the 'Love that dare not speak its name,' and on account of it I am

³⁷ Merkler at p. 30.

³⁸ *Id.* at pp. 29-36; *Sturgis* at pp. 538-60.

³⁹ *Sturgis* at p. 561.

placed where I am now. It is beautiful, it is fine, it is the noblest form of affection. There is nothing unnatural about it. It is intellectual and it repeatedly exists between an elder and a younger man, when the elder man has intellect and the younger man has all the joy, hope and glamour of life before him. That it should be so the world does not understand. The world mocks at it and sometimes puts one in the pillory for it."⁴⁰

At the close of this first trial on May 1, 1895, the jury returned that same afternoon with hung verdicts on the charges against Wilde and Taylor. This resulted in the prosecution's decision to ask for a second trial, which began on May 22nd in the Old Bailey, but before a different presiding judge, Justice Alfred Willis. At issue were eight counts of gross indecency. On the prior day, May 21st, while Wilde was in the Old Bailey awaiting his case to be called, he was approached by a police inspector, who handed him the Marquess' formal demand for payment of his legal costs totaling 677 pounds, 3 shillings and 8 pence. In the event that this amount was not paid in full within 7 days would constitute an "act of bankruptcy" on Wilde's part, which could trigger the commencement of an involuntary bankruptcy proceeding by the Marquess. 41

The trial ended on Saturday, May 26th, with the closing arguments of the prosecuting and defense counsels, Sir Frank Lockwood and Edward Clarke, who had continued to represent Wilde through all of the prior proceedings. The jury retired to consider the evidence at 3:30 p.m. and returned two hours later with seven separate guilty verdicts against Wilde. Justice Willis then scolded both Wilde and Taylor for their corrupt and shameful behavior before imposing upon them both the maximum sentence of two years imprisonment with hard labor.⁴²

Wilde was delivered to Pentonville Prison in North London after his verdict and judgment were declared. Upon his arrival, the prison doctor described as unfit for hard labor, and so his tasks were limited to "light labour," viz., the sewing of mailbags and picking of oakum. On July 2, 1895, while at Pentonville, Wilde was served with notice of the commencement on July 21st of the Marquess' involuntary bankruptcy proceedings against him. From Pentonville, Oscar was transferred to Wandsworth Prison, again in London, where the prison regimen was harsh. In October, he suffered a breakdown and was removed to the prison infirmary for treatment. Prior to this breakdown, however, Wilde received on September 21st his first prison visit from Constance, who was then living in Switzerland with her two children under the assumed last name of "Holland." Constance would again visit Oscar in prison, this second time in Reading Prison, where she informed him of his mother's death on February 3, 1896. On November 20, 1896, due to doctors' evaluation of Wilde's poor health condition, the prisoner was transferred to the smaller Reading Prison where the conditions and his health began to make a turn for the better.

D. Commencement of Involuntary Bankruptcy Proceedings by the Marquess Against Wilde

Four days after the Marquess filed his involuntary bankruptcy petition against Wilde, the Chancery Court administering these proceedings appointed Mr. A.H. Wilby as the receiver of Wilde's

⁴¹ *Id.* at p. 580.

⁴⁰ *Id.* at p. 570.

⁴² *Id.* at pp. 582-584.

bankruptcy estate. The adjudication of the petition and the public examination of the debtor followed "in due course."

The Receiver thereafter filed his report with the Chancery Court listing Wilde's unsecured debts as totaling 2676 pounds and his partially secured debts at 915 pounds, for an estimated deficiency of 3,591 pounds. The value of Wilde's royalties on literary works and plays was not stated. The debtor had declared that his annual income was less than or equal to 2000 pounds, consisting of income from "The Picture of Dorian Gray" and from a collection of poems bearing the title of "The Sphinx," along with 10% of gross weekly receipts from the play, "The Importance of Being Earnest."

At this first meeting of creditors, Wilde's attorney, Travers Humphreys, advised those in attendance that his client was not at present in a position to submit an offer to creditors for compromise of their claims. The receiver, who was also present, announced that the debtor, being presently incarcerated, would not attend the meeting because he was not at present in a position to submit an offer to creditors and had been insolvent for some time past. Finally, the receiver advised that a resolution for bankruptcy had been agreed to by Wilde and that the public examination of the debtor was adjourned to July 24, 1895 at 11:00 a.m.

On July 24th, Oscar appeared before "Mr. Registrar Gifford" for his public examination as a bankrupt. Also present were the "Assistant Office Receiver, C.A. Pope," as well as Wilde's attorney, J.P. Grain. Attorney Grain first requested an adjournment of Wilde's examination on the grounds that (i) the value of Oscar's intangible assets had not yet been ascertained; and (ii) although the debtor's friends had to date subscribed cash contributions in amounts between 1000 and 1500 pounds, more pledges were expected upon these persons' return from their summer vacations. Grain advised those present that the total anticipated distribution on claims would amount to 20 shillings "in the pound," which would not include any distributions on the claim of 1557 pounds due to the trustees of Wilde's marriage settlement with his wife, Constance. To pay this separate claim, counsel advised that he expected that the debtor's interests in his plays and literary works would be transferred to these trustees. Debtor's counsel concluded that all creditors would be "paid in full" and that, upon receipt of this payment, a motion rescinding the order appointing the receiver would be made to the Chancery Court. At this point, the Registrar adjourned Wilde's examination to November 12, 1895.

On November 12th, Wilde appeared for his examination before the Official Receiver, A.H. Wilby. Also present was J.P. Grain, the debtor's attorney. After being sworn in as a witness, Wilde testified concerning the following points:

- (a) Oscar kept books of account concerning his assets and liabilities. His estimated annual expenses during the 2 to 3 years before the receiver's appointment amounted to approximately 2900 pounds per year, resulting in an estimated deficit of 1490 pounds.
- (b) The marriage settlement between himself and his wife was entered into in May, 1884. According to the terms of the settlement, he held a life interest in his wife's property and income derived from it, provided that he survived his wife. Oscar estimated this income at 800 pounds per year. The trustees of his wife's property had previously made a 1000

pound advance to Oscar on this settlement, which resulting debt bears interest at 5% per annum.

- (c) The debtor then held an interest in a small piece of realty in Ireland that he inherited from his father. This property produced an annual income of 100-150 pounds.
- (d) His household furniture and other personal effects were sold at a judgment creditors' auction conducted on the premises of his Tite Street home in April, 1895, with the net proceeds having been turned over to these three judgment creditors.

At this point, the examination of Wilde was concluded and he was returned to Wadsworth Prison under guard.

Previously on May 7, 1895, the receiver declared a first interim dividend to creditors of 1 shilling, 5 pence "in the pound." Two years later on July 25, 1897, a supplemental dividend of 2½ pence in the pound was made to creditors. Later that same year the receiver was discharged and replaced by a creditors' trustee, who made additional partial distributions on creditors' claims in 1903 and 1904. In the meantime, the Marquess died in 1900 (the same year as Oscar's passing) and the Marquess' son, Lord Alfred Douglas, received 2500 pounds from his father's estate. Oscar's bankruptcy estate became solvent in 1906, when creditors received a final dividend of 20 shillings in the pound. As a result, the Marquess received a 25% total dividend on his claim for costs incurred in defending against Wilde's libel case. 43

E. Wilde's release from prison, his move across the Channel and his death in Paris

After Wilde's transfer to Reading Prison on November 21, 1895, he slowly began to recover his health and spirits. In this new environment, which had a much smaller prison population that Pentonville Prison, he was served better food and received better overall treatment than before. This treatment and Wilde's health and spirits dramatically improved by the appointment in the summer of 1996 of Major James O. Nelson to the position of prison governor at Reading. *Sturgis* affirms that Nelson "...was a man of entirely different stamp than his predecessor. Imaginative, gentle and humane, Wilde characterized him as 'the most Christ-like man I had ever met.' Under Nelson the whole 'tone' of prison life altered completely, and for the better." ⁴⁴ From January to March, 1897, Wilde wrote one of his final literary works, the letter *Die Profundis*, reflecting on his past, which would be first published five years after his death. On May 19, 1897 having served his prison term, Wilde was set free and returned to London. After his release and while living in France, Wilde composed the poem, *Ballad of Reading Gaol*, which was based upon the hanging of a prisoner in Reading that Wilde was present for. This work was published in London on February

⁴³ This information was obtained from Appendix C to H. Montgomery Hyde's 1962 history entitled "The Trials of Oscar Wilde," more particularly described in the Bibliography below.

⁴⁴ *Sturgis* at p. 609.

13, 1898, under the pseudonym, "C.3.3," which was based on the identifiers of his prison cell—Block C, Landing 3, Cell 3.45

After his release from prison, Wilde eventually moved to France, where he lived alone and toured the Continent. He passed away a Parisian hotel room on November 30, 1900, from a case of meningitis and is buried in a famous grave in Père Lachaise Cemetery in Paris. His wife, Constance, died on April 7, 1898, in Genoa, Italy, only five days after surgery for an unknown affliction, which could have been multiple sclerosis. Constance had been previously and unsuccessfully treated by a nerve-doctor in Heidelberg, Germany. Constance now rests in the Monumental Cemetery of Staglieno in Genoa under an unobtrusive gravestone decorated with Irish shamrocks.

⁴⁵ This poem and excerpts from it have been quoted in many literary works and films since its publication, including the 1916 D.W. Griffith film, *Intolerance*; Eugene O'Neill's play, *Ah*, *Wilderness!*; and at the end of Upton Sinclair's 1906 novel, *The Jungle*.

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