A case of mistaken identity: Charles Lillywhite, painter-decorating, and New Zealand's gaol regulations

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ABSTRACT: In November 1900, American painter and decorator Charles Lillywhite was arrested at the corner of Willis and Manners Sts in Wellington after being identified as murderer Arthur Blatch while painting a postal pillar box. Blatch had murdered Alfred Welch in Colchester, England seven years earlier in December 1893. The arrest was sensational news. Multiple witnesses testified to Lillywhite being Blatch, including an Invercargill man who had known Blatch in England. In his defence Lillywhite produced a certificate of membership of the Painters' and Decorators' Brotherhood of North America to demonstrate he had been in America when the murder occurred, and the Chief of Police at Tacoma, Washington provided "statements from reputable citizens" identifying Lillywhite as being a resident painter and decorator in Tacoma from 1883 until 1894 when he moved to New Zealand. After four months remanded in The Terrace Gaol, Lillywhite was extradited to England, where 30 witnesses were unable to positively identify him as Blatch and he was released in late June 1901. Even before Lillywhite's name was cleared, the Justice Department decided to revise the gaol regulations "[i]n consequence of the agitation which has arisen through the treatment of Lillywhite" to "provide for different treatment of persons awaiting trial from those under sentence." This paper examines the life and career of painter-decorator Charles Lillywhite and the gaol regulations in place in the 1900s and their consequences and implications for the interiors of New Zealand gaols.

AI Statement: AI was not used in any aspect of researching and writing this paper.

Introduction

The emergence of interior architecture as a holistic design activity is conventionally located in the shift from the late-nineteenth-century male decorator to the early-twentieth-century "lady decorator," typified by Elsie de Wolfe (1865-1950) of New York City, who Margaret Sharon credits with initiating the "ornamental approach to interior decorating." Sharon distinguished de Wolfe from tradespeople (such as drapers, upholsterers, painters and cabinet makers) who had collectively "contributed to the overall scheme of interior decorating," by describing her as "a

their European sisters, began to put it [their painting skills] to practical use in the decorative arts, especially in the field of ceramic decoration." Anscombe *A Woman's Touch* p 35. She also wrote that "[o]nly in America did women inhabit a society that not only allowed them some measure of autonomy, but also encouraged them to establish co-operative ventures and self-help networks" and "In nineteenth-century America attention was not focused on women in the same way as it was in Europe; women were expected to be practical [...] The image of American women within the mythology of frontier idealism and the "rags-to-riches" ideology was essentially active" Anscombe *A Woman's Touch* pp 12, 50.

supervising designer," and the twentieth-century shift as one emphasising "the visuality of interiors," in contrast to the nineteenth-century decorative arts.² According to Isabelle Anscombe, such women transplanted the profession of interior decoration to Britain, while McNeil documents the opposition made between the "uneducated," commercial tradesperson "who co-ordinated the outfitting of middle- and upper-class homes" and the design reformers, "whose primary concern was to market "art" and taste and promote the new brand of "designers.""³ Sharon and Lasc

highlight landmarks of the discipline as the establishment of Candace Wheeler's Society of Decorative Art of New York City (1877), Frank Parsons' interior decoration course at the New York School of Fine and Applied

² Sharon "Historical Perspectives on Interior Architecture/Design" pp 39, 40, 47.

³ McNeil "Designing women" pp 631, 632, 633. For example, Anscombe writes "American women, unlike

¹ McNeil "Designing women" p 631; Sharon "Historical Perspectives on Interior Architecture/Design" p 39.

Arts (1904), the New York School of Design (1916), the 1922 Arts and Decoration Practical Home Study [or Correspondence] Course (1922), and the American Institute of Interior Decorators (1931).4

However, Lasc presents a more complex understanding of the emergence of interior decoration than earlier writers such as McNeil, Sharon and Anscombe. She states that - since at least 1863 (when Eugène Emmanuel Viollet-le-Duc first headed the École des Beaux Arts) - decorative art schools "promoted the unity of arts ("pure" and "decorative")."5 Their graduates were "able to handle comprehensive interior decoration projects," including designing "furniture, ceramics and wallpaper," thus threatening the concept of discrete trades each narrowly producing different parts of an interior.⁶ For Lasc, this new practice of holistic interior thinking co-incided with the separation of work and home consequent of the Industrial

Revolution, an increased visibility of the domestic interiors of the rich and famous, and the promotion of "the idea of the unified and tastefully decorated interior [...] as a work of art" by various trades and taste-makers, who exploited production advances in the mass media of magazines, pattern books, store catalogues etc. to convey this concept.⁷ It was impacted on by the design reformists, like Charles Eastlake, John Ruskin, and Augustus Welby Northmore Pugin who injected an unhealthy dose of morality into the more worldly activities of paperhanging and interior painting with the aim of improving the quality of British-manufactured goods.8 Taste shifted from the culinary and established a pseudo-religious worship of artistic interiors, where materials were honest and the interior morally-inflected. Aesthetic deceit was frowned on.

In contrast to these narratives of design reform and the artistic interior, Lasc's history challenges "the British- and Americancentered account that continues to credit the development of the modern interior design practice to the Anglo-American world," as

innately feminine. Lasc Interior decorating in nineteenthcentury France pp 2, 3-4; "History" np; McNeil "Designing

well as the dominance of "great men" (such as Clarence Cook, William Morris, Viollet-le-Duc and the Adams brothers), and "great women" (such as Elsie de Wolfe, Candace Wheeler, or Nancy McClelland).9 Instead Lasc highlights the need to examine "those yet-unnamed interior decorators of the nineteenth century," who she describes as "proto-interior designers, comprising occupations such as the upholsterer, painter-decorator, ensemblier, cabinet-maker, architect and decorator."10 She recounts the abolition of the trade guilds (that had constrained competition), which followed the 1789 French Revolution, and blurred historically-narrow monopolies as the different trades increasingly overlapped and directly competed with each other in the realm of interior decorating.¹¹ The result was that several previously-distinct professions in the second half of the nineteenth century offered interior decorating services. 12

In New Zealand, the English term "interior

⁹ Lasc Interior decorating in nineteenth-century France pp 5,

¹⁰ Lasc Interior decorating in nineteenth-century France p 3.

¹¹ Lasc Interior decorating in nineteenth-century France pp

59, 61, 62.

⁴ Lasc notes that Wheeler promoted decoration as

⁷ Lasc Interior decorating in nineteenth-century France p 2.

⁸ Oshinsky "Design reform" np.

¹² Lasc Interior decorating in nineteenth-century France pp 66, 96.

women" p 639; Sharon "Historical Perspectives on Interior Architecture/Design" p 42.

⁵ Lasc Interior decorating in nineteenth-century France p 1. ⁶ Lasc Interior decorating in nineteenth-century France p 1.

decoration" first appeared in newspapers in the late 1840s and early 1850s.13 The term "interior design" first appeared in an 1860 article about architect Robert Lawson's Congregational [Baptist] Church (Dunedin, dem c1912), but it was not until the first decade of the twentieth century that it reappeared (referring to a tramway passenger car interior and a shop design of a Wellington architect, Holland Andrews).14 This first decade of the twentieth century also saw the first usages of "interior decorator," which referred to a "first-class window dresser and interior decorator," and an unnamed interior decorator from New York (possibly Elsie de Wolfe or Frank L Carr), who was advising on the lavishness of American millionaires. 15 But the term "decorator" was used much earlier the 1850s in advertisements for

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tradespeople (specifically a "painter, glazier, paper-hanger, and house decorator" or a "painter, glazier, gilder, paper hanger, sign writer, and house decorator" 16). This is consistent with Lasc's account of the development of the profession of interior decoration from the conflation of cognate trades.

Consequently, this paper follows Lasc's lead in investigating "the importance of other male decorators to the development of interior design."17 It examines the biography of Charles Lillywhite (c1858-1946), a painter and decorator who worked in New Zealand in the late 1890s and, through his arrest in 1900 for the murder of Alfred Welch, exposed deficient conditions in New Zealand prisons.¹⁸ The paper provides a detailed biography of Lillywhite as a painter and decorator, and interior reviews the architectural consequences of his complaint about the accommodation at the Terrace Gaol, with a particular focus on the description of prison interiors provided by New Zealand prison regulations.

Charles Lillywhite (c1858-1946)

In November 1900, American painter and decorator Charles Lillywhite was arrested near Wellington's Duke of Edinburgh Hotel on the corner of Willis and Manners Sts, while he was painting a postal pillar box. ¹⁹ He was accused of having changed his identity and really being Arthur Blatch, who had murdered Alfred Welch in Colchester, England in December 1893. ²⁰ He was transported, in a cab, to the Central Police Station on Lambton Quay. ²¹

Lillywhite was "about 41 or 42 years of age, 5ft 8in high, and of rather slender build," a non-smoking, teetotalling, illiterate, with a face pitted with the scars of smallpox, which he had contracted when he was two or three

¹³ This first instance (March 1847) was an article republished from *The Builder*, regarding the use of New Zealand wood in furniture ("New Zealand Wood" p 2). In the early 1850s, it was used with respect to an imitation marble made by a Miss Wallace ("Glass Decoration" p 3), and in a description of the Queen's yacht, the *Victoria and Albert* ("The Royal Visitors at Boulogne" p 3).

^{14 &}quot;[untitled] (12 June 1860) p 2; "The Proposed Tramway" p 5; "Business Expansion" p 2.

¹⁵ Manager D.I.C. "To Drapers [advertisement]" p 1; "Millionaires' Extravagance" p 2.

¹⁶ Manager D.I.C. "To Drapers [advertisement]" p 1; Louisson "Thomas B. Louisson, Painter [...]" p 2.

 $^{^{17}}$ Lasc Interior decorating in nineteenth-century France p 7.

¹⁸ "Charles Lillywhite 13 April 1858–21 August 1946" np.

¹⁹ "The Charge of Murder against Lillywhite" p 4; "The Colchester Murder" (29 January 1901) p 4; "After Seven Years" p 6; "The Colchester Mystery: Evidence of Identification" p 5; "Charge of Murder: An English Tragedy" p 5. Lillywhite was dressed in a "tweed coat, of good material, but smeared and blotched with paint of various colours." Our Correspondent "Our London Letter" p 2.

²⁰ "Alleged Murder" p 3; "A Frightful Outrage" p 2; "The Colchester Mystery" (12 November 1900) p 6; "The Charge of Murder against Lillywhite" p 4.

²¹ "After Seven Years" p 6.

years old.²² He lived at 59 Majoribanks street, Wellington, where he had resided since at least April 1899.²³ He had been born c1860 in Devonshire Square, London, the youngest child of Elizabeth Farley (1820-1902) and Richard Lillywhite (1824-?).²⁴ Lillywhite described his father as ""a small "boss" painter. He had no shop; he was just a small contractor"."²⁵ His brother Isaac was also a painter.²⁶ Until he turned 17¹/₂, Lillywhite worked for his father in Holloway, London.²⁷

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From ages 17¹/₂ to 20, he was employed by his brother-in-law in Rotherham, Yorkshire, then for a Mr Bennett in Sheffield, and also worked in several other places in the north of England, before returning to London to again work for his father.²⁸ It is probably around this time that he also worked as a painter for the London firm Shoolbred and Co (Tottenham Court Road), and lived near Euston Road.²⁹ He also worked for a builder in Willesden Green, London (Charles C Bettesworth), who his father and brother had also worked for.30 At some point - c1881 - he was a painter on ships that travelled between England, Canada and Capetown, adding to the sense that he had varied work experience as a journeyman painter.³¹

In 1885, Lillywhite left England for America, landing in New Orleans, travelling through

Arrival of the English Witnesses" p 5.

Texas, and going to Chicago where he had relatives.³² He lived with his aunt (Caroline Cook) for about a month, staying in Chicago for two years.³³ In 1889 he moved to Tacoma, Washington, where he became the business partner of a Mr Clarke (until July 1894), was a member of the Tacoma Branch of the Painters and Decorators' Brotherhood of North America, and became an American citizen on 15 April 1890.³⁴

Career in New Zealand

Lillywhite left Tacoma on 15 July 1894 via San Francisco and Sydney, travelling as a steerage

²² "After Seven Years" p 6; "A Wellington Sensation" p 2; Our Correspondent "The Colchester Case" p 7; "All Sorts of People" p 3; Otago Daily Time correspondent "Anglo Colonial Notes" p 4.

 $^{^{23}}$ A Correspondent "The Colchester Murder" p 5; "If this should meet the eye" p 1.

²⁴ "The Colchester Mystery: Evidence of Identification" p.
5. Lillywhite stated that he "believed he was born in London on 15th April in 1859 or 1860" "The Colchester Murder Puzzle: Lillywhite or Blatch?: Arrival of the English Witnesses" p 5. Family Search give Lillywhite's birthdate as 13 April 1858, his birthplace as Bloomsbury St George, Middlesex, and his address in 1871 as Saint Andrew, Holborn, Middlesex. "Charles Lillywhite 13 April 1858–21 August 1946" np; In another report Lillywhite states he was born on 13 April. "The Lillywhite-Blatch Case: Two English Witnesses" p 19.
²⁵ Lillywhite quoted, "The Lillywhite-Blatch Case: Two English Witnesses" p 19.

²⁶ "The Lillywhite-Blatch Case: Two English Witnesses" p 19.

²⁷ "The Colchester Murder Puzzle: Lillywhite or Blatch?:

²⁸ His brother-in-law was presumably the husband of Lillywhite's older sister Elizabeth (1848-?). "The Colchester Murder Puzzle: Lillywhite or Blatch?: Arrival of the English Witnesses" p 5.

²⁹ "The Colchester Murder Mystery" p 2; "The Lillywhite Case" p 3; Otago Daily Time correspondent "Anglo Colonial Notes" p 4.

³⁰ "Anglo-Colonial Notes" p 7.

³¹ "The Colchester Murder Puzzle: Lillywhite or Blatch?: The English Witnesses are now positive" p 5.

^{32 &}quot;The Colchester Murder Puzzle: Lillywhite or Blatch?: Arrival of the English Witnesses" p 5; "The Lillywhite Case" p 3; "The Colchester Murder Mystery" p 2.

³³ "The Colchester Murder Puzzle: Lillywhite or Blatch?: Arrival of the English Witnesses" p 5.

³⁴ "The Colchester Mystery: Evidence of Identification" p 5; "The Colchester Murder Puzzle: Lillywhite or Blatch?: Arrival of the English Witnesses" p 5; "The Colchester Murder Puzzle: Lillywhite or Blatch?: The English Witnesses are now positive" p 5; "The Colchester Murder Mystery" p 2; PA "The Colchester Mystery: Evidence of Identification" p 5; "The Colchester Mystery: Evidence of Identification" p 5; "The Colchester Murder" (18 January 1901) p 2. The Painters and Decorators' Brotherhood of North America had recently formed in 1887 and by 1888 had over 7,000 members in 100 branches ("Our History" np.). It may have been his involvement with this union that influenced his later active involvement in the Wellington union. Choate to Mr. Hay (14 August 1901) np.

passenger on the ss Wairarapa from Australia to Auckland with a man named Selkirk.35 They arrived in Auckland on 23 August 1894.36 The ship's manifest described both men as 28-year-old English labourers heading for Auckland, which would suggest that Lilywhite was born in 1866, and much younger than was reported on his arrest.³⁷ From Auckland (Onehunga) the two men travelled to New Plymouth, arriving on 28 August 1894.38 Lillywhite and Selkirk then lived together for about a year at 26 Taranaki St, after moving to Wellington in 1895, but the following year (1896) Lillywhite was living at 26 Queen St, on Mount Victoria.³⁹ During this time he worked as a painter-decorator.

Painter-decorating in the nineteenth century

³⁵ Lillywhite came to New Zealand via San Francisco ("The Lillywhite Case" p 3); "The Colchester Mystery: Evidence of Identification" p 5; "New Zealand, Archives New Zealand, Passenger Lists, 1839-1974" np.

was a skilled trade. Lillywhite would have learnt his trade from his father at a time when the first factory-made paint was only just becoming available c1875.⁴⁰ This would have meant that he knew how to make paint by grounding dry pigment in oil and thinning the resulting paste using oil and turpentine.⁴¹ The pigments of different tints would be mixed to create the desired colour.⁴² After

⁴⁰ Chase "Preservation Brief. 28" p 4. Paints that were advertised as ready-mixed were available in New Zealand from at least 1860 (Bryan "G.A. Bryan, Painter [...]" p 5), but appear to have become more common in the late 1870s and early 1880s. For example Atkinson and Co "Wanted" p 1; Robt. Gardner & Co "We can soon tell [advertisement]" p 2. However, as Cottrell notes, "[m]any paints were home-made with locally available ingredients" (Cottrell Furniture of the New Zealand Colonial Era p 452), and Goldstein, writing of the American context, stated that well into the twentieth century, paint manufacturers "assumed that homeowners would hire professional painters for the complicated process of mixing and applying oil-andlead house paints" (Goldstein Do It Yourself p 54). Forsyth and White state that oil paint, chalk and white bound with limewash and slaked lime (thinned with water) were the three basic paint types available prior to the last quarter of the nineteenth century, and remained "largely in their traditional form, until World War II" (Forsyth & White Interior Finishes and Fittings pp 156-

157).

each of the four to nine layers of paint dried, they would be rubbed down using pumice. 43 Brush strokes needed to be painted in the direction of the timber grain because early paints did not dry flat, and were usually "given a final glaze finish." 44 Lillywhite was thus of the generation of painters who worked during the transition from hand-made to factory-made paints.

From December 1897 to October 1898, Lillywhite was employed by Charles Edward Carter, the manager for R Martin, painter, Manners St, who stated that Lillywhite was

a very good tradesman, and must have [...] learnt his work [...] before 1894 [when he travelled to New Zealand], unless he was a very smart man.⁴⁵

Other witnesses at his trial considered him to be "a very capable painter," his proficiency requiring at least five years of experience.⁴⁶ One project, that was noted for being a difficult piece of work, for which Lillywhite

³⁶ "Shipping" p 4; "Shipping: Arrivals" p 4; "New Zealand, Archives New Zealand, Passenger Lists, 1839-1974" np.

³⁷ "New Zealand, Archives New Zealand, Passenger Lists, 1839-1974" np.

 $^{^{\}rm 38}$ "Shipping Intelligence" p 2; "Late Shipping" p 5.

³⁹ "The Colchester Murder Puzzle: Lillywhite or Blatch?: The English Witnesses are now positive" p 5; "[untitled]" (4 November 1896) p 1.

⁴¹ Chase "Preservation Brief. 28" p 4.

⁴² Chase "Preservation Brief. 28" p 4.

⁴³ Chase "Preservation Brief. 28" p 4.

⁴⁴ Chase "Preservation Brief. 28" p 4.

⁴⁵ "The Colchester Murder Puzzle: Lillywhite or Blatch?: The English Witnesses are now positive" p 5.

⁴⁶ Robert Quee, painter, paraphrased, "The Colchester Murder Mystery" p 2; John Henry Salmon, Union S.S. Co, foreman painter, quoted, "The Lillywhite Case" p 3.

did "first-class" work, was "a job on Featherston terrace for Mr Tingey."⁴⁷ This may indicate that Lillywhite worked for R & E Tingey, which was a company of painters on Manners Street.⁴⁸ It was also noted that Lillywhite "always got the full rate of pay," because of the quality of his work.⁴⁹

Graining

What particularly distinguished Lillywhite was that he was able to do graining, which was a skill that "a great many Wellington painters can't do," and took "most people a long while to learn."⁵⁰ It was stated that "[a]n average man would need five years [to learn graining]; and he wouldn't reach perfection in that time."⁵¹

Oestreicher writes that painted wood graining

is found in buildings of many sites and periods [...] and its use within a room can range from one or two timber features to covering all the visible joinery from the glazing bars of the windows to the wainscotting and skirting boards.⁵²

There were different fashions regarding the use of graining. In the early eighteenthcentury the trend was to comprehensively grain all the timber surfaces of a room, while the Palladian period usually restricted graining to doors "and sometimes windows."53 The Regency period saw graining becoming more prominent, including at the Royal Pavilion at Brighton.⁵⁴ This period broadened the range of timbers imitated and the number painted in a room, and "the fashion for graining grew in the Victorian period."55 In contrast to the more fanciful graining of the eighteenth century, there was an "increasing tendency [...] to recreate an accurate copy of the wood in question."56 This shift in ambition

changed graining techniques, leading to greater use of translucent glazes and a wider range of graining tools, including combs, sponges, brushes, rags and "a range of patent mechanical aids." Wall includes drawings of 26 different tools used for wood graining in his 1891 text. 58

The two main forms of graining were oil and distemper graining, with both used in interior contexts, and exterior work invariably being oil graining.⁵⁹ Oil graining involved the application of layers of painting, including the ground and the graining colour. Then the grain was marked (on the wet graining colour), and lights created (by wiping out colour), and, if required, knots painted. Then overgraining applied colour "to selected areas to deepen and enhance" the work. This was softened ("usually with a badger-hair brush") and then finished with varnish.⁶⁰ The process for distemper graining was similar, though

⁴⁷ John Henry Salmon, Union S.S. Co, foreman painter, quoted, "The Lillywhite Case" p 3.

 $^{^{48}}$ R. & E. Tingey "L'ustruss Mixed Paints" p 7. R & E Tingey were a company of painters that originated in Whanganui. See "Business Improvements" p 3.

 $^{^{\}rm 49}$ John Henry Salmon, Union S.S. Co, foreman painter, quoted, "The Lillywhite Case" p 3.

 $^{^{50}}$ John Henry Salmon, Union S.S. Co, foreman painter, quoted, "The Lillywhite Case" p 3.

 $^{^{51}}$ John Henry Salmon, Union S.S. Co, foreman painter, quoted, "The Lillywhite Case" p 3.

 $^{^{52}}$ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

 $^{^{53}}$ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np. $\,$

 $^{^{54}}$ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np. $\,$

⁵⁵ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

 $^{^{56}}$ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁵⁷ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁵⁸ Wall *Practical Graining* pp 48-52. John Canning & Co. lists 17 different tools that they use for wood graining. "The Art of Woodgraining" np.

⁵⁹ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁶⁰ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

smaller areas were worked on at a time because the paint dried more quickly, and mistakes in the graining layer could be washed off and redone.⁶¹ Cottrell categorises the graining used in New Zealand differently, contrasting the use of only stains and varnishes with the "fully painted effect [...] of character lines, medullary rays, knots and so on."⁶² He states that this latter type of graining "is the rarest in the New Zealand experience."⁶³ The sense I get is that it was this more sophisticated graining technique that Lillywhite was known for.

Many different timber types were painted, including exotic timber, but "[t]he most commonly imitated wood [in British examples] was oak [and o]ther popular hardwoods included walnut and mahogany." The timbers specifically discussed in William E Walls' 1891 *Practical Graining* - published in Philadelphia - were oak, Hungarian ash, chestnut, satinwood,

Pollard oak, black walnut, French walnut, mahogany, rosewood and hard pine.⁶⁵ Painter decorators who were skilled in graining thus needed to know the grains of different timber species and how these changed with different saw cuts in order to convincingly reproduce these.⁶⁶ They also knew how to recreate joinery joints: "mitres, tenons, bolection mouldings, gunstock tenons etc."⁶⁷

The fashion for graining was challenged by the design reforms promoted by John Ruskin and AWN Pugin in the mid-nineteenth century, which "declared such imitative work a sham," and comprehensively disapproved of representational deceit.⁶⁸ Something should look like what it was, be it an architectural element or the material it was built of. The concepts of truth and honesty became interior architectural. But despite these aesthetic sermons, graining was still used, but, in

England, did not "recover [...] critical acceptance until the last quarter of the century."69 This trend in New Zealand may have misaligned with that of England, with Cottrell stating that graining "possibly remained in vogue a little longer in New Zealand than in Britain."70 Furniture was also grained, and Cottrell writes that "[p]lain wooden furniture was sometimes painted to imitate expensive exotic woods or species that were unavailable. It was a cheap method of decoration, and lavish effects could be achieved quickly and simply."71 He refers to work "shown at the 1885 Industrial Exhibition in Wellington."72 He also notes that, unlike England (where graining covered poorquality pine furniture), "good-quality wood was available in the colony for even the cheapest furniture," suggesting that New Zealand's association with graining may have differed from England's, while also explaining the rarity of extant New Zealand examples.⁷³

 $^{^{61}}$ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁶² Cottrell Furniture of the New Zealand Colonial Era pp 453-454.

⁶³ Cottrell Furniture of the New Zealand Colonial Era p 454.

⁶⁴ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁶⁵ Wall *Practical Graining* contents page. Higgins, published 50 years earlier in 1841, had sections on dark oak, Pollard oak, rosewood, mahogany, satin-wood, maple, sycamore, zebra-wood, walnut, tulip-wood, ash, cedar, hare-wood, king-wood. Higgins *The House Painter* pp 155-161.

^{66 &}quot;Graining and Marbling" np.

⁶⁷ "Graining and Marbling" np.

 $^{^{68}}$ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁶⁹ Oestreicher "Imitation Timber Graining in the 18th and 19th Centuries" np.

⁷⁰ Cottrell Furniture of the New Zealand Colonial Era p 456.

⁷¹ Cottrell Furniture of the New Zealand Colonial Era p 453.

⁷² Cottrell Furniture of the New Zealand Colonial Era p 456.

⁷³ Cottrell Furniture of the New Zealand Colonial Era pp 453, 456.

Those promoting the techniques of graining, such as Higgins in 1841 and Wall, 50 years later in 1891, were unapologetic for its insincerity. Higgins wrote that:

the art of graining has been brought to such perfection, that it is now no longer necessary to incur an enormous cost in obtaining substances which may be so well imitated, as to evade the detection of an experienced eye,

while Wall noted that:

In imitating carved work, mouldings, etc. in graining color, more than ordinary ability is required in order to succeed in deceiving people; and this kind of work should not be attempted unless there is ample time for its proper execution.⁷⁴

He advised that: "as a rule such work should be seen in a subdued light to render the deception more complete."75

Unemployment & Parliament

Despite, his skill, it was likely that Lillywhite was unemployed in early 1899. This is unsurprising given that the 1880s' and 1890s' labour market in New Zealand has been characterised as "highly unstable, casual and seasonal," with frequent unemployment, or

more precisely "underemployment."⁷⁶ Martin attributes this to the development of the economy as "a cyclical series of booms and recessions," the concentration of rural labour during summer months, and the dependence of sectors such as farming, road and railway construction, and building on good weather.⁷⁷

The Long Depression (1878-c1895) "was a variable experience," and the end of the 1880s New Zealand was hit with severe cuts to public spending.78 The construction sector had a dual labour market of well-paid, permanent skilled workers that was supplemented by a floating labour pool of less-skilled workers with unstable employment.⁷⁹ For example, from 1881-96 there was little annual growth in carpenter's incomes, and the numbers of carpenters, building labourers and painters reduced 14% during the 1880s.80 Another

characteristic of the 1880s was skilled workers competing for work with unskilled labour and an increase in the employment of women and younger boys.81

Unemployment relief had been implemented "at piecework rates which barely enabled [...] a subsistence wage."82 When the Liberal Party came to power (under John Ballance) in 1891, the new Minister of Public Works, Richard Seddon, introduced what he called the cooperative system.83 This involved government supervision of a group of 10-12 workers constructing part of a project, who were paid by dividing the engineer's estimate equally among the workers, rather than using a contractor.84

New Zealand, 1860-1890" p 187.

⁷⁴ Higgins The House Painter p 154; Wall Practical Graining p 58.

⁷⁵ Wall Practical Graining p 59.

⁸¹ Martin "Unemployment, Government and the Labour Market in New Zealand, 1860-1890" p 186.

⁸² Noonan By Design p 59.

⁸³ Its later decline was a consequence of increasing conservatism, its use as a relief scheme and inadequate communication between workers and officials Noonan By Design p 76-77.

⁸⁴ Noonan By Design p 72. Also: "My Advisers propose to prosecute with vigour the construction of reproductive public works out of such moneys as are or may become available for the purpose. In letting contracts for public works my Advisers have endeavoured to discourage the practice known as "sub-contracting," and they propose, as far as possible, to encourage the association of

⁷⁶ Easton *Not in Narrow Seas* p 164; Martin

[&]quot;Unemployment, Government and the Labour Market in New Zealand, 1860-1890" p 170.

⁷⁷ Martin "Unemployment, Government and the Labour Market in New Zealand, 1860-1890" p 172.

⁷⁸ McAloon "The New Zealand Economy, 1792-1914" p 213.

⁷⁹ Martin "Unemployment, Government and the Labour Market in New Zealand, 1860-1890" p 174.

⁸⁰ Easton Not in Narrow Seas p 165; Martin

[&]quot;Unemployment, Government and the Labour Market in

Seddon's introduction of the co-operative system was a consequence of there being insufficient skilled workers for Vogel's public works and the government accepting the low tenders of unqualified workers.⁸⁵ This also occurred in the context of the "truck" (or "tally") system.⁸⁶ In 1894, the Public Works

workmen on the co-operative principle" "Governor's Speech" p 3. Also Earnshaw" Financial Statement [Housel" p 449.

85 Noonan By Design p 71. Noonan also credits the change to the election of the Liberal government, which represented "the landless, the working man, the unemployed, and the small shopkeeper" (Noonan By *Design* p 72). Not everyone supported the co-operative system. The Masters Painters, who employed journeymen, claimed that: "The Government system of co-operative works was responsible for so many incompetent men calling themselves "painters," although [...] they had never had a paint brush in their hands. The rate of wages at present ruling here was higher than in any other part of the colony, and the knowledge of that fact had already attracted many men to Wellington" ("Conciliation Board" (16 December 1898) p 6). ⁸⁶ The "truck" system involved employers (or their associates) providing their employees with goods, such as food, which the workers were compelled to buy, often at exorbitant prices or risk losing their jobs ("Chamber of Commerce" p 6; "The Wanganui Herald" (13 November 1880) p 2; An Aggrieved One "Truck System" p 2; A Correspondent "Matamau" p 2; "The Strike" p 2). This sometimes resulted in workers becoming indebted, and, as the *Observer* wrote, reduced "to an intolerable species of serfdom" ("The Observer" (8 April 1882) p 50; Also

Department Under-Secretary

argued that the contracting system allowed an anomalous situation to develop where the principal contractor made a large profit, his sub-contractor was ruined, the workmen left unpaid and the local business people who supplied stores and materials were unable to recoup the money owing them.⁸⁷

The co-operative scheme also operated as an unemployment relief scheme.⁸⁸

It is in this context that Wellington City MP John Hutcheson lobbied the Premier (Seddon) in April 1899 to provide work for the "large number of out of work painters" in "the renovation of Government buildings," and Lillywhite was subsequently employed as a painter on the new Parliamentary Buildings.⁸⁹

Own Correspondent "Auckland" p 3). The *Observer* also noted a particular case where work was refused to Europeans, and the trucking system used on Māori workers ("The Observer" (4 March 1882) p 386).

The building in question must have been Thomas Turnbull's new Parliamentary Library. While he was working there, in June 1899, Lillywhite and three others (E Smith, G Tuer and G Leatham) fell 20 feet [6m] from scaffolding. 91

His injuries were serious and it was reported that he suffered "a compound fracture of one of his legs, and dislocation of the foot," and that he broke both of his ankles. ⁹² A reference to the incident in the House of Representatives referred to him "lying in the

⁸⁷ Noonan By Design p 72.

⁸⁸ Noonan By Design p 73.

⁸⁹ "[untitled]" (13 April 1899) p 6. The following month Hutcheson was recognised by the Wellington Painters' Union as "a worthy representative of Labour" and it thanked him for "his outspokenness in the interests of truth and democracy" (Our Correspondent "Political Notes" p 6). This sentiment was reinforced in a letter to the editor from a working painter (F.C. "The Painters' Union and Mr. John Hutcheson, M.H.R." p 2). A second resoluton was passed supporting Hutcheson in July

^{1899. &}quot;[untitled]" (8 July 1899) p 5.

⁹⁰ Martin describes this building as "an iron-framed, three-storey structure with a brick exterior, tessellated terracotta-block floors and moulded plaster detailing that sought to evoke the Westminster Houses of Parliament." He states that "[t]he building went up rapidly and was finished just as the 1899 session [of Parliament] began," but also that the building "became embroiled in political controversy," not helped by Seddon's premature demolition of the existing library. There were allegations of extravagance, embarrassingly high tenders, and Turnbull famously disowned his design when it was built one storey short of his design (Martin *The House* pp 129-130).

⁹¹ "Accidents and Fatalities" p 5; "Charge of Murder: An English Tragedy" p 5; "Local and General" (8 June 1899) p 5.

^{92 &}quot;Accidents and Fatalities" p 5; "Local and General" (8 June 1899) p 5; "Charge of Murder: An English Tragedy" p 5; Barratt to White (undated [c December 1901]) np.

hospital for some six or eight months with both legs broken, and [... undergoing] a course of treatment at Rotorua."93 This was shortly before he was arrested because Lillywhite himself stated that, when he was arrested,

"[i]t was the first time I had touched tools for eighteen months. During the whole of that period I had been laid up through having had both my ankles broken."94

The long-term impact of his injuries was wellconveyed by his lawyer writing in London two and a half years later, that Lillywhite

has had treatment in hospital here for his feet, which at times are so painful that he has difficulty in walking. Hence he is not in the position of an ordinary, healthy workingman who can actively get about and attend to work.⁹⁵

Following news of the accident, the Trades Council sent a letter conveying their condolences to Lillywhite.⁹⁶ This support of the Trades Council reflected Lillywhite's role in the Painters' Union, where he was vice-

Charge of Murder against Lillywhite" p 4.

president (1898/99), and a previous secretary. In December 1898, Lillywhite (with A Watts) had been a union representative in a dispute between the Wellington Amalgamated Painters and Decorators' Union of Workers and their employers, 63 Master Painters, during which he reportedly "displayed no small amount of ability in that capacity."

The reporting of this dispute provides some sense of the employment conditions of New Zealand painters and decorators (apprentices, improvers, and journeymen) at the turn of the century.99 The hours of work were agreed to be eight hours on ordinary days and four on Saturdays.¹⁰⁰ Indentures were agreed to be for five years, with the two sides disagreeing regarding the weekly wages for the first year (6s 6d vs 7s 6d), the remaining years' wages being settled at 10s, 15s, £1, and £1 5s per week.¹⁰¹ Another sticking point was whether or not unionists should get preference of work. 102 The Master Painters had also wanted proof of competence before they employed painters, but there was no clause in the agreed contract requiring this. 103

⁹³ Mr. Hutcheson "Charles Lillywhite" p 191; "The

⁹⁴ "Lillywhite's Pitiful Story" p 4. It was also reported that Lillywhite "had been working at Rotorua but was recently transferred to Wellington" "The Charge of Murder against Lillywhite" p 4.

⁹⁵ Barratt to White (undated [c December 1901]) np.

^{96 &}quot;Local and General" (9 June 1899) p 5.

⁹⁷ "[untitled]" (28 April 1898) p 38; "Charge of Murder: An English Tragedy" p 5.

⁹⁸ This organisation was not the Painters' Union (which disbanded in 1898), though it was sometimes confused with it ("Local and General" (13 August 1898) p 4). The Wellington Amalgamated Society of Painters and Decorators' Union of Workers was affiliated with the Wellington Trades Council ("Wellington Trades Council" p 2), and collaborated with painters' unions in other New Zealand cities (For example, in Christchurch and Auckland. "Conciliation Board" (6 May 1897) p 34; "General Telegrams" p 5). It participated in annual Labour Day [Eight House Parade] marches, and held social events ("The Procession through the Town" p 6; "Local and General" (3 November 1900) p 5). In July 1899, the union stated that "[a]ny Painter, Paperhanger, etc." could join the organisation, providing an indication of its members occupational reach ("Wellington Amalgamated Society" p 7). "Conciliation Board" (15 December 1898) p 6; "The Labour World" p 28: "All Sorts of People" p 3. Disputes between the painters' union and the master painters appear to have been frequent, and the master painters appeared to have boycotted painters belonging to the union. Also "Local and General" (11 August 1899) p 4; "Dispute in Painting Trade: Claims of

the Men" *New Zealand Times* (1 November 1898) p 4. The Charge of Murder against Lillywhite" p 4.

⁹⁹ "Conciliation Board" (15 December 1898) p 6;

[&]quot;Conciliation Board" (16 December 1898) p 6; "Conciliation Board" (22 December 1898) p 5.

^{100 &}quot;Conciliation Board" (15 December 1898) p 6.

 $^{^{101}}$ "Conciliation Board" (15 December 1898) p 6. These wages contrast the daily average wage of a painter provided by the 1896 Census of 8s 6p or £2 6s 9p per week.

¹⁰² "Conciliation Board" (15 December 1898) p 6.

¹⁰³ "Conciliation Board" (15 December 1898) p 6. In arguments regarding incompetent painters, the Master Painters (represented by WG Tustin) stated that: "it was not the old painters and good workmen who were

Following Lillywhite's recovery from the Parliament Buildings' accident, he was given light work and a permanent job by the Public Works Department, explaining why such a skilled painter-decorator was painting Wellington pillar boxes at the time of his arrest.¹⁰⁴

Complaints about prison conditions

Following his arrest, Lillywhite complained about his accommodation in the Central Police Station. He stated that "he was not over-satisfied with his quarters at the lock-up," because "the police cells were too cold for a man who was in ill-health, as he was." His lengthy time in hospital following his accident and his relegation to light duties provides some context for his self-description. In an

responsible for these proceedings, but incompetent men who were not worth 1s 2d an hour, but they were agitating for even more." "Conciliation Board" (16 December 1898) p 6.

early court appearance (6 November 1900), he was remanded to the Terrace Gaol, which the magistrate (Mr Haselden, SM) described as "fairly comfortable." Despite this, Lillywhite described the conditions in the Terrace Gaol as "disgraceful *for a white man.*" Part of his complaint was culinarily-focussed, but he also stated that:

the atmosphere of the cell he was kept in nearly suffocated him. There was insufficient ventilation—only a little hole in the ceiling for his poisoned breath to escape. ¹⁰⁹

He stated that his cell was "only 7ft square." These conditions concerned him because of

 107 "The Colchester Mystery: Evidence of Identification" p 5

his health history, and because he "needed all his faculties at the present time."¹¹¹ The judge noted his inability to alter the prison regulations, but stated that he considered that the "accused should receive the best treatment possible under the circumstances."¹¹²

Reports following Lillywhite's complaint emphasised the presumption of innocence, and stated that:

it is contrary to the enlightened spirit of the age to make the conditions less favourable than is absolutely necessary. 113

They accused the prison authorities of sheltering behind prison regulations, while claiming that it was "high time" that the regulations were "shorn of such barbarous provisions" and noting further possible consequences - if Lillywhite was innocent - because he was an American citizen.¹¹⁴ It was

¹⁰⁴ "Local and General" (9 June 1899) p 5; "Charge of Murder: An English Tragedy" p 5. When he was arrested he was described as "occasionally employed as a painter in the Government service" ("The Bruce Herald" p 4), but "not in the Civil Service" ("After Many Years" p 8).

¹⁰⁵ "The Colchester Mystery: Evidence of Identification" p 5; "A Wellington Sensation" p 2.

 $^{^{106}}$ "The Colchester Mystery: Evidence of Identification" p 5.

¹⁰⁸ "Second Edition: The Colchester Murder Mystery" p 6.
¹⁰⁹ In mid-November, the Inspector of Prisons (Arthur Hume) instructed the gaol doctor to ascertain whether changing Lillywhite's diet was necessary, despite his diet already having been modified ("[untitled]" (21 November 1900) p 6). Particular concerns of the prison authorities were the seriousness of a murder charge, that poison (enabling suicide ("Evening Post" p 4; "Current Topics" p 41)) might be concealed in food brought in from outside, and the absence of the gaol doctor recommending Lillywhite be given special treatment (PA "The Colchester Murder: A Question of Identity" p 4; "Second Edition: The Colchester Murder Mystery" p 6).

¹¹⁰ "The Lillywhite-Blatch Case [...]" p 3.

He would later recall ""I was recovering from two broken angles, and I did not feel that a convict prison was a suitable place for an invalid"." Lillywhite quoted, "The Colchester Murder: the release of Lillywhite" p 1.
 "Second Edition: The Colchester Murder Mystery" p 6.
 "Second Edition: The Colchester Murder Mystery" p 6.
 "Current Topics" p 41. "Evening Post" p 4. Also

[&]quot;Topics of the Day" p 5.

114 "Evening Post" p 4: "Current Topics" p 41, c.f. Tu

¹¹⁴ "Evening Post" p 4; "Current Topics" p 41. c.f. Turner "Lillywhite or Blatch" p 7. The United States Consul,

speculated that: "[t]he result of his representations will probably be an alteration in the regulations." 115 Meanwhile, the Terrace Gaol gaoler (Mr P Garvey) stated that Lillywhite's initial complaint had resulted in him being moved into a new cell, and this cell is "neither damp nor ill-ventilated." 116

On 19 November a deputation to the Minister of Justice, asking him to "relax the prison rules regarding the dietary scale of persons awaiting trial," was headed by John Hutcheson MHR.¹¹⁷ Hutcheson was the MP who had lobbied Seddon on behalf of out of work painters in April 1899, which had no doubt led to Lillywhite's employment at Parliament Buildings.¹¹⁸

John Duncan, attended the court hearing on 18 January 1901. "The Colchester Murder Puzzle: Lillywhite or Blatch?: The English Witnesses are now positive" p 5.

Lillywhite's strong role in the union may be the reason why he garnered high levels of support and one report stated that: "Lillywhite had fought the cause of the painters more than any other man in Wellington."¹¹⁹ At a meeting of his supporters "to consider what steps should be taken to assist him," held on 23 November 1900, it was reported that "[a]ll present spoke in the highest terms of Lillywhite, both as a man and as an efficient workman."¹²⁰ On the 24 November it was reported that "the Justice Department has decided to frame regulations which shall provide different treatment for persons awaiting trial from those under sentence."¹²¹

Gaol Regulations

Gaol regulations are not intended as a description of a gaol's interior architecture, yet they do reveal specific intentions regarding the interior conditions of prisons. The regulations in force in New Zealand in November 1900 were issued under the 1882 Prisons Act (s 9) that followed the

appointment of New Zealand's first Inspector of Prisons, Arthur Hume (1840-1918; inspector 1880-1909).

The 1882 Act prescribed several architectural constraints. These included that the definition of a prison include the airing-grounds (s2), that male and female prisoners, and criminal and civil prisoners, be separated (ss12, 13), that unconvicted prisoners be "confined for safe custody only" (s14), that Visiting Justices examine "the state of the buildings, and consider what alterations or repairs may appear necessary" (ss19(1), 20), and that prisoners could be punished by confinement ("with or without irons") (s23(1)) "either in a light or dark cell" (s23(1)), or "kept in solitary confinement" (s26).122 In addition to these specific provisions, the Act enabled regulations to be made relating to "[t]he construction and description of cells for separate confinement [...] and the certifying the same as fit for the purpose" (s9(2)), safe custody (ss9(3), 9(4)), separating civil from criminal prisoners (s13), and to differentiate the detainment of unconvicted and the imprisonment of convicted prisoners (s14).

¹¹⁵ "The Magistrate's Action" p 3. ¹¹⁶ "Current Topics" p 41.

¹¹⁷ Hutcheson (c1854-1940) had arrived in New Zealand after time as a naval architect. His obituary stated that Hutcheson "was a member of the Strike Commission which followed the maritime strike in 1890. After being elected as the Wellington member of the House of Representatives in 1896, he resigned after a disagreement with the government over the administration of the Marine Department, but was returned in 1900 as an independent MP. "Obituary" p 9.

¹¹⁸ "The Case of Lillywhite" p 3; "Second Edition: The

Colchester Murder Mystery" p 6; "Evening Post" p 4.

¹¹⁹ "The Colchester Murder Mystery" p 2.

¹²⁰ "The Colchester Case" (24 November 1900) p 2.

^{121 &}quot;Interprovincial" p 4; "Wellington Notes" p 5;

[&]quot;Wellington News Notes" p 5; "Interprovincial News" p 3.

¹²² The 1883 Prisons Act removed the ability to confine someone in a dark cell.

This last point (to make regulations that differentiated the detainment of the unconvicted and the imprisonment of convicted prisoners) enabled the government to more precisely articulate what this differentiation was, but no regulations did this at the time of Lillywhite's arrest.

Programme and planning

One consequence of the regulations was the inference of an architectural programme through reference to specific spaces, namely a library (reg 14), prison cells (reg 77), punishment cells, and wards (reg 19, 75).123 A hospital (when practicable) or infirmary was also to be provided (reg 49, 77, 114), but sick prisoners could alternatively be confined to their cell, or to a punishment cell (reg 77). Some spaces were implied by the activity or accommodation to be supported, including divine service (reg 10), educational instruction (reg 51), open-air exercise (regs 20, 46), consulting with legal advisors (reg 52), and staff accommodation. 124

As occurred in the primary legislation, spatial relationships of separation were also stipulated. Male criminal prisoners were to be accommodated in separate cells to prevent communication and male homosexuality (reg 6, 38).125 Binary opposites (such as convicted and unconvicted (reg 26), adults and those under 16 years old (reg 26), misdemeanants and criminals (reg 120)) were to be segregated, as well as untried prisoners in the same court case (reg 31), while condemned prisoners were to be confined "in a cell apart from all other prisoners" (reg Additionally, the different classes that Penal Servitude and Hard Labour prisoners were categorised in, were to be kept separate (reg 122, 147). The interior of the prison was thus one of degrees of division and sub-division.

arithmetic (reg 51). Most prison staff lived on site, requiring permission to leave the premises. This included subordinate officers (reg 4, 67). Both the Gaoler and the Matron were required to "reside in or immediately adjoining the prison" (reg 71, 83). ¹²⁵ Regulation 38 stipulated that "every male prisoner shall sleep in a cell by himself (whenever practicable), or in a separate bed in a cell containing not less than two other prisoners." This numerical requirement reflected an anxiety about homosexually when only two men were housed together.

Interior environment

The regulations also prescribed the quality of interior spaces. Prisons were to be "kept in a cleanly state" (reg 1), and the Surgeon was to record "any want of cleanliness, drainage, warmth or ventilation" (reg 89), clearly locating the interior of the prison as a health concern, though the inadequate venting of Lillywhite's cell points to the disparity between regulations and their enforcement. 126 Walls and ceilings were to be "painted with oil or be lime-washed" (reg 1), suggesting homogenous wall colours.¹²⁷ Disinfectants were to be used to keep drains and sinks "sweet and clean" (reg 1), providing an desired indication of the olfactorial environment.

¹²⁶ It was explicitly stated that pre-trial prisoners (reg 33),

and misdemeanants (reg 119, 120) were "required to

¹²³ The library was to support prisoner instruction and was not to include newspapers or non-authorised books (reg 14).

¹²⁴ The regulations recognise different denominations (Protestant and Roman Catholic), and Judaism (reg 11, 50). This instruction was in reading, writing and

keep their cells [...] clean and in good order." Orderlies and cleaners were responsible for cleanliness in common areas (reg 99), and this general requirement was supplemented by responsibilities for empty, clean and purify with lime the night tubs (reg 100), and to wash the floors, and whitewash interior walls (reg 101). The cookhouse was specifically identified was requiring proper cleaning (reg 97).

¹²⁷ Every six-months oil painted surfaces were to be washed "with hot water, soap and soda," while limewashed surfaces were to be renewed (reg 1).

Similar prescription related to bedding, which was to be "aired frequently, or changed and washed as often as the Surgeon may recommend, or the Visiting Justices or Inspector may direct" (reg 38). However some convicted prisoners - and all prisoners in solitary confinement - were "required to sleep on a plank-bed without a mattress" (reg 38, 58). The regulation to clean was complemented with the punishment of confinement "in a light cell" (with or without irons) (s 5(1), 7(1)) for the "marking, defacing, or damaging the prison property" (reg 53).128 These were minor prison offences (reg 53), in contrast to the aggravated offences of "[w]ilfully and maliciously breaking the prison windows or otherwise destroying the prison property" (reg 54).

The thermal, acoustic, alfactorial and luminated aspects of the interior environment were also regulated. "Thermometers" were to be "placed in different parts of the prisons," presumably to monitor the thermal environment (reg 3). Prisoners' lights were extinguished at 7.45pm (reg 105), while other lights (located according to the Inspector)

burnt all night (reg 105).129 Bells were rung at each end of the day (reg 103, 105), and prisoners were to be silent during work or exercise (reg 6), and "when marching to and from their places of labour" (reg 8). In a related manner, "[g]aming, dancing, swearing and singing" were prohibited (reg 16), and smoking was banned for prisoners who were admitted after 20 April 1883 (reg 30). This smoking ban was newly introduced with these regulations and credited to the new Inspector of Prisons.¹³⁰ The severity of this environment was presumably challenged in the women's wards where the children of female prisoners aged under 12 months also lived (reg 32).

Maintenance of the prison boundary

The boundary is a critical factor in the definition of an interior.¹³¹ Hillier and Hanson refer to "the very nature of a boundary [...] to create a disconnection between an interior space and the global system around, of which

it would otherwise be a part," and to the "effect of the boundary to preserve the interior structure from uncontrolled incursion." The prison regulations were consequently sensitive to potential boundary transgressions and its interior was to be secure. This operated at a number of levels. The guarded perimeter monitored and regulated, including the inspection or searching of articles (reg 34, 94), visitors (reg 52), and even staff (eg reg 67), moving across it. Only very exceptional circumstances saw ingress or egress between the hours of 10pm and 5am (reg 5).

Escapes and attempted escapes were aggravated prison offences (reg 54) and made prisoners liable to being shot (reg 55). Items susceptible to facilitating escapes were not to be "left unnecessarily exposed," and ladders were to be "chained and locked every evening" (reg 2). Within the prison, locks and bolts were to be frequently examined by subordinate officers (reg 69), and the wards, cells, and yards where females were confined were to have different locks to those securing the male wards, cells and yards (reg 83).

¹²⁸ These sections replaced the 1882 Prisons Act refer to punishment by confinement "either in a light or dark cell" (s23(1)).

¹²⁹ It was the responsibility of the orderlies and cleaners to trim the lamps and ensure they had sufficient oil (reg

 $^{^{130}}$ "[untitled]" (28 April 1883) p 2; "The Daily Telegraph: Friday, October 9, 1885" p 2.

 $^{^{131}}$ McCarthy "Toward a Definition of Interiority" pp 113-115.

¹³² Hillier & Hanson Social Logic of Space pp 144, 145.

The 1913 regulations

Despite Lillywhite's protests, the next issuing of regulations was not until January 1913 and they did not distinguish the prison environment of remand and convicted prisoners. These new regulations included explicit reference to an armoury (reg 68), reinforced by references to prisons officers undergoing "drills and shooting exercises" (regs 38, 65), but rather than requiring any new type of space, a strengthening and further elaboration of the previous regulations occurred.¹³³ This is clear in the provisions

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enforcing the prison boundary and the maintenance of internal security, which extended to the detail that the inner and outer gates of a prison were never to be open at the same time, "except when prisoners are actually passing in and out going to and returning from labour" (reg 387).134 Searching protocols were more extensive, and had a dedicated section (regs 194-198), and the Gaoler was now required to weekly "at uncertain hours [...] go through the whole prison at night [...] and assure himself that all gates are locked at the proper times" (regs 62, 63), and "that the keys are kept in the authorized places [...] and [...] not allow any key to be taken outside of the prison-gate" (reg 63). The prison boundary clearly stretched beyond its physical site. Prisoners, when escorted to or from prison, were to be prevented from communicating with the public (reg 105), and "conveyed in a cab or closed vehicle" to prevent their exposure to public view (reg 174). Information about the

while marching to and from their places of labour" (reg 208).

prison was also to be kept inside prison walls, with both prison staff and prisoners being prohibited from discussing any such matters outside the prison gates (reg 40, 222).

But what particularly distinguishes these regulations, in relation to the interior architecture, is the new requirement to provide prisoners with furniture and furnishings in their cells, specifically "a stool, table, bed, shelf, small mirror, tooth-brush, hair-brush and comb, drinking-vessel, and night-pan" (reg 175). This distinguishes the prior focus on the punitive use of unmattressed beds and brief mention of the "night-tub," and elaborates an understanding of the occupation of the cell for personal grooming and study activities additional to sleeping. Increased interior detail can also be seen in the prohibiting of arson, which more explicitly referred to damaging walls and furniture (reg 203).¹³⁵ This was reinforced by stressing that "[n]o scratching or marking, however slight, on the walls or furniture will be overlooked" (reg 203). Lighting "pieces of paper, rags, or other articles" (reg 204) was also prohibited. All prisoners were now

¹³³ The 1883 regulations had stated that any escaping prisoners would be "liable to be shot" (reg 55) but there had been no explicit mention of an armoury. This included areas of hygiene and maintenance with more staff roles are responsible for this aspect of the interior, usually duplicating other's jobs. The Gaoler (in addition to the Medical Officer) was to "pay attention to the lighting, ventilating, drainage, and sanitary systems of the gaol, and take such measures as may be necessary for their being maintained in good order" (reg 67). He was to report to the Under-Secretary on "the state and condition of the buildings, fences and other property connected with the prison; the repairs or alterations which have been made in the prison buildings" (reg 79), while the Visiting Justices were to "report to the Minister as to any repairs or alterations which in their opinion may be urgently required" (reg 149). The requirement for silence was also extended "Prisoners must preserve strict silence at all musters, at meals, in the dormitories and cells, while undergoing solitary confinement, and

¹³⁴ For example, the Chief Warder was to "give his constant attention to the security of the prison" (reg 88), "be present at the opening and closing of the prison" (reg 85), and "superintend the arrival and departure of the prisoners" (reg 86).

¹³⁵ The 1883 regulations only referred to "night-tubs," and then in relation to their emptying, cleaning and purification with lime (reg 100).

required to "keep their persons, cells, and the furniture therein in the highest state of cleanliness" (regs 213, 277, 286).

The previous ban on smoking had been lifted, and even incorporated into the daily schedule (reg 164), but no animals were "to be kept within the prison without the special permission of the Inspector" (reg 381), and new regulations made to manage the spread of infectious or contagious diseases, requiring infected prisoners to be kept apart from other prisoners (regs 76, 130, 248, 261, 266). 136

¹³⁶ This change in smoking appears to occurred in 1902-3. P.S. Garvey (Gaoler, Wellington Gaol) had recommended that a little tobacco "be allowed to certain class [of] prisoners under the most exacting rules" in his annual report in 1901 ("Department of Justice, Prisons Branch (Report on), for the Year ending 31st December 1901" p 15), and the MHR for Wellington Suburbs (Mr. Wilford) stated that "three of the principal gaolers of the colony [...] concurred [...] that a small allowance of tobacco should be supplied to the prisones in the gaols at regular intervals [...] the very fear on the part of a prisoner that his allowance of tobacco would be stopped would be quite sufficient to make him toe the mark and conform to the discipline of the gaol" (Wilford Hansard [House] (1 October 1901) p 83). In 1902 it was reported that "The Minister for Justice [James McGowan] has decided that all prisoners sentenced to terms exceeding three months shall be allowed to smoke once a day, at

the expense of the colony" (Own Correspondent "Anglo-

Colonial Notes" p 5). F Egerton Severne (Auckland Gaol,

A case of mistaken identity

After four months remanded in The Terrace Gaol, Lillywhite was extradited to England. 137 He left New Zealand on the *ss Mokoia* on Saturday 9th March 1901 to Sydney with Detectives Frost and Marsh, from whence they travelled (via South Africa) on the *Duke of Norfolk* to London. 138 The voyage must have been difficult. Lillywhite recalled that he was "kept below nearly the whole of the time," but at Colchester, the prison conditions he experienced were a stark contrast to those in New Zealand: "His cell was comfortable and roomy, and it had just been specially done up. His bed was new." 139 In court 30 witnesses were unable to positively identify him as

Gaoler) more exactly referred to "an innovation which was made on the 26th June last - namely, the issue of tobacco to certain prisoners" in his annual report for 1902 ("Department of Justice, Prisons Branch (Report on), for the Year ending 31st December 1902" p 4). However I am yet to locate the exact source. New Zealand had experienced an influenza pandemic in 1890-94, and outbreaks of measles and whooping cough in 1907, and adopted the Bertillon index of known diseases in 1909 (Rice "Epidemics" np.), but these instances do not appear to explain this inclusion.

137 "Telegraphic" p 3. "Ex parte Lillywhite" pp 502-516.
138 "Shipping News: Sailed" p 4; "Colchester Murder" (15 March 1901) p 2. "Brevities" p 4.

Blatch, and he was released in late June 1901. 140 Both the US and British governments considered Lillywhite's case to have been unique, each unable to find any precedent in relation to whether and how he ought to be compensated, as Joseph Choate from the American Embassy in London, wrote to the Department of State in America:

The man was torn from his place of residence and brought half round the globe, and subjected to great hardships, on a mistake of identity; and I think that Lord Lansdowne and the home secretary both regard it as an unusual case and entitled to exceptional treatment.¹⁴¹

Lillywhite was awarded £600 compensation by Britain for his wrongful arrest to cover one year's salary, his legal expenses and his passage back to New Zealand. The Wellington Painters' and Decorators' Union sent him a congratulatory telegram. 142

"The Colchester Case" p 7.

¹⁴⁰ "Cable News" p 5; "Lillywhite To Be Released" p 6.

¹⁴¹ Lansdowne to Choate (23 July 1901) np. Also Adee to Choate (27 August 1901) np. Choate to Hay (14 August 1901) np. Additionally: "He has lost a permanent place given him at the time of his arrest." Barratt to White (undated [c December 1901]).

¹⁴² This £600 is equivalent to \$140,718.84 (2025 Q3 equivalent (General CPI)). inflation calculator np. "By Telegraph" p 6; Lansdowne to White (21 November 1901) np. "All Sorts of People" p 3; "Town and Country: Congratulations" p 4.

Conclusion

The story of Lillywhite provides a starting point for examining the New Zealand painterdecorator at the turn of the century. His biography suggests that New Zealand relied on foreign-trained painter-decorators for specific skills which took years to acquire. Such journeymen were dependent on family members to learn these skills and for their initial work experience, indicating traditions of inter-generational painter-decorators. As a journeyman, Lillywhite's work history is geographically-varied and peripatetic. His practice of decorating interiors - as evidenced from his fall from the General Assembly Library and his painting of pillar boxes - did not restrict him to only interior work.

Lillywhite's arrest provides some insight into the conditions remand prisoners were held in, but also to the disparity between regulations and prison practice, and the incremental rate of regulatory change. Littlewhite's 7sqft cell was considered inappropriate at the time, yet we are still to regulate minimum sizes for prison cells - as the 40% of Invercargill prisoners double-bunked in 6sqm cells can testify. Lillywhite's case also demonstrates

the helpfulness of court reports in establishing the biography and work history of painterdecorators.

The increasingly naturalistic representation of interior materiality (such as timber and stone), that painter-decorators such as Lillywhite could achieve, was central to the fundamental concerns of the design reform movement of the mid-nineteenth century and its rejection of aesthetic deception - the risk of mistaken identity. The design reformers anthropomorphically-projected moral concepts, like "truth" and "honesty," on to interior materiality, just as writers of decorating manuals, such as Higgins and Wall, had identified "imitation" and "deception" as things to be sought-after. The story of Lillywhite's arrest, charge and extradition, as one of mistaken identity coinciding with the aftermath and consequences of design reform, is thus a useful one to remind us that deceit and representation are fundamental to the discipline of interior design and architecture.

Postscript

Lillywhite left England circa February 1902 travelling via Washington, with the stated intention that he would continue on to New Zealand.¹⁴⁴ His commitment to residing in New Zealand may have been due to his engagement to an Auckland widow, or to the British government's payment of his passage there.¹⁴⁵ However, it appears that, while he arrived in Washington, he did not continue on to New Zealand.¹⁴⁶ Instead he settled on the 640-acre farm in Seattle, which he had bought in 1893.¹⁴⁷ He died on 21 August 1946, in Tacoma, Pierce, Washington, United States, at the age of 88, and is said to be buried in Astoria, Clatsop, Oregon¹⁴⁸

¹⁴⁴ "Local and General" (26 February 1902) p 2; Our Own Correspondent "The Lillywhite Muddle" p 2.

[&]quot;Lillywhite's Pitiful Story" p 4; "[untitled]" (20 May 1902) p 2. "The Colchester Murder: the release of Lillywhite" p 1; "By Telegraph" p 6.

¹⁴⁵ "Lake County Press" p 4; "[untitled]" (17 August 1901) p 6; "Wanganui Herald" (4 December 1900) p 2. The "prepossessing" Auckland widow who Lillywhite was engaged to and was soon to marry when he was arrested was reported to have been "employed as a stewardess on a coastal steamer, and [...] is possessed of a modest amount of means." "[untitled]" (1 December 1900) p 6. "By Telegraph" p 6.

¹⁴⁶ "Extradition Mystery" p 1.

 ^{147 &}quot;Mistaken Identity" p 2. "Lillywhite or Blatch?" p 56.
 148 "Charles Lillywhite 13 April 1858-21 August 1946" np.
 An obituary is recorded in the Tacoma Public Library
 Online Digital Collections. "Lillywhite, Charles" np.
 Despite searching in online cemetery records I have not been able to confirm his burial location.

¹⁴³ McCarthy "How big should a prison cell be?" np.

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