

"... a few patches of potato-ground and rude dwelling places": views of New Zealand through Lockean eyes

Tyson Schmidt, Ngāti Porou, wannabe architect

ABSTRACT: One of the first pieces of legislation passed by the newly formed General Assembly of New Zealand was the Waste Lands Act 1854, providing for the sale, letting, disposal and occupation of lands acquired by the Crown from Māori. The waste lands concept was an early part of the colonial project, but gained particular traction with the demise of the New Zealand Company in the early 1850s, Governor Grey's departure in 1853, and settler-dominance of the First Parliament in the mid 1850s. The origin of the concept stems from Enlightenment philosopher John Locke, whose labour theory of property held that a right to property arose through exertion of labour on that land – or put the other way, uncultivated or unoccupied meant un-owned.

Adopted by the likes of Edward Gibbon Wakefield, the waste lands concept underpinned a strongly economic approach to settlement. It has already been well established how images of New Zealand's landscape and built environment were used to support settlement efforts – depictions of emptiness served to "stimulate avarice for land in the heart of a potential settler who has none" (as Hamish Keith puts it). We can extend such analyses by reading these images in light of the waste lands concept, showing how this reflected relationships between the Crown and Māori during the 1850s.

"reverberations throughout the colony"¹

The Waste Lands Bill had its first reading in the newly formed New Zealand Parliament on Friday 16 June 1854. The need to address the issue of how to dispose of the waste lands of the Crown was a high priority issue for the First Parliament. His Excellency the Officer Administering the Government, Robert Wynyard, devoted a significant portion of his speech at the opening of Parliament in May 1854 to describing how the last 12 months had finally seen a system of doing so that ended years of experimentation.² The pathway forward lay in considering how the Provinces could assume responsibility for the waste

¹ Martin "A "Small Nation on the Move"" p 114.

² Wynyard "Governor's Speech" (27 May 1854), *New Zealand Parliamentary Debates* pp 7-14.

lands on the basis that maintaining a uniform approach was not of essential importance. This importance was reinforced at the opening of the Second Session of the First Parliament, with the need to achieve this transfer listed as the second highest priority, behind only the need for legislation to establish Ministerial responsibility.

This level of priority was brought about by a mixture of frustration at how the waste lands had been dealt with for the previous 20 years, and by a sense of urgency to progress the productive settlement of the country. Governor Grey's departure in 1853 opened the possibility of overturning his approach to Māori lands. His approach effectively recognised Māori ownership of most of the

land (although he placed a low value on it, thereby unlocking supply to meet demand).³ He used the Crown's right of pre-emption to acquire land from Māori, paying them for vast tracts that went well beyond that which they physically occupied or cultivated.⁴ By paying for it, Grey's policy implicitly said they owned it, or at least held some form of property right over it.

³ Martin "A "Small Nation on the Move"" pp 106-122. Adams *Fatal Necessity* p 178.

⁴ In this paper I use pre-emption in the same way as Peter Adams does (*Adams Fatal Necessity* p 193). He prefers the meaning "the exclusive right of purchase," which he argues is the way the Colonial Office understood it at the time, as opposed to a strict definition of "right of first refusal" or "the first offer."

Governor Grey's policy of pre-emption was a direct reaction against Earl Grey's (the former Lord of Howick and Secretary of State for the Colonies from 1846-52) instructions to register all lands that Māori occupied or cultivated.⁵ This approach denied any Māori ownership or property right over most of the lands comprising New Zealand. The two approaches could not be further apart – John Martin describes Governor Grey's approach as turning the previous policy on land on its head, causing "reverberations throughout the colony."⁶

Not that pre-emption was anything new. Upon learning of the departure of the *Tory* – laden with New Zealand Company officials aiming to directly purchase as much land as possible – Lord Normanby issued instructions to Captain William Hobson which laid out a plan for state-controlled colonisation (i.e. the Crown would hold a land purchase monopoly) reliant on a pre-emptive right of purchase.⁷ That was 14 August 1839. In 1840 these instructions would find expression in Article Two of the Treaty of Waitangi.⁸ Far

from clarifying the situation, Adams points out how differences in understanding of just what pre-emption meant and what it guaranteed "created a bitterness between the Colonial Office and the New Zealand Company and between the settlers and the Māori."⁹

Waitangi reads:

"Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf."

The Maori version reads:

"Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona."

⁹ Adams *Fatal Necessity* p 176.

An acceptance that Māori had some form of ownership or property rights over most, if not all, of New Zealand did not mean that the Crown believed that these lands were being used in any way. Normanby's instructions of 1839 made it clear that land should be purchased at a fraction of the price that it would consequently be resold for, confirming the general belief that the land, in Māori hands, possessed no exchange value. It was only by acquisition and use by the labour and capital resource of Europeans that the land would acquire significant value, at which time the Māori would benefit due to uplift in value of the lands remaining with them (ignoring, of course, the lost value from millions of acres purchased by the Crown for very little).

"the improvement of labour"

John Locke was the intellectual forefather of the waste lands concept. One of the first philosophers of the Enlightenment, and the father of classical liberalism with its focus on individualism and property rights, Locke's ideas underpinned Edward Gibbon Wakefield's thinking. Locke's labour theory of property posited that a right to property only arose when an individual worked the land, their labour entering into the land and thereby making it their property. He also stated that it

⁵ "Henry George (Earl) Grey" n.p.

⁶ Martin "A "Small Nation on the Move"" p 114.

⁷ Daamen *The Crown's Right of Pre-Emption* p 12.

⁸ The English version of Article Two of the Treaty of

was through labour that land gained value – for it is labour indeed that puts the difference of value on everything; and let anyone consider what the difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley, and an acre of the same land lying in common, without any husbandry upon it, and he will find, that the improvement of labour makes the far greater part of the value.¹⁰

"Land lying in common" never had its abilities fully realised since no-one was incentivised to make it as productive as possible. Individualisation of property right was needed to ensure land would be cultivated to its full capacity. Ten acres of cultivated land, Locke describes in his *Second Treatise*, would yield as much as one hundred acres of wild land held in common – and even this was a conservative estimate. Locke pointed to the Americas as a prime example – here was an abundance of land yet its inhabitants who held it in common and undertook some cultivation and husbandry were poor in terms of the comforts of life.¹¹

The full benefits of Locke's labour theory of property only occurred when the land was cultivated *and* enclosed – as had occurred in

¹⁰ Locke *Second Treatise*, Chap.5, § 40.

¹¹ Locke *Second Treatise*, Chap.5, § 41.

the British agrarian revolution.¹² Situations in the colonies where land was held in common were contrasted to Britain itself where fully enclosed and intensively cultivated land delivered a far higher level of living for society as a whole.¹³ The original meaning of the term enclosure focused on the formal and informal methods of removing communal rights and ownership over land and replacing this with a system of individual ownership and access.¹⁴ Physical separation of the land with fences or hedges often accompanied the act of enclosure, and eventually became synonymous with the original meaning, but was not necessary for enclosure to take place. Surveying was the important tool for enclosure, providing a conceptual delineation that set the foundations for individual claims to identifiable sections and subdivisions, regardless of whether physical separation existed.

Locke also set up a framework to distinguish between vacant, waste, and valuable land. Vacant land is untouched by human hands –

¹² Arneil *John Locke and America* p 140.

¹³ Whitehead "John Locke and the Governance of India's Landscape" p 84.

¹⁴ Kain *et al.* *The Enclosure Maps of England and Wales 1595-1918* p 1.

seemingly never cultivated in a low-intensity manner nor used for regular foraging or wild harvesting. Waste land is used to refer to "soil that has not been properly tended."¹⁵ Locke also uses the term "neglected" to refer to waste land, implying that people who had cultivated land but allowed it to revert had "neglected" it and thereby released their rights (or at least given opportunity to others to apply their labour to it). The strongest distinction is that between waste land and productive, value-laden land, setting up "a foundational binary"¹⁶ that reflected broader oppositions in Locke's thinking such as savagery versus civilisation and nature versus culture.

"the evils of frontier societies"

Both Edward Gibbon Wakefield and his plan for the colonisation of New Zealand have come under heavy criticism over the years. John Martin notes how critics have tended to focus on "personal motives of greed and on notions of the inherent injustice of a colonisation process," causing them to dismiss or ignore the influence that Wakefield's thoughts and approaches have had.¹⁷ In fact,

¹⁵ Arneil *John Locke and America* p 142.

¹⁶ Whitehead "John Locke and the Governance of India's Landscape" p 85.

¹⁷ Martin "A "Small Nation on the Move"" p 108. Olssen

Wakefield's theories of colonisation have received more recognition and study overseas than by New Zealand scholars.

Wakefield's theory of colonisation was conceived at a time when many in Britain's leading circles were uncertain whether the benefits of colonies outweighed their costs. His theory released the financial burden of colonial ventures from the home country, funding emigration from land sales rather than taxes or other rents. This solution was praised by contemporary economists such as Jeremy Bentham and John Stuart Mill who saw it as helping to alleviate Britain's economic ills of the early nineteenth century.¹⁸ Wakefield required two central elements to be in place for his theory of "systematic colonisation" to work – first, the distribution of the waste lands needed to be done in a controlled manner (ideally by the Crown), and second, the setting of a "sufficient price" for these lands.

The mechanism of the "sufficient price" ensured that land was used as productively as possible, and that the land-owning goal of the

"Mr. Wakefield and New Zealand as an Experiment" p 205.

¹⁸ Kittrel "Wakefield's Scheme" p 101.

emigrant was within reach in a timely manner. The balance of labour and capital was crucial, leading to:

the highest rate possible of both profit, and it should also be emphasised, wages. High wages would be possible because of the high labour productivity resulting from such an economy (rather than as a result of the labour scarcity typical of a dispersed colonial economy). Proceeds from land sales would be used to bring in more immigrants, and this would tend to lower the price of land over time while still maintaining the balance of labour and capital.¹⁹

The "evils of frontier societies" would take root if this balance was not achieved, characterised by violence, crime, prostitution, and debauchery.²⁰ The pathway to these evils was through "unplanned, spontaneously developed colonies" where land was too easily accessible, leading to a levelling of society "to the lowest common denominator."²¹ Having land too cheap and having too much available would incentivise settlers to either gain returns purely through accumulating more land or by shifting from one plot to another once its fertility was tapped (rather than by investing labour to improve productivity).

¹⁹ Martin "A "Small Nation on the Move"" p 110.

²⁰ Olssen "Mr. Wakefield and New Zealand as an Experiment" p 205.

²¹ Martin, "A "Small Nation on the Move"" p 110.

Visions of empty, endless, lands were therefore counter to Wakefield's plans.

Theory doesn't often translate well into practice. Wakefield's settlements were beset with issues, and the New Zealand Company was in serious financial trouble by the mid-1840s. Michael Turnbull termed it "The New Zealand Bubble,"²² and a slew of other historians have found ample fodder in how the theory of "systematic colonisation" struggled to be applied amid the complex context of cultural interaction and societal formation of the time. One of the main threats to Wakefield's ideas arose when Governor Grey imposed his version of pre-emption and with McLean's help ushered in what Belich has called the "golden age of Pakeha land buying" between 1846 and 1853.²³ To Wakefield and his followers this was almost as bad as it gets, bordering on "unsystematic colonisation" where land was cheap and being made available too easily. Māori also disagreed, and in the 1850s there were more and more instances of refusal to sell on such terms, causing Grey's pre-emption land purchase system to effectively break down.²⁴

²² Turnbull *The New Zealand Bubble* p 44.

²³ Belich *Making Peoples* p 225.

²⁴ Monin "Maori Economies and Colonial Capitalism" p

At the same time, the newly formed New Zealand Parliament was stacked with followers of Wakefield (and included Wakefield himself upon his arrival in New Zealand in 1853, and also his son Edward Jerningham Wakefield). They were not giving up the concepts of sufficient price, systematic colonisation, or the labour theory of land. Land issues dominated the First and Second Parliaments, and were a significant driver of the changing political landscape that begun in the late 1850s.²⁵ The Waste Lands Bills were central to this battle of ideas, and showed that Locke's ideas – wrapped up in Wakefield's theory of colonisation – remained a potent force into the 1850s.

"Where are all the people, Mum?"

Emptiness has always had a strong presence in the New Zealand landscape tradition. Hamish Keith demonstrates its persistence in *The Big Picture* by referencing Pat Hanly's 1962 painting of Mount Eden which asks "Where are all the people, Mum?" In the nineteenth century, Keith points out that "the people were certainly there, but their presence was an

138.

²⁵ Monin "Maori Economies and Colonial Capitalism" p 112.

inconvenient reality for land-hungry settlers"²⁶ and that "there is nothing like the sight of an empty landscape to stimulate avarice for land in the heart of a potential settler who has none."²⁷ Priscilla Pitts sees it similarly, noting how it was expedient for early nineteenth century artists "to expunge any signs of prior occupation from representations of the "new found land."²⁸

The idea of an empty land fits best with the concept of *terra nullius*²⁹ in the context of colonisation. *Terra nullius* provided a justification for colonial powers to take control of "empty" land that had yet to be claimed by other European powers. It enabled acquisition through occupation, the extension of sovereignty over land without the need for treaty, annexation or invasion. As Anna Johnston and Alan Lawson put it "Empty land can be settled, but occupied land can only be invaded."³⁰ In Australia – perhaps the pinnacle of *Terra nullius* – the British found

²⁶ Keith *The Big Picture* p 52.

²⁷ Keith *The Big Picture* p 70.

²⁸ Pitts "The Unquiet Earth" p 88.

²⁹ "Nobody's land," "empty land," "land belonging to no-one," or "land owned by no-one" – to give you a flavour of the disputed nature of the concept.

³⁰ Johnston and Lawson "Settler Colonies" p 362.

no-one to sign a treaty with and deemed the indigenous population to have no inherent rights.³¹ When the *Mabo* and *Wik* cases finally overturned the *terra nullius* concept in Australia and recognised native title, over 200 years of believing in emptiness was undone.

New Zealand's colonial experience differs significantly from places such as Australia in that a treaty was formed and indigenous rights were recognised by the colonial power. *Terra nullius*, the idea of an empty land, never found clear application here. The representations of emptiness that Keith or Pitts speak of are therefore framed in an importantly different context. Article Two of the Treaty of Waitangi established Māori customary tenure, and alongside it the right of pre-emption over those lands that Māori wished to alienate, which by definition (as defined by the British) were the "waste" lands. Just what customary tenure and its associated rights were led to heated debates between the New Zealand Company and the Colonial Office,³² but the fact these debates took place indicates that *terra nullius* as it applied in Australia was not in action here.

³¹ Nicoll "De-facing *Terra Nullius*" n.p.

³² Riseborough and Hutton *The Crown's Engagement with Customary Tenure in the Nineteenth Century* p 8.

Picturing the potential for productivity

So the New Zealand landscape was not empty and official policy reflected this (even if it wobbled a bit on how it should be implemented). Images of land in New Zealand – especially those after the signing of the Treaty of Waitangi in 1840 – are therefore perhaps best read in a framework other than emptiness. Cheryl Sotheran's analysis of William Fox's landscape paintings of the mid-nineteenth century gives us a hint of what such a reading could be. She points out that many of Fox's early landscapes were not about how empty the land was, but instead the emphasis was on "potential productivity." This extended beyond his artistic pursuits and also found expression in the piece of fertile Rangitikei land he purchased to establish his homestead *Westoe*. Fox was, of course, a Wakefieldian in beliefs and at times also employment, and Sotheran makes it clear that he was a fervent follower of the waste lands doctrine – "He thought the Māori did not use their land, and therefore did not value or deserve it."³³

Applying a "waste lands" framework is particularly appropriate for images of land in

New Zealand from the 1850s. Access to land was a significant political issue throughout the decade (as noted above), driven by increasing numbers of settlers migrating to New Zealand (the European population more than doubling from 26,700 in 1851 to 59,300 in 1858)³⁴ and by a boom in the pastoral economy (and the start of the gold rush by the end of the decade). The "golden age of Pakeha land buying" ended in 1853 but before Grey departed he introduced a Land Proclamation that reduced rural land prices and kept sales going. Settlers dominated Parliament from its inception in 1854, and by the end of the decade eventually won the right for the Provinces to control land purchase and usage in their areas. Achieving this required a string of Waste Lands Bills, eventually becoming Acts that applied to each Province by the end of the decade.

In analysing images of New Zealand's colonisation based on the concept of the waste lands, we are looking for three key elements (from Locke through to Wakefield):

- A. Enclosure and the individualisation of property rights.
- B. Productivity, either latent or demonstrated. This may or may not be accompanied by depictions of waste or vacant land.
- C. Colonisation being carried out in an ordered, controlled manner.

To test this framework, I consider three images from the 1850s that depict three of the New Zealand Company's settlements, taken from three different publication types used by the colonial project. The first is part of Samuel Brees' panorama of New Zealand which dates from the late 1840s/early 1850s, showing a view up Hawkestone Street in Wellington. The second is an image of New Plymouth from an 1856 edition of the *Illustrated London News*. The final image is from Robert Bateman Paul's 1857 publication *Letters from Canterbury, New Zealand* which shows the burgeoning Canterbury settlement. While these three images in no way comprise a comprehensive survey of how landscape imagery was used to promote settlement activity in the 1850s, they are sufficiently different in focus, location and style to provide an initial test of the waste lands view.

³³ Sotheran "The Later Paintings of William Fox" p 47.

³⁴ *New Zealand's International Migration Statistics: 1860–1921* pp 4-5.

Four cow gaze

Samuel Brees' panorama of New Zealand had been shown to London audiences approximately 2000 times by late 1851, with Robin Skinner estimating that the "total audience could easily have been in excess of 40,000."³⁵ It was both entertainment as well as colonial advertisement – with reviews making the link explicit in addition to Brees' own accompanying text selling the colony as much as the panorama (if there ever was a separation).³⁶ One panel of the panorama showed a view up Hawkestone Street in Wellington. It was an idyllic scene, uncomplicated by any realities of the difficulties that the New Zealand Company was having with its "capital" at the time.

In the foreground we have four cows and their minder leading us into the picture. Francis Pound used Augustus Earle's *Distant View of the Bay of Islands* to demonstrate the European landscape convention of the spectator figure, our painted deputy who stands for us as viewers – "He gazes; we gaze."³⁷ Pound's analysis emphasises a

³⁵ Skinner "Representations of Architecture" p 82 nte 113.

³⁶ Skinner "Representations of Architecture" pp 84-90.
Brees *Pictorial Illustrations of New Zealand*.

³⁷ Pound *Frames on the Land* p 12.

contemplation of nature for purely aesthetic reasons. In Brees' image we have bovine spectators standing in for us, their gaze like all such animals searching for spots of highest yielding sustenance from the land (the grass is always greener). They help us recognise the productive value that if realised, Brees tells us, will give us "all that could have been anticipated or desired."³⁸ And like the bovine spectators, we are being shepherded toward the promised productive land.

But what are the four cows gazing at further into the image? Hawkestone Street winds and undulates its way up the centre of the image, leading us deep into the picture, disappearing from sight somewhere close to where the hills (Tinakori) rise up in the background. On either side of the road are fenced plots of land – one to the right is domestic in scale ("Mr Wicktead's house with verandah"), the rest indeterminable in size. There is order here, no evils from unplanned and cheap settlement. There is occupation but not all of the space is taken up. There is still room but not so much that we think owners will simply move to other plots and therefore lead to "unsystematic colonisation" caused by an

³⁸ Brees *Pictorial Illustrations of New Zealand* p v.

insufficient application of labour.

Most importantly the image shows us enclosure. Not only does this signify individual property rights but also intensification through working of the land – in Locke's eyes this would release the full benefits of his labour theory of property. What we are shown then is undoubtedly productive land, just in case the bovine gaze did not convince us. But this image is as much about what lies unseen further down the road. The land shown has already been sold and occupied – it is what lies at the end of the road that we are being enticed with. The gaze, the road, and even the fences stretching deep into the image take us there. Brees' description notes that this is "the commencement of the Karori road",³⁹ making it clear that we are only at the beginning and more awaits. His introduction reinforces that this is only the beginning of the conversion of waste lands into productive land (savagery to civilisation, nature to culture based on Locke's binaries) – "The hills will soon be covered with sheep and cattle, and the valleys occupied by agricultural farms, when the colony once gets

³⁹ Brees *Pictorial Illustrations of New Zealand* p v.

properly settled."⁴⁰

Revert to waste

The *Illustrated London News* was a useful tool for informing prospective colonists on the situation in New Zealand. Those who were well-versed in Wakefield's scheme got to read of possibilities and progress (outside of the New Zealand Company's own publications). In 1856 the *Illustrated London News* reported on Taranaki and included a view of part of the small town of New Plymouth (the caption referred to the encampment of the 58th regiment that features in the mid ground of the image).⁴¹ This image and accompanying text provides us with an additional feature to test the waste lands framework – the presence of Māori and their pā.

Robin Skinner describes the image as "a further example of the symbolic and physical displacement of Māori."⁴² Two Māori figures wearing traditional dress (one facing us, the other away so we can get a complete view of their dress) stand to the side of the main road that starts where we as spectators stand and disappears up into the image. The road is full

⁴⁰ Brees *Pictorial Illustrations of New Zealand* p 22.

⁴¹ "New Plymouth Province, New Zealand" p 202.

⁴² Skinner *Representations of Architecture* p 229.

of productive activity – carts driven by oxen, people walking between the town buildings, members of the 58th Regiment marching along the road in the distance. All of this activity passes the Māori figures by as they stand on the edge of the flow. They are in an uncomfortable space, placed at the front of the image with no enclosure or cultivation around them. A little further back three Māori women sit, unlike their European counterparts on the road who are walking purposively.

The accompanying text notes that the low buildings behind the seated Māori are a portion of the local pā. The correspondent is careful to note that the pā is "enclosed in a fence."⁴³ This confirms the separation, the creation of inside and outside (with the implication that the Māori figures our "inside" the colonial space of the town and "outside" their space of the pā). With Lockean eyes, however, we can also see another layer. The pā is enclosed and therefore represents land occupied and cultivated by Māori, containing their "rude dwelling places" and presumably "patches of potato-ground." The figures are not undertaking any productive activity, no

⁴³ "New Plymouth Province, New Zealand" p 202.

cultivation, no gathering, no harvesting – labour is not being applied to the land they stand upon. For Locke, and Wakefield, they are standing on either vacant land or waste land.

This point is important in the context of the history of the site. The low buildings enclosed in a fence form what was Puke Ariki Pā, which had existed there since around 1700.⁴⁴ The New Zealand Company gained access to the site in 1841 following the migration of large numbers of local Māori to the Kāpiti coast and greater Wellington region in the early 1800s. Part of claiming the site was the renaming of Mount Eliot, and eventually the physical removal of the hill to allow for expansion of the town. These events emphasise a narrative of vacancy, which in Lockean terms means people had allowed land to revert to waste, thereby releasing their rights and giving others an opportunity to apply their labour to it.⁴⁵ Being present on the land is not enough – Māori had to be actively engaged in productive activity or else they

⁴⁴ "Puke Ariki History" n.p.

⁴⁵ Vacant land in Lockean terms refers to land that has been untouched by human hands – that is, never cultivated in a low-intensity manner nor used for regular foraging or wild harvesting.

faced the threat of marginalisation.

"Having secured your land ..."

Robert Bateman Paul wrote his 1857 book *Letters from Canterbury, New Zealand* "for the use of friends who contemplated emigration to [New Zealand]."⁴⁶ He was Vicar of St Paul's from 1855 to 1857 and from 1855 to 1860 was archdeacon of Nelson (moving to the area in 1857). At the back of his book is a map showing the environs of Canterbury drawn by Edward Jollie, a surveyor who began his career with the New Zealand Company and who laid out the town of Lyttleton and the city of Christchurch. This image demonstrates a virtual emptying of the land (but in a different way to how landscape painters did), the struggle between order and chaos as part of systematic colonisation, and the enclosure principle.

The main image stretches from Nelson in the north to the boundary with Otago in the south, and an insert image focuses on Banks Peninsula back into the foot of the Southern Alps. The city of Christchurch receives little emphasis in either the main or insert image – instead the overwhelming visual elements are

the rivers fracturing the east coast in an organic style, contrasted to the surveyors' divisions carving up the land. Detail stops at the foot of the Main Divide and anything beyond this is given scant description. The space to the west of Mt Hutt is notated with "mountainous country unexplored," the Mackenzie basin left blank except for "plain covered with grass," and inland from Timaru marked as "applied for as runs – but unsurveyed."

There is no identification of pā or kainga that might indicate an existing claim, occupation, or property right relating to local Māori. Māori names for some landscape features do appear, but rarely on their own (e.g. "Rangitaka or Arnold river") and most have been erased and replaced with European names. Nowhere to be seen are "the 600 or 700 Maories residing in this Province ... possessed of considerable property in cultivated land and stock" as noted by Commissioner Hamilton in 1856.⁴⁷ Even the native settlement of Kaiapoi, mentioned by Paul in the main text, is not identified on Jollie's map despite "a considerable English community" having recently established itself

nearby.⁴⁸

Of course, one of the reasons the Canterbury Association (also founded by Edward Gibbon Wakefield as an off-shoot of the New Zealand Company) was so keen on the South Island was that there were very few Māori in comparison to the North Island. In addition, the area was part of the 20 million acres covered by Kemp's purchase in 1848 (the same year the Canterbury Association was formed) and by 1857 there would have been few questions in the minds of settlers about who owned the land. From the perspective of the Canterbury settlers, by the late 1850s emptiness was not something that had to be imposed as part of any landscape imagery as Keith or Pound describe – Māori had already been marginalised to such a degree that emptiness was simply a reality.

Jollie's map visually displays Wakefield's goal of an orderly approach to colonisation. Geoff Park notes how to "Wakefield and his sponsors, the grid was the *only* practical and speedy method they knew of organising the new space on which their speculative calculations depended; of ordering unfamiliar,

⁴⁶ Paul *Letters from Canterbury* p i.

⁴⁷ *The Ngai Tahu Report 1991* para 18.3.1.

⁴⁸ Paul *Letters from Canterbury* p 57.

primeval acres into something at least of human scale."⁴⁹ The lines dividing the settler blocks on the Canterbury plains are set perpendicular to the rivers, fighting to bring rectangular order to the landscape. There is a sense of resistance as the regularity breaks down after three or four blocks, whereupon the orientation is reset and the rectangular order begins again. It is almost as though the land was fighting back against the grid, threatening to revert to wilderness or chaos but never quite triumphing.

What had won out against the orderly nature of Wakefield's systematic colonisation were the demands of the booming pastoralist economy. The original scheme by the Canterbury Association in the early 1850s was classic Wakefield in that it provided rural holdings close to towns that were too small for wide-scale pastoralism (100 acres), aiming instead for a high population density that made the labour theory of land successful.⁵⁰ While this worked for keeping order in Wakefield's approach to colonisation it did not suit the rapidly developing pastoral economy that came to dominate New

Zealand's economic growth in the 1850s.⁵¹ Large runs were needed to achieve the scale required for successful sheep and beef farming, and it is these that dominate Jollie's map. This was a necessary adaptation of Wakefield's original intentions, since the pastoralists by establishing themselves outside of the New Zealand Company boundaries threatened orderly settlement.⁵² Making this concession ensured that order still prevailed, but not as cleanly as originally intended.

Jollie's lines also symbolise the concept of enclosure that form such an important part of Locke's labour theory of property. These lines are legal abstractions, but physical separation was not necessary in the original meaning of enclosure which focused on establishing a system of individual ownership.⁵³ Such ownership is clarified with each bounded land block being numbered and referenced to a list of owners and their acreage in the previous page. There are no cases of multiple ownership (several names are repeated throughout the list – for example Rhodes has

six holdings separately listed totalling 98,000 acres), and there are no Māori names in the list. Of course, methods of physical separation were quickly laid over the surveyor's lines, preventing what Paul called "unceasing contests with your neighbours' cattle, which can never be made to recognise the imaginary barriers prescribed by the law."⁵⁴ His advice to prospective settlers reading his *Letters from Canterbury, New Zealand* was "Having secured your land, your first business ought to be, to fence it."⁵⁵

Conclusion

The waste lands concept is important for understanding the complex interactions between the land, Māori, Crown and settlers in New Zealand during the 1850s. This importance is shown by its infusion through Edward Gibbon Wakefield's thoughts and actions on "systematic colonisation" and the prominence that the Waste Lands Bills and Acts received in the first sessions of New Zealand's First Parliament. Rather than relying solely on the framework of emptiness to view representations of New Zealand land in the mid-nineteenth century, the waste lands

⁴⁹ Park "Edward Gibbon Wakefield's Dream" p 36.

⁵⁰ McAloon "The New Zealand Economy" p 203. *The Ngai Tahu Report 1991* para 18.3.6.

⁵¹ *The Ngai Tahu Report 1991* para 18.3.6.

⁵² McAloon "The New Zealand Economy" p 203.

⁵³ Kain et al. *The Enclosure Maps of England and Wales 1595-1918* p 1.

⁵⁴ Paul *Letters from Canterbury* p 94.

⁵⁵ Paul *Letters from Canterbury* p 94.

concept can be used to understand how land (and space) as it related to Māori at the time was viewed by settlers.

This paper showed that the core elements of the waste lands concept as generated by Locke and applied by Wakefield form a useful framework for reading images from the 1850s that were employed to encourage settlement. This was by necessity an introductory demonstration of how the waste lands framework could be applied, using an excursion into economics, a foray into art history, digressions into Enlightenment philosophy, and tiki tours to sites of cultural contact – all based around a main highway of political and social history. Further work to explore either of these in more depth would help firm up and test whether the waste lands concept is a useful framework. Additional journeys could be made to evaluate the implications of the framework for the various fields of architecture, including landscape and interior. An expedition could also be made to see what remnants of the waste lands concept still apply in the frames we use to view land in the twenty-first century.

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