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Properties of Empire: Indians, Colonists, and Land Speculators on the New England Frontier. By Ian Saxine.

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(2018), focuses on the dynamics of diaspora, champions the utility of situating relocated Native Americans within this framework as a method to account for their ability to transplant and transform traditions and culture beyond the Southeast. The epilogue argues that this perspective fosters an understanding of the ways in which removed peoples created new homes while reconnecting with traditional homelands through memory and story.

One very minor critique of the book is the narrowing of focus in the final two chapters. While early chapters cast a rather wide net to incorporate perspectives of diverse Native Southern communities of varying sizes and geographic locations, the latter stages of the book tend to fixate on the usual suspects in the Native south (Cherokee, Muscogee, Chickasaw, Choctaw, and Seminole) while setting aside the diversity of coverage from earlier chapters. Certainly, the available records (these chapters utilize a number of indigenous-generated primary sources) and prevailing literature lends itself to this focus, but more information about less-examined Native southerners in this era would further enhance coverage of the region.

All told, *Native Southerners* is a well-crafted account that demonstrates a sensitivity to Indigenous perspectives and a mastery of the literature that has shaped the course of studies of the Native south for the past few decades. The book also presents a digestible survey of the region's history that should lend itself readily to use in undergraduate courses. Future studies of the Native south will continue to expand our understandings of its complex history, but this book should remain a key point of reference for years to come.

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**Properties of Empire: Indians, Colonists, and Land Speculators on the New England Frontier.** By Ian Saxine. New York: New York University Press, 2019. 284 pages. \$35.00 cloth.

In 1823, Chief Justice John Marshall declared in *Johnson v. McIntosh* that the Indigenous inhabitants of the United States do not have legal title to the lands they occupy because European discovery of the New World “gave exclusive title to those who made it.” This characterization of Native Americans as occupants rather than owners, which remains a foundational principle of federal Indian law, is set forth in the very first Supreme Court decision to focus on Native land rights. Although this case is frequently the starting point for extended discussions of Indian property rights, Ian Saxine’s *Properties of Empire* does not mention *Johnson v. McIntosh* until the final pages. This is altogether fitting because, as the author points out, by 1923 the Supreme Court was “merely putting a constitutional imprimatur on what had become state and federal policy toward American Indian nations” (194).

The focus of Saxine’s excellent scholarship is how those policies evolved and crystalized as Europeans transacted with Native Americans along the New England

frontier. One of the many contributions of *Properties of Empire* is how Saxine discredits the notion that all people at all times viewed Indigenous peoples as lacking ownership rights, despite John Marshall's suggesting the result in *Johnson* was a *fait accompli* in light of "the universal recognition" that European discovery deprived Indian nations of the power "to dispose of the soil at their own will, to whomsoever they pleased." The book traces the rise and fall of the Anglo-Wabanaki relationship based on land rights and land claims. The Wabanakis were a group of culturally and linguistically similar peoples (such as the Kennebecs and Penobscots) who inhabited Maine and the Canadian Maritimes. On a general level, *Properties of Empire* provides a historical account of the interactions between the Wabanakis and various groups of Europeans—settlers, proprietors, speculators, Jesuits, French officials, British officials, and colonial officials.

The initial focus is on consensual land sales in the seventeenth century. Indian deeds were recognized as a source of title and relied upon by members of colonial society. At the same time, however, conflicting grants and patents were given to influential English subjects and land companies. The result was a volatile mixture of deeds, treaties, diplomatic maneuvering, and warfare. As Saxine convincingly demonstrates, by the early eighteenth century "Massachusetts had—in defiance of imperial officials in Whitehall—embedded Indian deeds into the never precise mix of acceptable sources of title in Maine" (7). The historical account of the Anglo-Wabanaki relationship takes the reader through the eighteenth century, a pivotal time marked by a fluctuating balance of power.

Saxine organizes his chapters by time periods and demonstrates how the assertion of land rights and land claims was causally connected to periods of peace and warfare. For example, in chapter 4, entitled "Making—and Breaking—The Peace, 1722–1727," Saxine explains how Dummer's Treaty was a diplomatic coup for the Wabanakis and "helped facilitate cooperation . . . for nearly two decades after 1727" (80). The treaty, named for Massachusetts Lieutenant Governor William Dummer, not only initiated a period of peaceful coexistence, but also supported the Wabanaki strategy of containment. The most successful invocation of Dummer's Treaty—described by Saxine as "the peak of cooperation between Massachusetts and Wabanaki leaders" (131)—took place in 1736, when colonial officials rejected efforts by a land speculator, Samuel Waldo, to claim land on the basis of a disputed 1694 deed by a Penobscot sagamore. Because the Penobscots had never acknowledged the transaction, the Massachusetts government refused to "Countenance Mr. Waldo or any others in Settling or Improving any [of the lands in question] until . . . those Lands have been fairly purchased of such Indians, as were the rightful owners thereof" (138).

This acknowledgment and protection of Indigenous ownership rights did not last. In chapter 7, "Troubled Times, 1741–1752," Saxine describes the rise of land speculators who based their claims on royal patents rather than Indian deeds. In 1741, Jonathan Belcher, who had cooperated with the Wabanakis, was replaced as governor of the Province of Massachusetts Bay by William Shirley. This proved to be a turning point: despite continuing efforts of Penobscot leaders to maintain the strategy of containment based on Dummer's Treaty, Governor Shirley and his partners were able

to assert their claims by discrediting the validity of Indian deeds. For the proponents of land claims based on Crown patents, the time had finally arrived to “dynamite the very foundations of their opponents’ titles” (12). When the Wabanakis subsequently lost French support following the Seven Years’ War, there was little reason (other than moral grounds) to acknowledge Native Americans as landowners, and the stage was set for *Johnson v. McIntosh*.

*Properties of Empire* not only recounts the arc of the Anglo-Wabanaki relationship, it also invites the reader to reconceptualize the interaction of the two cultures as “a prolonged contest to define the nature of landownership” (3). Title transfers in Anglo-American law are viewed as singular events in which the grantee acquires the ownership rights previously held by the grantor. In contrast, the Wabanakis viewed deeds as bilateral land agreements that set forth intertwined rights and obligations that can be adjusted in light of changing needs and circumstances. As Saxine points out, when Wabanaki diplomats negotiated Dummer’s Treaty, they “tied recognition of the treaty to Massachusetts’s fulfillment of its promises, making the practical validity of certain proprietary titles contingent on the province maintaining friendly diplomatic relations with the Indians” (80). From the Native point of view, the line between deeds and treaties was blurred because both were agreements that embodied reciprocal relationships.

In *Properties of Empire: Indians, Colonists, and Land Speculators on the New England Frontier*, Ian Saxine provides readers with an excellent history of the Indians, colonists, and land speculators on the New England frontier. He also challenges us to look at the land transactions and treaties of this era from the perspective of the Wabanakis. *Properties of Empire* is a valuable resource for persons interested in early New England history and for persons involved in the ongoing movement, both within the United States and internationally, to repudiate the doctrine of discovery based on European power.

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**Narratives of Persistence: Indigenous Negotiations of Colonialism in Alta and Baja California.** By Lee M. Panich. Tucson: University of Arizona Press, 2020. 228 pages. \$32.95 paper; \$32.95 e-book; \$100.00 digital.

Native Californians survived several colonial systems over the past two hundred and fifty years. While the (inter)national border line may position these Indigenous groups in distant cusps and marginal relations, emergent ethnographic and archeological datasets suggest linguistic, cultural, and historical connections pervading the existence of the United States and Mexico. Today, there are 109 federally recognized tribes and dozens of unacknowledged nations in Alta (Upper) California. In Baja (Lower) California, eight additional communities live in the Mexican peninsula. Incorporating decolonial methodologies and critical Indigenous studies, scholars have moved beyond