

**“Pay Your Corn!”:  
Calculating Settler Land Payments According to the 1678 Treaty of Casco**

\*\*DRAFT FOR DISCUSSION\*\*

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If land-owning settlers were to pay a voluntary “land tax” to Wabanaki Nations in recognition of ongoing occupation of Wabanaki homelands, how much would each owner pay? Clearly there is no quantity of money that can heal the harm that has been done, and that continues to this day. But a land payment by settlers could be one small part in a larger effort to address colonial harms, support contemporary Wabanaki resurgence, and transform public consciousness in ways that could strengthen Wabanaki sovereignty efforts.<sup>1</sup>

There are many ways we could determine the amount of “land tax” to request from settlers. It could be decided entirely by each person, based on their own sense of obligation and ability and willingness to pay. It could be tied to town or municipal tax calculations, or more directly to land valuation. It could involve a fixed per-acre fee, determined based on what would seem viable or “reasonable” to ask. But all of these methods in some way tie the calculation to settler perspectives and agency (getting to determine the amount themselves) or to some colonial system (taxation or market valuation). None of them center Wabanaki agency or ground the payments in the actual history of colonization and diplomacy.

One alternative for calculating a “land tax” payment that has clear grounding in historical agreements made between Wabanaki and New England settler-colonizers is to draw upon the 1678 Treaty of Casco. Signed between the provincial government of New York (which controlled Maine at the time) and an alliance of Wabananki leaders from Abenaki, Penobscot, and other communities, this treaty marked the end of what settler histories call “King Phillip’s War.” Among other elements, this agreement included an explicit requirement that settlers, in exchange for recognition of their inhabitation of Wabananki lands, pay a quantity of corn to Wabanaki communities. Specifically, the treaty required all settler families to pay *one peck of corn annually* to Wabanaki people, and for Major Phillips of Saco (a “great proprietor” claiming ownership of large tracts of land) to pay *one bushel of corn per Wabanaki family*.<sup>2</sup>

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<sup>1</sup> For inspiration from other “land tax” projects, see [Real Rent Duwamish](#) (Seattle), [Shuumi Land Tax](#) (San Francisco Bay), the [Mana-hatta Fund](#) (NYC), and the [Wiyot Honor Tax](#) (N. California). See also articles by [Sena Crow](#) and [Maanvi Singh](#).

<sup>2</sup> [https://en.wikipedia.org/wiki/Treaty\\_of\\_Casco\\_\(1678\)](https://en.wikipedia.org/wiki/Treaty_of_Casco_(1678))

A bushel of corn in New England between 1670-1680 was approximately \$2.50.<sup>3</sup> In 2021 dollars, this is \$192.08.<sup>4</sup> Since there are 4 pecks in a bushel, this means that the contemporary equivalent expected payment per land-owning settler family was \$48.02.

It is important to note the explicit class distinction that is made in the treaty—what we might call a “sliding scale.” Clearly, Wabanaki negotiators recognized crucial differences in power and privilege between groups of settlers, and adjusted their requests for payment accordingly. Average settlers were expected to pay one amount (a lump sum tied to their specific *land use*), while “great proprietors”—wealthy, elite settlers claiming control over vast areas of land—were expected to pay a much larger sum that was tied to *the number of Wabanaki families*.

In contemporary terms, the “great proprietor” role is held by the small number of corporations and families that claim ownership of nearly half of Maine’s land area. Seven companies and families currently own approximately 25% of Maine’s land.<sup>5</sup> Honoring the Treaty of Casco, for these proprietors, would mean a payment of \$192.08 for every Wabanaki family in what is now called Maine. Considering that there are approximately 8,700 enrolled tribal members of Maine’s Wabanaki Nations, we could assume a census-based average of 3.6 people per family and estimate 2,417 families.<sup>6</sup> This would be an annual payment, per proprietor, of \$464,257.36.<sup>7</sup>

Translating the class status of the “average settler” from 1678 into 2021 terms is more complex. The people who would have paid \$48.02 annually—had the treaty been honored—were mostly what Peter Lindert and Jeffrey Williamson calls “hinterland farmers”: small-scale landowners surviving through mixed subsistence and market-based farming strategies. They estimate that in 1670 this demographic had an annual gross income of \$269.92, which translates to \$20,738.03 in 2021 dollars.<sup>8</sup> Considering that the average family size among settlers in New England during this period was approximately 7.5 people, this income represents what would today be considered dire poverty.<sup>9</sup> Clearly, if someone in a position today equivalent to that of a

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<sup>3</sup> [https://fraser.stlouisfed.org/title/history-wages-united-states-colonial-times-1928-4126?start\\_page=29](https://fraser.stlouisfed.org/title/history-wages-united-states-colonial-times-1928-4126?start_page=29)

<sup>4</sup> <https://www.officialdata.org/us/inflation/1678?amount=2.50>

<sup>5</sup> Land in Common calculations, based on The Land Report (2020).

<sup>6</sup> Tribal enrollment numbers are from Four Directions Community Development Corporation’s webpage: <https://fourdirectionsmaine.org/about-four-directions/wabanaki-tribes/>; average family size number is based on U.S. Census data reported by the Population Reference Bureau for Native populations: (<https://www.prb.org/resources/economic-social-and-demographic-losses-and-gains-among-american-indians/>)

<sup>7</sup> It might make sense to think of this in terms of a per-acre sliding scale, where \$464,257.36 would be the average annual payment across all proprietors. Roger Milliken, owner of 120,000 acres (and the smallest landowner among current great proprietors) might pay a fraction of what the Irving Family, with 1.25 million acres, might owe. For example, since Irving’s landholding is 10.42 times larger than that of Milliken, Irving might owe \$847,208.52 per year (0.02% of their \$5.5 billion annual revenue), while Milliken might pay \$81,306.02 per year (These two numbers average \$464,257.36).

<sup>8</sup> Lindert, Peter H. and Jeffrey G. Williamson (2016), “American Colonial Incomes, 1650-1774,” *The Economic History Review* 69(1), pp. 54-77. Inflation conversions are my own.

<sup>9</sup> Average family size data is from Main, Gloria L. (2006), “Rocking the Cradle: Downsizing the New England Family,” *Journal of Interdisciplinary History*, XXXVII(1), pp. 35-58. The Federal poverty line for a family of 7 in 2021 is \$40,120.

17th century New England subsistence farmer owes \$48.02, then the average Maine settler-descended landowner should pay a higher amount. But how much?

One way to calculate this in the spirit of the original Wabanaki “sliding scale” intention would be to begin with a base rate and then increase this amount based on acreage owned, income, or a combination of both. I propose a hybrid approach that accounts for historical and contemporary income differences as well as differences in size of ownership claims. To ignore income differences between the settlers of 1678 and contemporary Maine people would underestimate what Wabanaki negotiators were actually asking of 17th century settlers (0.2% of their annual income); to ignore income differences between contemporary Maine settlers would erase the realities of current class inequality; and to ignore differences in acreage ownership would not honor the spirit of the “sliding scale” implied in the differential treatment of great proprietors.

Here is one approach to a calculation that includes all of these factors:<sup>10</sup>

1. Begin with a BASE RATE, calculated as 0.2% of Maine’s median income.<sup>11</sup> This is \$115.84.<sup>12</sup>

2. This base rate applies to 1 acre.<sup>13</sup> For every additional acre owned, the rate will increase by 10%. An 11 acre lot, for example, would be double the base rate (\$231.68) and a 51 acre parcel would be 500% of the base rate (\$1,158.40). A 301 acre parcel would be 3000% of the base rate (\$3,475.20). Call this number the ACRE-ADJUSTED BASE RATE.<sup>14</sup>

$$\text{Acre Adjusted Base Rate} = 115.84 + 11.584(\text{total acres} - 1)$$

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<https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines>

<sup>10</sup> If such a calculation were to be used in a public effort, it would be possible to generate a calculator tool (via a simple spreadsheet form or an online application) that would make the process quite simple. One could enter acreage and gross household income, and a suggested payment amount would be generated.

<sup>11</sup> This is based on the earlier calculation implying that the original request from Wabanaki negotiators would have been approximately 0.2% of the average settler’s income.

<sup>12</sup> Maine’s median household income for 2019 is \$57,918 (<https://www.census.gov>).

<sup>13</sup> The median size of a residential lot in Maine, as of 2011, was 1.01 acres. See: <https://www.inman.com/2011/12/06/room-roam-top-10-us-states-with-largest-lot-sizes/>

<sup>14</sup> The 10% increase proposed here is a dimension of the calculation that has no specific basis in the Treaty of Casco. I propose it because it is an easy number to work with and reflects a substantive but not exorbitant per-acre increase. It is also one of the numbers that could easily be changed to adjust the end result of the calculations (i.e., it could be 5% or 15% per additional acre). Another option to consider here would be rates that step up or down as acreage increases; for example, 10% per acre for the first 10 acres, 5% for each additional acre above 10 (We would have to ask, though, why settler ownership of more acreage would merit such a discount).

3. A settler land-owner's actual payment is based on a household income-adjusted percentage of the acre-adjusted base rate. Since this all started with median household income, that is the starting point here as well. A land-owning, settler-descended household earning Maine's median income (\$57,918) would pay 100% of the acre-adjusted base rate. A land-owning settler household earning 10% *more* than Maine's median income would pay 110%. One who earned 40% *less* than the median would pay 40% of the acre-adjusted rate. Call this number the FINAL ADJUSTED RATE. The final calculation can be made with this equation:

$$\text{final adjusted payment} = \frac{[\text{gross annual household income}]}{57,918} \times [\text{acre adjusted rate}]$$

There is no way around the need for individuals to adjust their own payments based on circumstances that this calculation can't account for.

- In some cases, a household may have significant access to financial wealth that isn't reflected in annual gross income (i.e., inherited wealth, trust funds, investments, etc.). These households should be encouraged to consider higher payments. In other cases, the realities of class oppression may mean that using household income to calculate payments doesn't reflect real-world abilities to pay, and in such cases people are encouraged to pay what they are able.
- In other cases, a household may be "land rich and cash poor"--a common situation in Maine, especially for poor and working-class settlers who have inherited land, or for elders on fixed incomes. In these cases, the sliding-scale calculation above might end up generating a number that is not viable considering other personal and land-related expenses. Households in this situation should be encouraged to find a payment amount that balances personal need with the realities of occupying large areas of stolen Wabanaki homeland.

Overall, the point of the above calculation is not to generate an absolute number, but to provide a reasonable baseline of guidance that is grounded in history and that highlights Wabanaki sovereignty and agency.

Critiques, edits, and alternative suggestions regarding this framing and proposed calculation are enthusiastically welcomed! Email [ethan.miller@landincommon.org](mailto:ethan.miller@landincommon.org).