A sense of space: land struggles of the Semai of peninsular Malaysia
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Chapter Three: Orang Asli Land Rights in History (1800s to 1930s)

What rights in land have the Orang Asli historically enjoyed, how and why did these change over time and what implications did these changes have for the Orang Asli? This is the central question I wish to examine in this chapter.

Difficulties in Characterizing Orang Asli Land Rights in History

Where and how does one begin a historical examination of Orang Asli land rights? This question is tied in with another - "how do we define land rights?". If rights in land are "defined as claims that are legally and socially recognized by an external legitimized authority" (Argawal, 1994:19) then in the case of the Orang Asli it must be said that they enjoyed no land rights for most of their history. In the period of Malay and subsequent British rule in Perak the Orang Asli were able to occupy a certain land area but only until the land was appropriated for other purposes. In other words, the Orang Asli only enjoyed temporary access-rights to land during the Malay and British periods of rule. For the purposes of this chapter, therefore, it is more appropriate to understand land rights as claims that were legally and socially recognized and enforceable by the Orang Asli group itself.

How do we go about examining the historical land rights of this Semai group? As I mentioned in Chapter One, in terms of historical information from either primary or secondary sources, there are almost no available data on land occupation or land use regarding any Orang Asli group prior to the 1960s. What available official data (for much of it is still under a security embargo dating from the Emergency years) provides information regarding the land claims/occupation/use but in terms of the state's intended plans for those Orang Asli villages. And what secondary sources there are which do examine the land situation of the Orang Asli the focus in these works is on the period during and after the Emergency years (1948 - 1960). For it was during this period when the Malayan state first began to intervene directly and intensely into the Orang Asli situation. Given this paucity of historical documentation, therefore, regarding the land rights situation of the Orang Asli (in particular the Semai groups studied in this research) I have had to rely heavily on the oral-history narratives of the Semai villagers.
Working from these oral narratives I have attempted to bring together what information they provide of their historical land practices with what we know of the wider socio-economic forces operating around that time and place.

Given my reliance on the Semai oral-history narratives, it is necessary to say some things about them and how they impinge on the analyses provided in this chapter. First, these oral narratives address the land practices of the Semai, which span a period between the early nineteenth century to the present time. As such, and given the fact that there are no data of their land practices in earlier periods, the periodization adopted in this chapter follows that of the Semai narratives. A second point is that most of these Semai oral-history accounts were not collected as part of this research. They were collected by village leaders as part of a land-rights campaign-project directed at the Malaysian state-authorities. Over a period of several months in 1994, a committee of village representatives from Canu, Pendue and Γni collected oral-history accounts, regarding the history of their settlements, from senior members of their villages as well as elders from nearby Semai villages. These narratives were then edited and written up as part of a memorandum which the villagers of Canu then submitted to the Malaysian government requesting that the lands they are occupying/using be gazetted as an Aboriginal Reserve. The Semai oral-history narratives were collected with the specific intention to substantiate the Semai claims to the land they are presently occupying and using. They reconstruct a history of their relations to the land, tracing the movements of their forebears from the latter's settlement in the first lengriik or "country" of Darat Legep to the setting up of the present villages of Canu, Pendue and Γni. However, there is a particular tenor to their narration that should be explicated in order to appreciate them for their analytical imports. To begin with the example of Wah Kawat, for instance, who was the main scribe behind the memorandum project. As we were walking through the town of Kota, one day, Wah Kawat pointed in the direction of the wet-market and remarked:

There was a Semai tmpaat (settlement) situated exactly where that market now stands...Our lengriik (country), Darat Legep, once stretched from where is now the Kota Railway station all the way to where our kampungs (villages) are now located and even further into the hills... when Atuk Canu and his followers first arrived here this town did not exist, there were no Malays or Chinese, the whole place was covered with forests and swamps...
Wah Kawat was 25 years old and lives in Canu. She is also actively involved in the Semai's land rights struggle. Like all the other adult Semai she is well acquainted with the landscape features, natural boundary-markers and different places of their lengriik territory. Semai elders pass on this knowledge of lengriik places to the children of the village when the latter come of age. Every young Semai adult is taken through the forests and familiarised with particular streams, ridges, hills and other landscape features which serve as markers of the lengriik as a whole but also of specific places located within the territory. The Semai villagers know where one lengriik ends and another begins or what marks off one kampok (orchard) from another, which set of fruit trees belong to whom, where various pabel (ancestral burial grounds) are sited, etc. However, it is more than lessons in contemporary Semai geography that is passed on by the elders to younger members of the village. In these "adult-initiation" trips into the forest, but also on other occasions, Semai children are told by their parents and grandparents of other locations that had constituted places within their lengriik in previous times. For instance, Wah Kawat explained that on different occasions when as a teenager she accompanied her parents to the town of Kota the latter had pointed out the various sites they passed and explained what those locations had represented for the Semai in previous times.

...all the places we passed from our village to the town were once a part of our first lengriik, Darat Legep...the rubber plantations just outside the village was a part of Atuk Pendue's rubber farm... the Chinese cemetery, kampung Melayu (a Malay village), the Chinese pig and vegetable farms, the Indian cattle farm... when we were in the town of Kota my parents pointed out to me where different tmpaat of our ancestors were located... they moved here when Malay settlers occupied their previous tmpaat area and they moved again when the mai biyaeg (white men) came to rule the Malays... my parents told me how all the Semai of Canu were interned in a camp here for two years during the Emergency...

Cultural geographers speak of a peoples' "territorial identity of a sense of place" which they project onto their political struggles (Massey, 1994:146; Agnew, 1993:263; Agnew & Duncan, 1989:2; Rose, 1995) or, to use William's (1977) phrase, a "structure of feeling" constituted from experiences of historical and everyday, placed-based practices. These are useful concepts to explain an important aspect of the Semai's contemporary land rights campaigns. This subjective territorial identity of sense of place comes out strongly in the oral narratives of the Semai villagers as they recount the history of their land practices. Places such as particular rivers, mountains and the like have deep, historical and even religious significance for the Semai. They
are potent elements of the Semai's historical landscape, reminders of the role of conspicuous places in marking and delimiting their social space that was known as their country of Darat Legep. These places also express what were harrowing historical experiences of the Semai persisting in the struggle with ecological and hostile competitors for territory and its resources. Moreover, these land struggles of the Semai have continued and taken different shapes in the contemporary period. For example, the Semai land campaigns are linked to similar campaigns being staged in various parts of the world. In fact, the idea of writing-up the history of indigenous settlements and mapping out traditional indigenous lands was first mooted in the 1992 General Assembly of the Asia Indigenous Peoples Pact (AIPP), held in Chiangmai, in which the Orang Asli were represented and participated (AIPP, 1992). Following up on these AIPP proposals several Orang Asli leaders were trained in the skills of surveying and mapping with the purpose to assist Orang Asli villages in their land campaigns. Wah Kawat was one such person to attend these training sessions. What all this implies is that this Semai sense of place is not only generated from shared local experiences of land struggles. In other words, a "local structure of feeling" about place is not simply a social-spatial definition of place "from the inside, so to speak" or limited to the scale of the personal as some authors have suggested (Goffman, 1961; Sommer, 1969).

However, it is easy to overemphasize this Semai sense of place as the major element informing their oral narratives abstracting from the broader historical context in which such sentiments arose and were reproduced or changed. For most of their history, for instance, Semai-occupied lands were located according to the demands of the political authority and control of, first, dominant Malay then British regimes in the region of Perak. Within the politico-legal schemes of the Malay regimes the "Sakai" (Orang Asli) had no rights whatsoever, let alone land rights. In terms of Malay law, for instance, which applied to these territorial regimes "Sakai" was a legal category of slaves to be owned as chattels without any rights, legal protections or possibility of manumission (Liaw, 1976). "[N]one but a Muslim had legal rights..." in Perak...The Aborigines, as infidels, were hunted down and enslaved and... not the slightest notice was taken of the murder of a Sakai" (Winstedt and Wilkinson, 1974:91). Even after the institution of slavery was abolished at the end of the nineteenth century, to the Malay the Orang Asli were a sub-human race, little more than animals, and, therefore not entitled to
normal human rights (Maxwell, 1880:50; Annandale and Robinson, 1903:9). In the 1880s, when the British took over the government of Perak and began restructuring the land system in Perak, the land rights situation of the Orang Asli did not change appreciably from previous times. Although the Semai were not hunted down as slaves anymore, the lands they occupied became part of the forests which the British designated as "no man's land", "the vast and uncleared waste and forest land to be opened up and cultivated by bona fide settlers" (Acting Sec. to Gov., Perak to Colonial Sec., 2nd Oct. 1891, enclosure in Smith to Knutsford, 28th Oct. 1891, CO 273/176, British Resident, Perak to Colonial Sec., 7th Oct. 1891). Thus, just as it was during the period of Malay rule so also during the colonial period the Semai-occupied lands were appropriated each time the ruling regime alienated those lands for their own development projects.

What can be discerned from the Semai oral narratives, therefore, are more than just a "sense of place" or "structure of feeling" with regard to their historical land rights. The narratives also recall how the Semai ancestors used the land, organized themselves therein and gave meaning to different places. These Semai land practices, however, rested on two major premises especially during the 19th century but also well into the 20th century. First, what practices they enjoyed were only recognized and enforced by Semai customs and institutions. Second, the reproduction of their land practices depended necessarily on the Semai relocating their settlements, deeper and further into the forests, each time the lands they were occupying were threatened with appropriation. During the period of Malay rule, moreover, the Semai had to maintain a safe physical-geographical distance between them and Malay settlements to avoid the risk of being captured as slaves. In addition, during the colonial period the Semai could only practice their land system within those areas of the forests that were not alienated for other purposes.

Some other concepts may be helpful at this point to explain how the historical land rights of the Semai may be examined. First, the Semai, Malay and British land norms/practices may be usefully understood as systems of territoriality. According to Sack (1986:19), "territoriality" is defined as the "attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area". However, the dynamics of power relations between different groups claiming control over
social space are unequal. This is clear in the case of the Semai vis-a-vis the Malay and British territorial society. Therefore, territorial strategies - to affect control over a certain area - also varies with groups with differentiated access to socio-economic resources. As I will demonstrate later, in the Semai case their main territorial strategy in the face of the Malay/British territorial expansion was very specific. Each time the Semai-occupied land were threatened with appropriation they proceeded to carve out another social space for themselves in the more inaccessible parts of the forests of the Central Mountain Range. It was within this social space, which the Semai call their lengriik or country, that they were able to practice their customary land system. To use the concept from Giddens (1983:79), it is appropriate to describe these Semai land norms and practices, in the context of their territorial strategy, as "locale" specific. A "locale", according to Giddens, is a physically bounded area that provides a setting for a group's institutionally embedded social actions and practices. However, this Semai locale was also constantly shifting because it was, at the same time, a "location" within a wider territorial society. A "location", in this sense, may be defined as the effects upon "locales" of social and economic processes operating at wider spatial scales (Agnew, 1993:263). For example, during the period of Malay rule what was the Semai locale or Darat Legep land area was first encroached by Malays when new tin-mines were discovered in the vicinity in the 1850s. In subsequent times the lands which the Semai had relocated their settlements to were further alienated/appropriated by the British regime for Malay, Chinese and European settlements, mines, plantations, etc. In this sense, therefore, the Semai locale was not only located within the immediate and wider Malay/Colonial territory but affected also by socio-economic processes elsewhere in the 19th/20th-century world. "Push" factors in India, China, Indonesia and Europe and "pull" factors in Malaya were bringing in numerous migrants and their land projects into the Semai forests.

In the light of these explanations, therefore, I approach the question of the Semai's historical land rights, or practices, in terms of these three elements of "sense of place", "locale" and "location". A final point - these different scales of spatiality are not independent of each other. Semai land rights cannot be simply "read off" from just one of these scales. Social process happening at these different scales, over time, need to be brought together at specific junctures in order to arrive at an understanding of what land rights the Semai did or did not enjoy.
Dominant Territorial Regimes in 19th-Century Perak

For most of the 19th century the dominant polities in the region of Perak were Malay chiefdoms organized around strategic military-commercial locations along the Perak River and its major tributaries (Andaya & Andaya, 1982; Khoo 1983; Sullivan, 1982). The history of these chieftaincies may be traced back to the sixteenth century when the Malay-Islamic kingdom of Melaka fell to the Portuguese in 1511. Following this event Melakan tributaries relocated their power bases and what ensued was a competition among these elite groups to re-establish Malay kingdoms of their own in various parts of the Malayan peninsula (Andaya & Andaya, 1985). In retrospect, it may be said that these fractions of the Melakan ruling class attempted to reproduce the royal-political structures of Melaka in their new kingdoms (Ibid.). But in Perak, as well as other places in the peninsula, these attempts at establishing a kingdom in the fashion of Melaka were to result, by the 19th century, in a state of affairs whence the so-called negeri Melayu (Malay state) of Perak was more an ideological construct than actual practice (Chai, 1993). Although nominally there was a sultan at the apex of its political system the so-called negeri (state) was in fact divided and ruled by powerful local territorial chiefs acting independently of any central political or economic regulation (Andaya & Andaya, 1985). In terms of territorial practices, Malay statecraft, settlements and trade in 19th century Perak revolved around the peculiar social geography of the region. In Perak the river-system which flows from the interior highlands into the Straits of Melaka served as the main means of inter-settlement communication and transport (Khoo, 1983). Malay settlements, their agriculture and trading activities were concentrated at river-mouths and the surrounding coastal plains on both sides of the major rivers (Map...). The Perak waterways also facilitated a form of military governance to emanate from several political centres and fan out to control trade and populations centred on the river system. The Malay chiefs of Perak and their entourages were located at strategic river confluences from where they could control trade passing through their domains as well as mobilize their armies to control populations settled along the rivers (Andaya, 1979; Andaya & Andaya, 1982). As for the political nature of these Malay territorial regimes, they were basically despotic in character and oriented towards maintaining intensive local power relations. Thus, in
terms of territorial boundaries they tended to correspond geographically to those of the Perak River basin (Jomo, 1988:5).

Among the major factors which enabled these territorial chiefs to maintain their political position were, first, their claiming the right of surplus appropriation from the rakyat population settled proximate to the formers' center of power. There were at least two primary modes of surplus appropriation practised by the Malay ruling class i.e. the tribute-paying mode and the kerah (corvée) (Jomo, 1988). Tribute paying included the exaction of taxes on trade passing through the district as well as direct exaction of surplus from peasant production. The exaction of tribute was especially lucrative to the chieftains in Perak because of the trading, especially in tin, which passed through the Perak rivers (Wong, 1965). For instance, in the period immediately prior to the British takeover of government in Perak the taxation of and control over trade passing through the Perak rivers constituted the single most important source of income for the ruling elite of these chieftaincies (Jomo, 1988:15). In addition, both the exaction of tribute as well as corvée labour were demanded with the threat of coercive force actual as well as potential. A story from a 19th-century observer, of this area in question, perhaps best illustrates this coercive situation:

Some 15 years ago there was a Malay kampung (village) on the banks of this stream [of the Batang Padang River] and the inhabitants subsisted principally by mining, but as they refused to pay blackmail to Sheik Mahomed of Lower Perak, he came up with some fighting men and burned the houses down and drove the inhabitants away (Wray, 1890:151)

Apart from corvée labour and exaction of commercial tribute, the Malay ruling class also relied on slavery and debt-slavery to maintain their socio-economic position. Slave labour, especially in agriculture and mining in the case of Perak, provided the surplus necessary to maintain the ruling class in a "non-productive military and political role" (Gullick, 1958:102). Slave labour was also mobilised to provide domestic, military and administrative services for their masters (Gullick, 1958:97f; Maxwell, 1890:249; Swettenham, 1882:10; Mahmud bin Mat, 1954:9; Aminuddin bin Baki, 1966:9, Birch, 1882:7). Young female slaves were also "kept as a means of satisfying the sexual appetites of the young, unmarried men who formed the chief's armed following" (Gullick, 1958:103). Some slaves and debtors were also used as chattel to earn an income for their owners by working for others and could be transferred to another for a price (Gullick, 1958:103). Slaves were also mobilised in the tin mines of the Perak Malay chiefs
(Maxwell, 1890:249; Wray, 1903:180). As for their supply of slaves, the Malay ruling class imported many slaves from Mecca, Sumatra and Bali but their greatest source of slaves was local (Endicott, 1983). Among the locals there were, first, the Malay rakyat (subjects). The Malay ruling class created socio-economic conditions for debt-bondage, most importantly by confiscating excess production of the Malay peasants thus making the latter very vulnerable to becoming indebted to the former (Ibid.). Debt-slaves were, therefore, mainly Malay commoners who had become indebted to Malay aristocrats by borrowing money or being fined for some real or alleged offence. In theory debt-slaves could redeem themselves by repayment of the debt but in practice this was virtually impossible because work performed by the debt-slave did not count for toward the reduction of the original debt (Ibid. p. 217). In theory, too, debt-slaves being Muslims were technically free persons but this did not count for much to the ruling class Muslims (Maxwell, 1890:248; Swettenham, 1882:10). The most abundant source of slaves for the Malay ruling class, however, was the Orang Asli population. (Ironically, in the legends of the founding of the Perak negeri the Malay ruling class legitimated their political claims to sovereignty by linking their genealogies with those of the Orang Asli, see Maxwell, 1882). And, among the Orang Asli population whom were targets of Malay slave-raiding, it is known that the Semai in the Batang Padang District especially suffered from these slave-raids more than any other Orang Asli group (Wray, 1903:180; Cerruti, 1908:141).

Although these territorial chiefs wielded despotic power over the subject populations in their domains, the former's political position and extent of effective control were not without their limitations. In terms of effective control over local populations the chiefs' power was limited first by military logistics and second by geography. For instance, the form of military governance emanating from the chief's power base could not be extended into the vast tracts of forestlands straddled along the Central Mountain Range. This is indicated, for instance, in the fact that the main strategy of subject populations, in the face of these oppressions such as corvée labour and slavery, was flight into the more inaccessible parts of the forests of the Central Mountain Range (Gullick, 1958:29). The organizational reach of the standing armies of these territorial chiefs were limited such that rewards had to be offered to members of the rakyat for the capture of run-a-way debtor-rakyat and slaves (Maxwell, 1890:289). The geographical extent of the chiefs' control over subject populations is also indicated in the rate of rewards.
meted out for the capture of run-a-way slaves (Ibid.). For example, in the case of the Malay chief who was based in Durian Sebatang - he paid an increasing rate of rewards for a captured slave according to the distance away from his base where the slave was captured. In other words, a higher reward was offered for the slave captured further east away from the chief's base. The organizational reach of the chiefs' control was also limited in that military power was concentrated around the chiefs' bases because of the constant, externally mounted threats to their position. In fact the history of the Perak region spanning the 16th to the 19th centuries can be characterized as a series of inter-territorial conflicts, succession disputes, and military invasions mobilized by external powers (Chai, 1993). These external powers were not only neighbouring states of Aceh, Thailand, Kedah and Selangor but also Portuguese, Dutch and British forces all vying especially for exclusive control over the lucrative tin trade centred in the Perak region (Andaya, 1979; Andaya & Andaya, 1982). The territorial chiefs who succeeded in retaining their political position through each of these conflicts were ultimately those who managed to muster sufficient military support from other chiefs in the region as well ally themselves with one or other of the foreign forces (Ibid.).

Perhaps more than anything else it was the presence of large deposits of tin in the 19th-century Perak region which made it an attractive location for territorial contests and expansionism. Perak tin was sought by traders from Coromandel, Java, China, Cambodia and many other places since the fifteenth century (Wilkinson & Winstedt.:25ff). From the 16th to the 18th centuries, first the Portuguese and then the Dutch tried to enforce monopoly rights over the tin trade in Perak but they failed (Ibid.; Andaya, 1979:85). In the 19th century, the British entered the scene to secure favourable tin-trading terms with the Malay chiefs. Initially the British authorities were content for their merchants to be but one of several parties in the tin trade. But by the mid-nineteenth century there was increasing pressure from mercantile community, based in the Straits Settlement colony, on the British authorities to annex Perak because the supply of tin was being hampered by a "state of chaos" in that country (Sadka, 1968). Something of this process needs to be examined in order to understand the territorial effects in Perak because of wider socio-economic forces. In Britain the protective tariffs on foreign tin were repealed in 1853 and the import of tin, especially from the Straits Settlements, increased about six-fold between 1816-1820 and mid-19th century (Wong, 1965:17). In 1860,
the canning industry in Britain caused the expansion of tin plate manufacture and this further increased the demand of tin from the British Eastern Possessions (Ibid.). Concurrent with these developments large numbers of Chinese immigrants began moving into the tin industry in Perak. Rebellions in mid-19th century China were "push" factors while new and rich tin mines being discovered in the Larut area of Perak in the 1840s were pull factors for this pattern of Chinese migration. By mid-19th century, tin-production was also passing from the control of Malay territorial chiefs to Chinese management and labour (Ibid.). In terms of population, the Chinese numbers rose from a few hundred, when they first arrived in the 1830s (Wilkinson, 1923), to 26,000 by 1874 (Asst. Resident's Report, C1320: 132). Politically, the Chinese were organized along clan, dialect and China-based regional lines and by the 1850s these kongsis, hui (brotherhood) societies were controlling different tin concessions in Perak (Wong, 1965). There was also increasing competition among these groups for the tin concessions bringing earlier regional hostilities to intensify their mining disputes. By the 1870s, the hostilities became increasingly violent and complex first, because various Chinese merchants in the Straits Settlements were funding each Chinese group and, second, each group was militarily allied with different factions of rival Malay chiefs. It were these hostilities over the control of tin production in Perak, which the British called the "Larut Wars" of 1870-73, which prompted the British authorities to intervene into the affairs of government in Perak (Sadka, 1968). Initially the British brokered the Pangkor Treaty of 1874 by which they appointed themselves, in the form of a Resident, to "advice" the sultan on proper government of Perak. But less than a year later the Resident was killed in a rebellion staged by several territorial chiefs. This led to a British military conquest of Perak in 1876 and the forced removal, by exile and execution, of all the territorial chiefs. Although Perak was not formally made a British colony till after the Japanese invasion in 1945 (Emerson, 1937) in effect the British assumed government of the state in 1876 while maintaining the fiction of nominal Malay rule (Sadka, 1968).

Territorial and Tenurial Practices of the Semai in their 19th Century Darat Locales

...the earliest settlement of our ancestors was a place called Cangkat Dulu...Atuk Canu and several families moved from Cangkat Dulu to a place below the hills which they called Darat Legep. When Atuk Canu and his followers first came to Darat Legep...each pitak spread out and opened up their tmpaat in the territory of Darat Legep...these
tmpaat were Tanggoh, Canang, Kemik, Panyag and Tamut... each tmpaat appointed their own raknak. They were Atuk Canu, Yok Nar, Atuk Nek, Atuk Mpat and Atuk Lima [respectively]... and around their tmpaat they cultivated paddy, yam, tapioca, corn and Semai vegetables... Darat Legep became our lengriik or ‘country’. Today this land area stretches from where is now the 5th Mile of the Teluk Intan Road to where the Kota Railway Station is currently located......the rakyat [Malay subjects] were under the rule of the Malay Raja who was based at where is now Teluk Intan... the nearest Malay kampung (village) was located at where is near the Kuala Kota area... their population was not very big then. Several years after they were at Darat Legep...Atuk Canu and members of his tmpaat heard news that the Malays were planning to settle nearby their tmpaat. When they heard this news Atuk Canu urged his followers to relocate their tmpaat to Teow Mahang and Teow Panggang further east into the Darat Legep territory. Today, this place is where the Kota wet-market is located. At that time, however, the town of Kota did not exist. There were no Malays nor Chinese settled there. The place was covered with forests and swamps. It was there that Atuk Canu and his followers decided to move to when they heard of the Malays moving into their lengriik.

According to historical records, tin mining and the setting up of Malay settlements around the Kota River first took place around the 1850s (Wong, 1965). These mines were closed soon after only to be revived in the 1870s, during which time the town of Kota emerged (Ibid.). The Malay territorial chief governing this region was based at Durian Sebatang, the place now called Teluk Intan. Therefore, the Darat Legep lengriik, referred to in the oral history narrative above, must have been pioneered sometime before the 1850s and it was situated on the forest-covered plains between the Kota and Batang Padang Rivers (Map...). If the town of Kota only sprung up in the 1870s, then the boundaries of Darat Legep and the location of the Semai tmpaat would have existed, as narrated by the Semai, up to the 1870s.

The current Semai inhabitants of Canu and Pendue trace their land rights to the tenurial/territorial practices of their ancestors in their 19th-century lengriik or "country" of Darat Legep. The term lengriik may be more appropriately translated as a "band territory", i.e. a combination of land relations with particular emphasis on lineage and ancestry within a spatial realm. According to the Semai oral narratives, there were other Semai bands located in the same region but they did not possess a central political organization. The Semai who occupied Darat Legep, for instance, belonged to a common descent group whose members shared an ancestry to a common founder of the group. Organisationally, the Darat Legep descent group was divided into five sub-groups or pitak each overseered by a raknak (elder) appointed by members of each pitak. While the descent group was the core of each of the sub-groups or settlements yet
relations between the five sub-groups were not dominated by a central authority. Atuk Canu was recognized as the founder/pioneer of the Darat Legep lengriik, the most senior member of the descent group and was therefore appointed as the mairaknak or "elder-of-the-lengriik-community" known as the mai pasak. However, the mairaknak did not exercise overall authority over the individual pitak scattered over the lengriik territory. Each pitak was an autonomous social unit, overseered by their respective raknak, and each occupied a specific land area within the lengriik that centred on their settlement site or tmpaat. The tmpaats, marked by specific landscape features, were situated within the drainage area of smaller teouw (rivers) from which they derived their names. Bah Tani, who is in his eighties and a great-grandson of Atuk Canu explained that the nature of Semai authority as practised in Darat Legep was very much centred within each of the tmpaat:

...the mairaknak was not our king and the raknak was not our chief, they were raknak (elders) who were wise and fluent in Semai customs... but they could not interfere in the affairs of the mai (people) unless they were requested to or if a Semai brings a problem to them to be settled. If the raknak interfered without being asked to then people would leave that tmpaat and join up with another tmpaat...

If authority is the socially-legitimated control exercised by one or several individuals over the actions of others then in the case of the Darat Legep Semai the authority of the Mai/raknak were temporary or limited to specific occasions. In terms of their land practices, for instance, the Darat Legep Semai were guided not so much by hierarchical authority structures as by Semai custom concerning lengriik relations. Each raknak mediated in land matters only when one or both of the quarreling parties brought the problem to him. The raknak's permission was also sought when a Semai from another tmpaat wished to migrate to the settlement area overseered by the former. Otherwise, as Bah Tani explained

...every member of the lengriik knew where their own and others' kampok (orchard) were located, which tmpaat they belonged to and what are the lengriik laws they must observe as they go about their daily life...

Although the Semai practised shifting agriculture, among other economic activities, their settlement site was relatively fixed. They would move their homesteads only if a series of deaths have occurred in a particular settlement. However, thrice during the course of the 19th century, all the Darat Legep Semai moved the locations of their tmpaat further eastwards into the forests of the Central Mountain Range. When it was first established as a Semai "country" its land area,
according to Semai oral history, stretched from "...where is now the 5th Mile of the Teluk Intan Road to where the Kota Railway Station is currently located..." (Map...). This would have been before the 1850s. But by the end of the century, because of the relocating of their tmpaat, the Darat Legep lengriik covered the area between Atuk Pendue's tmpaat and Bukit Balang (Map...). The reasons for the Semai relocating of the tmpaat were the same on each occasion. On each occasion their decision to move the lengriik was prompted "by news that Malays were going to settle nearby the Semai tmpaat".

The Darat Legep Semai were not alone in resorting to this strategy of flight in the face of Malay encroachment upon their lands. In fact, even at the end of the 19th century and into the 20th century this strategy of flight was common to the Batang Padang Semai in general (Wray, 1890:163f; Cerruti, 1908:141). It was not merely the migration of Malays into Semai-occupied areas that prompted the latter to move deeper and higher into the forested hills. As was mentioned earlier, the Semai of Perak were especially targeted in Malay slave raiding more than any other Orang Asli group during the 19th century (Wray, 1903:180). In addition, these slave raiding parties were usually organized from Malay villages located closest to the fringe of the forests. These Malay raiding parties were quite large, armed, well-organized and often used tactics of surprise and ambush in their hunting of Orang Asli slaves (Endicott, 1983:239f). Thus, in addition to re-locating their settlements the Semai would adopt added measures such as never camping near navigable rivers, walking in streams whenever possible and setting man-traps on the paths leading to their settlements (Wilkinson, 1910:49). It is therefore not surprising that the Darat Legep Semai relocated their tmpaat each time they heard that Malay settlements were to move into the former's territory.

The Darat Legep Semai were not, however, completely isolated from Malay society. On one spatial scale, that of their lengriik they practised their tenurial/territorial relations as a closed or internal network of pitak. Of course, the maintenance of this land system depended on the Semai capability to keep a safe physical distance from the Malays. However, on another scale there were limited interactions between the Semai and "outsiders". These interactions were at the level of trade. Thus, despite the re-locating of their tmpaats further and deeper into the forests of the Central Mountain Range, the Darat Legep Semai kept up a certain amount of intercourse with Chinese and Malay traders. The trade was in the shape of a traffic in jungle
produce on the one part and knives, axes, cooking pots, salt, cloth, etc. on the other. These trading relations can best be understood in its spatial arrangements. All trade between the Darat Legep Semai and Malay/Chinese traders were mediated by the mairaknak. Even his tmpaat was strategically located in accordance with his specific task. As Bah Tani explained:

...each time the Semai had to move their tmpaat, his [the mairaknak's] tmpaat will always be located furthest downstream so that he can meet the people who come from the coasts... we give him the things we want to sell and he is the one who deals with the traders... he also warns us when he hears that the Gob is going to enter our lengriik

Semai oral history further underscores this role of the mairaknak in explaining the criteria used in appointing him - the mairaknak "...must represent an elderly, experienced, knowledgeable person who is fluent in the customs of the Semai and not afraid to speak".

Seen in the context of their 19th-century land rights, therefore, this relocating of their lengriik and the strategic role of the mairaknak enabled the Semai to reproduce their territorial/tenurial system in new locales. In terms of their actual land relations Semai customary laws outline a traditional system which, according to the Semai informants, is still observed in many ways by the present-day generation of Semai in the villages under study. Thus, at the risk of presenting a static view of the their land relations in the 19th century what follows is an explanation of the Semai land practices in terms of their customary laws.

According to the Semai oral-history narratives, apart from hunting-gathering activities on their land their forebears in Darat Legep had practised two kinds of cultivation - swidden cultivation and sedentary or permanent cultivation. Swidden cultivation was an agricultural practice that the Semai only discontinued in the 1970s due to governmental intervention. In the swidden system of agriculture, lands in the forest were cleared for the cultivation of a variety of seasonal crops and vegetables such as corn, yam, cassava etc. (see Table I). These swidden plots were then left to revert to secondary forests after a few harvests and new sites elsewhere were opened up for cultivation. The Semai would return to previous swidden sites when the soil had regenerated, a period usually between three to four years. The second form of agriculture, still typical of present-day Semai, was a permanent form of cultivation. It consisted of the planting of fruit trees such as durian, petai, rambutan etc. (see Table II). These fruit trees were grown in clearings within the forest that the Semai refer to as kampok (orchards). Most of the kampok of the 19th-century Darat Legep territory, however, do not exist anymore due to the appropriation
of Semai land. What Canu-Pendue villagers' *kampok* there are today (Map...) were all set up in the beginning of this century.

In the economic activities of the Semai the basic unit which "owned" or used *lengriik* lands was/is the descent group or ramage. In this sense, therefore, it may be said that land usage/ownership was individualised in that it was used/owned by a single descent group for their own livelihood. If the Darat Legep-Semai relations to land were to be translated in terms of western juridical notions of landed property, then it is possible to distinguish three different modes of land-use or land-ownership in the Semai tenurial system. One mode of Semai land relations may be termed usufructuary. More specifically, this mode of land relations applied to swidden land. According to Semai customary law a member of the descent group could as a simple matter of fact clear forestland within the *lengriik* for swidden cultivation provided others were not already using the land. Once a cultivator had discontinued working on a particular swidden plot then others who wished to may exercise their usufructuary rights over that piece of land. It was, however, expected by Semai custom that the new cultivator who intended to cultivate an "abandoned" swidden should ask the permission of the previous cultivator who used that land. This asking of permission was also required of a Semai if she or he wished to use an "abandoned" or "unused" property of another such as fish-traps, animal-traps etc. Usufructuary rights to land were also observed in hunting and gathering activities. In this case, if a western juridical notion is applied, one can describe this use of land as a grant in perpetuity based on the user's membership in the *lengriik*-community. Another mode of Semai land relations applied to *kampok* or fruit-orchard land. This Semai mode of land relations comes closest to the western juridical notion of private land holding. In this instance, a Semai descent-group member has a plot of land within the *lengriik* that is meant for the exclusive and perpetual use of that person and his/her heirs. These are the *kampok* or orchard plots of land, which constitute the sedentary form of Semai agriculture. As with all other types of Semai land area the geographical markers of each *kampok* are certain distinguishable landscape features such as streams, ridges etc. which members of the group recognize among themselves. In these *kampoks*, fruit trees are a marker of a ramage member's "ownership" rights over this type of land. It is a custom still adhered to by the Semai. It is this type of land, moreover, which is
handed down as part of the inheritance (sakaa) from one generation to another within the descent group.

In terms of "land dealings", to employ yet another western juridical term in land practice, Semai customary law outlines what these are and their terms of execution. There are two types of land dealings provided for in Semai custom. First, is an arrangement whereby a descent group may grant usufructuary rights to a non-member over the former's agricultural land. These usufructuary rights enabled the non-member to have access to a particular piece of a descent-group's landed property for the purposes of hunting, gathering and the planting of seasonal crops and vegetables which includes the clearing of swiddens. In this arrangement, however, the non-member is not entitled to plant any fruit trees. As mentioned earlier, fruit trees are a legal marker of a descent-group member's inherited property and therefore the giving of non-ramage members permission to plant fruit trees in ramage territory is not acceded to lightly. In a sense, this land-dealing arrangement may be likened to a form of leasehold although no rent is exacted by the landholder, in this case the member of the descent-group.

The second form of Semai land dealing is an arrangement whereby ownership rights over a descent-group's landed property can be extended to a non-member of that descent-group. One way to begin to understand this form of "land dealing" is to see the Semai as what anthropologists would call an ambilineal cognatic descent type society. Ambilineal societies are characterized by:

1) ambilineal ramage where "affiliation in each successive generation is acquired through either parent and depends, not on filiation links radiating outward from an individual as in the case of a bilateral kindred, but on chains of filiation links converging upon a common ancestor, from whom land rights are derived..." 2) extended families, 3) ambilocal residence, 4) affiliation not ordinarily maintained with the natal groups of a parent who has changed residence, and 5) membership in a descent group usually determined by parents' choice of marital residence. Occasionally present are bilateral kindreds, kinship groups that are ego-centred and consist of ego's relatives on both mother's and father's side. In addition, ambilineal descent groups characteristically practise monogamy, extend marriage prohibitions to all second as well as first cousins, apply sibling terms to first cousins, and employ avuncular terminology of the generational type, extending the term for both father's brother and mother's brother.

(Murdock, 1960:10-11)

There is, however, one major qualification that needs to be stressed concerning the Semai cognatic system. For the Semai a non-member of a descent group, whether Semai or otherwise,
can cultivate \( hiit \) consanguineal relationships and earn membership into a ramage group. Consequently, the non-member becomes "kin" or is socially recognized as such and thus enjoys similar usufruct and inheritance rights in the descent group. Any individual or group who migrates into the river basin of another band can inhabit a certain area with the permission of the raknak (elders) of that particular lengriik. However, non-members to the descent groups were not entitled to the use of the territory for all but building their houses and selai nyeng (house gardens). More importantly, non-members could not plant fruit trees anywhere in the territory because fruit trees are a marker of a ramage member's usufruct and inheritance rights over that territory and the fruit trees. Non-members could seek permission to acquire rights of access to the produce of a ramage's area but no planting of fruit trees was allowed. The giving of non-ramage members permission to plant fruit trees in ramage territory has implications for future generations and therefore not acceded to lightly.

Unlike in some Malay practices of land dealings which were evident in pre-colonial times (Wong, 1975:11) as well as in the later land system instituted by the colonial authorities Semai land dealings did not involve any rent exaction whether in cash or a return of a share in the produce crops. In the Semai system all types of land rights or land dealings were based on a superior proprietorship of the descent group over all the lands within their lengriik. This land-owning descent-group was referred to as the mai pasak the legitimate or original inhabitants/occupants of a lengriik. Thus, as the mai pasak owned these lengriik lands and as these lands formed the basis of their economy, production and profit were also shared - a Semai custom conceptualised as cha'samak ("eating together"). Non-members to a descent group may be granted certain usufructuary rights to lands within the lengriik. However, as long as non-members are not "admitted" into the descent group they cannot claim the common superior proprietorship of the mai pasak. The non-member is said to share certain territorial and usufruct rights only in accordance with their qualified status as mai numpuk (residents). Another aspect of the Semai jural system governing land-relations is that members of one descent group may have equal rights over the lengriik-lands of another territorial group located elsewhere. This is provided for when a member of one descent group enjoys a filiation link with another descent group through his/her parents, a link that converges upon a common ancestor from whom land rights are derived. The way a non-member cultivates consanguineal ties into a descent group in
order to earn rights in land follows the same procedures that a ramage member has to observe to

gain social recognition of his/her already existing land rights. Ramage members as well as

newcomers must demonstrate their interest in the affairs of the group, maintain constant and
close ties and interact with others and show an interest as well as work on the maintenance and
reproduction of the kampok (orchards). This is how ramage members may re-activate their
rights when they migrate or return to another lengriik in which they have usufruct and
inheritance rights based on ambilocal residency. A member who does not show his/her interest
in reproducing the lengriik, by observing the necessary land practices, is said to have "forgotten"
(inseep) his/her lengriik and thereby may lose his/her rights in lands therein.

Perak as a British Territorial Possession

As British officials took over the government of Perak in the mid-1870s a considerable
number of settlers moved into this region to take advantage of the new economic opportunities
(Lim, 1976:9). There was an increased demand for agricultural land, mining operations
commenced in many areas, new towns sprang up, villages experienced growth and numerous
land sales and widespread land speculation resulted (Sadka, 1954). One of the small towns that
sprang up during these early years of colonial rule was Kota. Tin and trading were the two
primary economic activities which had brought about an influx of Chinese and Malay migrants
to this town. The Kota River tin mines were revived in the 1870s to become one of the main tin-
producing areas of Perak until the end of the century (Wong, 1965). And, by 1890 trading
activities were flourishing in this new town of Kota. A colonial official reported Kota to be
"making great progress and the Malay shops are the best of the kind I have seen anywhere"
(PGG, 1890:254). And, by the early 1900s a railway line and an upgraded road were connecting
the town of Kota to the major port of Teluk Anson and other commercial centres such as Kuala
Lumpur (Kaur, 1985).

If new Malay/Chinese settlements centred on trade and tin mining were eating away at
what was Darat Legep territory from the town of Kota and upwards, large European-owned
plantations, being established at the northwest portions of the Semai lengriik, did the same. In
1890, for instance, a British planter was granted a 1000-acre piece of land (AR Land
Department 1891, PGG 1892:295) which encroached upon the northwest portions of what was Darat Legep territory. The influx of new settlers and the resulting competition for land may be measured in the population increases in this period. In the Batang Padang District for instance the percentage of population increase between 1879 and 1891 was 61% with the Malay population doubling in numbers and the Chinese almost tripling in population (Sadka, 1968; 329f.). As for the tin mines around Kota and the Batang Padang Rivers there was an estimated 1000 Chinese in 1875 (Wong, 1965:87). By 1879 this number doubled (Memorandum on the Financial Condition of the Protected Malay States, Feb. 1877, Gov. to Sec. State 2nd March 1880, in CO 273/102; Notes on the Proposed Revenue Farms, Acting Gov. to Sec. State, 5th August, 1879 in CO 273/99). In the background of these early colonial developments of the state the Darat Legep Semai were compelled to move their settlements further east into the forests of the Central Mountain Range. By the end of the 19th century therefore, a large portion of what was the original Darat Legep territory was occupied by a wholly new town, mining fields, a large European plantation and several Malay kampungs (see Map II for the changes in the Darat Legep landscape following early colonial land-developments). In a sense, the pattern of Semai land rights during British rule of Perak in the last quarter of the nineteenth century did not change appreciably from the previous era of Malay rule. From the perspective of the dominant ruling regime, the Darat Legep Semai could enjoy occupation and use of a particular piece of land but only up to the point in time when that land area was appropriated and alienated for another purpose. During the pre-colonial period, the Semai enjoyed no rights whatsoever in the context of the Malay regimes that exercised eminent domain whether it existed in law or not. To the Malay regime the Semai were seen as potential slaves. Thus, each time Malay settlers encroached on Semai lands the latter were compelled to move their settlements further east into the forest. During the colonial period, however, tracts of forests in which the Semai relocated their lengriik were declared by the British regime as "no man's land", "vast and uncleared waste and forest land to be opened up and cultivated by bona fide settlers". Even towards the end of the 19th century, these large tracts of the Perak forest were seen as valueless and therefore to be cleared and cultivated (Acting Sec. to Gov., Perak to Colonial Sec., 2nd Oct. 1891, enclosure in Smith to Knutsford, 28th Oct. 1891, CO 273/176; British Resident, Perak to Colonial Secretary,
7th Oct. 1891). To the British regime, the "Sakai" were seen as part of the flora and fauna of the forests, allowed to roam therein but expected to die out in time (Noone, 1936).

With the "liberal land policy" advocated by the British regime during the first 20 years of colonial rule, Perak forest land was alienated as fast as it was applied for even before proper demarcation (Lim, 1976). What these policy implied was that new lands, such as the 1000-acre plot at the northeastern enclave of Darat Legep, could be alienated under the English-derived titles of a lease for 999 years after payment of rent and premium. The 999-year lease, it was believed, was to provide security of tenure to the landholder (Ibid.). Although there was criticism from certain quarters of the British regime "against parting with public lands at a sacrifice for the sake of an immediate addition to population which is not vital to the solvency or steady progress of the state" (Knutsford to Smith, 15th October 1891, CO 273/173), the Resident of Perak defended the Perak liberal-land-policy arguing that "...capital and labour are what we want and if we can get them by gift of certain areas of forest the exchange is no sacrifice but the wisest choice the Government could pursue (British Resident, Perak to Colonial Secretary, 7 October 1891 in Maxwell, 1894:46f). In practice, the 1879 and 1885 Perak land regulations allowed for settlers to forgo the paying of quit rents for a period of time. In fact the Perak Resident was so convinced of the liberality of land policy he was willing to advocate a free grant of land to those who could give satisfactory guarantees that they would cultivate it (British Resident, Perak to Colonial Secretary, 7 October 1891 enclosure in Smith to Knutsford, 28th October 1891). Even the Governor of the Straits Settlement stressed that the objective of Government was to get its land taken up on almost any terms (Maxwell, 1894:viii).

Perhaps at another more significant level of the colonial reorganizing of the geographical space of Perak were the new juridical meanings given to land and the long-lasting implications they had for the land rights of the Orang Asli such as the Darat Legep Semai. The colonial regime did vaguely acknowledge the land rights of the "native landholder" which had existed prior to the former's takeover of government in Perak. But who the "native landholder" was, according to the British, and how the latter proceeded to protect these "native" landholding rights need to be investigated. In the 1879 land regulations of Perak there was a recognition of "land in occupation of Natives" (General Land Regulations, Perak 1879, Class II land). However, the "native" in question was the Malay. However, even this recognition of the Malay
native did not ensure that their land-holding rights were secured in terms of the said legislation. The clause regarding "land in occupation of Natives under Malay Tenure" was made null and void in practice by another section in the regulations which decreed that certificates to this class were to be superceded by leases for 999 years after survey (Lim, 1976). Moreover, when the new land laws of Perak were enacted in 1885 the class of lands in the occupation of natives under Malay Tenure was removed altogether. Therefore, despite the recognition of a "native" Malayan tenurial system, the early colonial land administration was in a confused state with respect to "native holdings". Even when new and uniform land legislation was introduced in all the member states of the newly formed Federated Malayan States, in 1897, there was no reference to any "native customary tenure". However, the 1897 legislation did provide, in practice, for a type of "native" landholding by way of registration of such lands in mukim Registers (Section 5 of Perak State Land Enactment, 1897). However, this was a practice and privilege only accorded to Malays. These privileged rights of the Malays were then legally explicated with the Malayan Reservations Enactment of 1913. By this enactment, land was to be specifically alienated for Malays, the latter defined as "a person belonging to any Malaysian race who habitually speaks the Malay language or any Malayan language and professes the Muslim religion" (Cap. 142, F. M. S. Malayan Reservations Enactment, 1913).

It is evident, therefore, that in the colonial restructuring of the geographical space of Perak the Semai land-rights were not even vaguely acknowledged. In fact, not only was the Semai landholding system disregarded by the colonial regime but the latter re-classified lands being occupied by the former thus taking away whatever legal prospects the Semai may have to make claims on whatever was left of their lengriik territory. To the colonial authorities lands occupied by the Semai were but large tracts of forests which were valueless and therefore to be cleared and cultivated. The only land policy which could attract settlers and lead to permanent agricultural settlement, they argued, was a liberal one and to their minds it could only be associated with a system of quit rents fixed in perpetuity. In addition, with the later provisions for the alienation of "native Malay" land, Semai-occupied "waste-lands" became "free for all" - for Malayan settlement/cultivation, for European planters and other foreign settlers. Thus, land which the Semai either recognized as private usufructuary lands or as part of a territory which
actually belonged to them had become, in terms of legislation and practice, "vast and uncleared waste and forest land to be opened up and cultivated by bona fide settlers" (Ibid.).

The Orang Asli as Wards of the Malay Sultan

After several years, the English rulers and the Malay Raja gathered all the Orang Asli of Atuk Canu's lengriik with the purpose of appointing a headman from among them to act as a representative of all the Orang Asli in this area. Since Atuk Canu was mairaknak of the group, the people unanimously appointed him as their headman. It was from this time that the title of "penghulu" (headman) was used to refer to the leader of the Orang Asli. However, this appointment was an oral agreement and no letter of appointment was issued...

At that time, the lengriik of Atuk Pendue came under the administration of the penghulu mukim (Territorial Chief of the Sub-District) who was called Raja Alang. The Orang Asli of this lengriik were required to present regular offerings to him [the penghulu mukim] such as ubi muda, pucuk ubi, keladi, keledak, petai etc. and each time they sent these offerings they were required to bow before him.

At that time too, the Orang Asli of Atuk Pendue's lengriik were required to sell their fruits to Raja Alang's traders. The payment they received for their fruits was very little. Otherwise they were paid in kind with such items as salt, sugar and parang (machete).

The Semai oral history narrative above needs to be understood in the context of the changes instituted by the British after they took over the government of Perak in the late 1870s. The British fiscal reforms instituted in 1876 and 1877 had left most of the Malay chiefs and the rajas (those who were not executed or banished from Perak after the killing of the first British Resident) with very little income to support themselves and their following. However, these rajas and chiefs were entitled to certain allowances as part of the Pangkor Engagement. Most of them in this category were members of the royal house. Their claims on the state rested on their relationship to the ruling sultan (his consort, brothers, sisters, sons and daughters) or on their relationship to former sultans. However, the pensions given them were inadequate to the large hospitality charges and numerous dependents they still possessed. These rajas found it impossible to live within their allowances and were chronically in debt; they mortgaged their allowances and pensions to Indian money-lenders, a reflection not only of their financial difficulties but, more significant, of their inability to extort money under the new regime (Sadka, 1968; Khoo, 1983). Some of the chiefs and members of the royalty were engaged in the service of the colonial state. They were appointed members of the newly established State Council and
as assistants to district officers' in the latter's' dealings with the Malay population. Especially after the Malay ruling class' armed resistance against the British, in 1875, the colonial administration realised the desirability of legitimating the colonial administration. One of the ways was to appoint penghulus (headmen) as a point of linkage between the Residential administration and the rural Malay population. It was also a way to deal with the many unemployed members of the ruling class who were making pension/allowances claims on the state. As Swettenham, one of the chief architects of this policy put it:

...instead of setting the headman, and through them the people, against the Residential system, we should, in engaging their services, enlist also their sympathies on the side of the Government that supported them and their traditions (Proceedings, SSLC, 1883:168).

The area for which a penghulu was responsible was a mukim, traditionally the area served by a single mosque although as the population grew and additional mosques were built the word mukim came to refer to the unit of civil administration under a penghulu, that is, a subdistrict (Khoo, 1983). The increase in population, as was the case in Batang Padang, also meant that penghulus were less closely linked with the people of the mukim and in some areas, especially where new land was being opened up by immigrants, the practice grew up of recognizing (sometimes by the grant of a kuasa or empowering document from the sultan) headmen beneath the penghulu. These men were called Ketua kampung (village headman). Under British rule the penghulus, in addition to their salaries, were initially allowed to retain what the British considered some traditional sources of income particularly cabut (a portion of the duty on the produce originating from their mukim). Such revenue, however, was to be collected at customs posts or by other government agencies and was paid to the penghulus by the state administration. Perak Order-in-Council No. 20 of 1889 stipulated that penghulus would receive 10% of the duty collected at Customs Stations on tin originating from their districts as well as 10% of all revenue they themselves collected on behalf of the government. The amount of money collected as cabut varied considerably from mukim to mukim but one particularly lucrative penghulu post was that of the tin-mining district of Batang Padang. This was the penghulu referred to in Semai oral history. While his base salary was $15 per month the penghulu of Batang Padang received $100 per month as payments of cabut (DO Batang Padang, 5/90: Perak Establishments 1890). Beginning in the late 1890s penghulus were allowed a
remission of land rent payments on a maximum of five acres of kampung land and ten acres of rice land in addition to their salaries (Perak Circular No. 4 of 1898. In principal, the penghulu mukim was supposed to be the administrative linkage between the colonial state-government and the rural Malay population. Among his main duties were the maintenance of order, the administration of justice, and the collection of revenue: land rent on smallholdings, passes for timber cutting and gutta collection, fishing stake licenses and the kerah (corvee) tax which the British regime imposed on the Malay population (Sadka, 1968:286f). From 1893 District Officers collected rents. It was the function of penghulus to round up the rent-payers on collection day (Minute of 25 January 1897, Sel/Sec. 408A/97).

It is in the context of this British-instituted penghulu form of administration that we need to understand the changing relations between the Darat Legep Semai and the Malay ruling class. From oral history accounts, the Darat Legep Semai were rounded up to present a headman from among them to be their representative with the penghulu mukim. However, the rights and relations of the Semai headman vis-a-vis the penghulu mukim were clearly differentiated from that which the headmen of Malay villages enjoyed. The latter received certain cash bonuses for the work they did for the penghulu as well as the privilege to hold a certain amount of land free of rent during their terms of office (Minutes of Perak State Council, 15th October 1906). In the case of the Semai headman, however, not only did he not enjoy such privileges but he was also expected to pay regular tribute to the penghulu, a form of rent exaction by the Malay ruling class that the colonial regime had supposedly put an end to. There was also a marked differentiation in terms of the land rights that the Malay headman and the Semai headman could claim on behalf of their constituents. As was mentioned earlier, although there were no clear provisions in the colonial land legislation for the alienation of Malay customary lands (until the Malay Reservations Enactment of 1913) Malay peasants were entitled to register certain lands as their own landholding. This was the dual system of land administration that the British resorted to in the confused state of affairs concerning land legislation and "native" landholdings (Wong, 1975:77). In contrast with the registration of land-holdings held under a grant, which needed to be registered with the State authorities and entered into the Register of Titles, Malay peasants could record their land-holdings in the mukim Register. Although the recording of their claims was not valid until it had also been registered and although registration in itself did not
guarantee an indefeasible title to the Malay peasant landholder, the possibility of the Malay peasant in securing recognition of their landholdings did exist. And it was a right to land that a Malay headman could represent to the *penghulu mukim* on behalf of the former's village-constituents. In the case of the Semai, however, they were not entitled to make such claims to land or record their land-holdings in the *mukim* Register.

If there was some confusion in the British regime about the administration of native Malay landholdings there was clearly a total neglect towards whatever possibilities of Semai tenurial rights. What held sway, therefore, were an unwritten colonial policy and a Malay ruling class belief that the *sakais* (Orang Asli) were dependents of the sultans. Moreover, what this unwritten policy meant in practice is obvious from the Semai oral history. Through the office of the British-instituted *penghulu* and village-headmen system of rural administration the Semai were subjected to a Malay political control and an appropriation of their surplus production, but they were not granted any land rights.

Apart from being subject to the formal control of the *penghulu mukim*, the latter representing the sultan to whom the British accorded the rights of "guardianship" over the aborigines, there were other colonial authorities the Semai had to deal with. Semai-occupied lands had become state lands and therefore the Semai came under the charge of the District officers as well. When a forestry Department was set up in the early 1900s, the Semai also became accountable to the forest rangers. In addition, because the Semai constituted the "primitive" cultures of the Malayan society, they were officially subjected to the scrutiny and control of the Perak Museum and its field ethnographers. Bah Ra'na, the son of Atuk Pendue, recalls from his father that there was an initial resistance to this "new British policies" from several Semai groups in the Batang Padang District, including the Semai of Darat Legep. It was during this time that a *mai biyaeg* (white man) first visited the Semai settlements to assure them that they need not fear any revival of slavery by the Malays because the British had abolished the practice. This "white man" was the Superintendent of *Sakai* of the Batang Padang District, an Italian Police Captain appointed to the post by the Perak government in 1904 (Cerruti, 1908). However, despite the assurances from the Superintendent of the *Sakais* the Darat Legep Semai decided to move their settlements again. This particular movement of the Darat Legep settlements also brought about some changes in the Semai's internal political and
communication patterns. Compared to their previous pattern of movement and settlement, the interior Darat Legep settlements were on this occasion re-located much further from their border settlement and much further from each other (compare Maps I and II). In order to maintain their links with each other, therefore, and since the different groups decided to stay within the jurisdiction of a single lengriik, new rakanak positions were created to co-ordinate and maintain the communication links among the dispersed groups. For the first time a mairaknak hutan (an elder of the forest) was appointed together with a setin (assistant to the mairaknak hutan) and a jenang (ancestral elder) each of these rakanak looking after different sectors of the interior settlements. The Jenang took charge of the settlements in Cangkat Dulu and its environs. Given that Cangkat Dulu was the lengriik from which Atuk Canu and his followers first originated from, may explain why the Jenang (ancestral elder) was appointed for its care. The setin looked after the settlements located furthest from the border settlement while the mairaknak hutan took care of the other settlements located in the middle-ground of the lengriik as it were.

In this instance of Semai migration, one Darat Legep settlement was not re-located. It remained closest to the town of Kota. This was the settlement of Atuk Pendue, the new mairaknak/penghulu who was appointed to this office after the death of Atuk Canu. The location of the Semai mairaknak/headman’s settlement furthest downriver was not an accidental decision on the part of the Semai. As with Atuk Canu’s settlement earlier on, Atuk Pendue’s settlement became the border-buffer settlement between the Darat Legep Semai and the “outside world”. From the vantage point of his settlement, Atuk Pendue continued to represent the Darat Legep Semai to the penghulu mukim as was required by the authorities and he maintained the trading links between the Semai and the Chinese/Malay traders.

According to Semai oral history, the relocation of all but one of the Darat Legep settlements deeper and higher into the forests and the changes to their authority/communication structures was also a way to get around the formal controls, tribute exaction and the appropriating of Semai surplus being imposed by the penghulu mukim. Atuk Pendue would continue to fulfil his duties, as headman of the Semai, towards the penghulu mukim. He would regularly present himself to the penghulu mukim’s at the latter’s pejabat (“office”) to submit the required tribute as well as trade in Semai forest produce. And, on occasions when the penghulu
mukim summoned the Semai headman to exact more tribute payments or demand corvee labour of the Semai, Atuk Pendue would explain that most of his followers had left his charge to pindah-randah ("practice shifting cultivation") in the inaccessible parts of the mountains. This new pattern of Semai settlement and authority/communication structures also enabled the Darat Legep Semai to minimize their contact with most "outsiders" or regulate them through the mediation of their headman. The Semai of the various interior settlements would bring their forest produce-for-trade to Atuk Pendue's house that was also established as a trading post to the familiar traders from Kota and other nearby towns. Atuk Pendue also facilitated whatever necessary dealings the Semai were required to perform in terms of local administration. Not only would he take Semai matters to the District Office or the penghulu mukim's office but the District/mukim officials would also visit Atuk Pendue's house when there was an official need. Effectively, then, as the political context changed, the Darat Legep Semai created a new political place in/from which to deal with the penghulu mukim and other state agencies. A group that had previously demonstrated their political culture from a fairly autonomous, everyday, action-base of a pitak location (tmpaat) had elevated one raknak position into a new political agency. The nature and extent of these changes can be located very specifically in the new significance of the deuk penghulu ("the headman's house"): 

...whenever any one had any problem with the Gob or any orang bandar, they would go to the deuk penghulu (the headman's house)... when Atuk Nam discovered tin on his land, he went to the deuk penghulu to ask Atuk Pendue to obtain a tin-mining licence for him from the District Office in Tapah... when the Gob stole fruits from someone's kampok, he would go to the deuk penghulu... and Atuk Pendue will go to see the penghulu mukim... if the penghulu mukim does not do anything he goes to see the orang putih (white men) in Tapah... actually, this is how we are all living here in Kg.Baru now. This place actually is Atuk Pendue's settlement, only he and his peringa (extended family) lived here. But when the communists returned to the jungle to fight the British, all the Semai relocated and build new houses around the deuk penghulu (headman's house). (Bah Ra'na)

Until 1941, therefore, the deuk penghulu (the headman's house), the pejabat penghulu mukim (office of the Territorial Chief of the sub-district) and the pejabat Daerah (District Office) served as the significant places of politics the Darat Legep Semai entered into, as it were, as new locations and with different political positions. At the same time, the Darat Legep Semai reconstituted their "traditional" political networks and structures within the social and physical boundaries/frameworks of their tmpaat and lengriik. Just as much as the penghulu Semai was a
new creation, so too were the mairaknak Hutan (elder of the forest), the setin (assistant) and Jenang (ancestral elder) reconstituted positions in Semai daily affairs within their lengriik.

According to Semai oral history, the first three decades of the twentieth century was for the Darat Legep Semai a period of adapting and establishing themselves to the realities of colonial rule and economy. In terms of their land status or land rights, the Darat Legep Semai enjoyed free access to the forests and its resources but otherwise possessed no formal landholding titles. When forest legislation was first introduced in Perak, in the 1920s, there were provisions in the laws for the aborigines to continue their "nomadic way of life therein" (Report on the Present System of Forest Administration in the FMS with Suggestions for the Future Management of the Forests of those States by H. C. Hill, K.L., 1900:2). Although forestland in the Batang Padang District continued to be alienated for state-projects, there were still large areas of deep-forest accessible to the Semai.

The Orang Asli as Dependents of the Perak Museum

There was one group of European colonists who drew the attention of the British regime to the land rights of the aborigines. These men were the field-ethnographers attached to the Perak Museum. The Perak Museum was set up in the early 1880s and remained the centre of anthropological research of the Orang Asli until the invasion of the Japanese into the Malayan peninsula in 1941. Since the inception of the museum, a succession of the field-ethnographers attached to the museum took upon themselves to advocate for the social welfare and land rights of the aborigines especially those living in the state of Perak. The first field ethnographer assigned to the Museum was L. Wray who was followed by I. H. N. Evans and H. D. Noone and their terms of office spanned the period between the 1880s to 1939. During this period these field-ethnographers constantly brought to the attention of the British regime the problems the aborigines were experiencing because "Sakai" land was being alienated for agricultural plantations and Malay settlement (Wray, 1903; Evans, 1890; Noone, 1936; Williams-Hunt, 1952). In the 1930s, some christian missionaries also added their voice in making similar appeals to the British administration on behalf of the Aborigines. In retrospect, it can be said that these interventions of the museum ethnographers marked the beginning of the
"protectionist" campaign towards the land rights situation of the Orang Asli. Already since the mid-19th century the British and Foreign Aborigines Protection Society (BFAPS), based in London, was campaigning for the protection of the rights and lands of the indigenous peoples of Australia, New Zealand and the Americas. The response of the colonial governments in all these countries, to the campaigns, was the adoption of a protectionist policy towards the tribal populations (Gale, 1992:218; Kariya, 1993; Bose, 1995). More concretely these governments began the establishment of reservations which did little to protect the indigenous land rights in any of these countries but this form of protectionist policy did become the form of resolving the issue (Ibid.). The museum ethnographers' calls to the British administration to address the situation of the Orang Asli carried very similar wording to that of the BFAPS campaigners. However, until 1939 the British administration did not pass any formal protectionist legislation concerning the Orang Asli land rights. There were, however, token gestures at different levels of the British administration to cater to the museum ethnographers' appeals. In 1904, for instance, the Resident of Perak appointed a Superintendent of Sakais in the Batang Padang District. And in 1932, some District Officers (Holman, 1958:18) established a few aboriginal reservations. With the continued campaigning, especially by Noone, the first piece of colonial legislation for aboriginal welfare was enacted in 1939. The Perak Aboriginal Tribes Enactment was passed by the state government which provided for the alienation of land for the purpose of creating Aboriginal Reserves. Together with this legislation, Noone was appointed as Protector of Aborigines. However, with the Japanese invasion of Malaya a year later no Semai lands were gazetted as Aboriginal Reserves.

The interventions of these Museum ethnographers, however, did not appreciably change the situation of the Orang Asli. As far as the colonial regime was concerned, the land occupied by the Orang Asli constituted the "vast and uncleared forest land that belonged to the state. These lands continued to be subject to alienation for state-projects of sorts. Semai oral history details the many acquisitions of their land during the early decades of the 20th century. With the passing of the Malay Reservations Enactment of 1913 two Darat Legep settlements were displaced to make way for Malay villages. In the same period, another large European-owned plantation was established which encroached upon Darat Legep territory and forced the removal
of yet another Semai settlement. In addition, parts of Atuk Pendue's settlement area were leased out to Chinese planters based on a Temporary Occupation License. Neither did the interventions of the Museum ethnographers alter the political relations between the Malay ruling class and the Orang Asli. For instance, in 1930 when Methodist missionaries attempted to proselytize the Semai in the Batang Padang District, the penghulu mukim protested against this happening to the British Resident on grounds that the "sakai" were wards of the sultan and therefore "potential Muslims" (Means, 1985). The Perak Resident subsequently intervened in the matter and secured an agreement with the Methodist missionaries whereby the latter promised not to convert any Semai for a period of ten years (Ibid.).

It may be safely concluded that the interventions of the Museum ethnographers on behalf of the aborigines were more a part of the formers' personal and anthropological pursuits than it was serious government concern. Even when in 1939 Noone finally persuaded the Perak government to enact special legislation to protect the rights of the aborigines, he was dismissed by the ruling regime as a "mere scientist sticking his nose in matters of high Government policy" (Holman, 1958:66). The latter's criticism seems justified when seen in the context of what the Perak Museum was actually about concerning their work with the aborigines. The major task of the museum ethnographers was to document the cultures of the aborigines in subjects ranging from "sakai" rituals to the size of the latter's body parts (see F. M. S. collections). These collections of anthropometric measurements of body-parts were and still are typical of measures of scientists engaged in the preservation of "threatened species". In these quests the Museum ethnographers were joined by numerous other anthropologists from England, Germany, Russia, Austria, Switzerland, French and other parts of the growing anthropological enterprise in Europe. Whatever cultures they documented and the many artifacts they appropriated from the aborigines were destined for the Perak Museum as well as museums and exhibitions around the world (see for instance the Fourteenth Annual Report of the Antiquarian Committee of the Museum of Archaeology and Ethnology, University of Cambridge, 1899 - Catalogue of the Ethnological Collection from the Malay Peninsula presented to the University by the Collector, Walter W. Skeat, MA. The heading describes the catalogue of 1,004 items; also see Vaughan Stevens sent out to collect "artifacts" for German museums - Wilkinson The Aboriginal Tribes). There was also a clear personal agenda behind
these museum ethnographers' campaign to secure the land rights of the aborigines and "save the sakai culture from extinction". Noone, the field-ethnographer who was most assertive in his campaigns on behalf of the aborigines, was reported as saying

...the people [the aborigines] look on me as a messiah... my love for them grows, and in this respect I feel I am fulfilling my obligation to anthropology. (Holman, 1958:21)

Thus the, while the Museum, its ethnographers and other anthropologists secured a place within the sphere of Orang Asli affairs the role they played was to no avail as far as the land rights of the Semai were concerned.

Conclusions

Some scholars have argued that until the advent of the Communist insurgency period (1948-1960) the government did not intervene into aboriginal affairs but left the Orang Asli very much on their own or to the care of the Museum ethnographers (Means, 1985; Dentan, 1968; McLellan, 1985). While this argument bears some truth it does not explicate the fact that the government did institutionalize a particular form of state-Orang Asli relations characteristics of which still prevail to the present day. As far as the colonial government of Perak was concerned the existence of these "pagan races" was acknowledged but what areas they lived and moved in were a part of the state's space of accumulation over which the central government reserved the right to regulate and administer on the basis of the principle of territorial sovereignty. Therefore, vis-a-vis what was the Semai locality, land was marked and zoned as State Forest land or Malay Reservations and what land remained was designated "State land" which was thereafter leased for mining, quarrying and state-sponsored agriculture. As late as 1936, the Museum field ethnographers were still complaining that the government viewed the aborigines as part of the wildlife in the forests, not recognizing their traditional land tenure system and therefore alienating land for Malay reservations and commercial projects (Noone, 1936).

While the colonial government did not demarcate actual aboriginal areas, they did in fact institutionalize specific aboriginal relations which two state-related agencies were demanding for themselves. First, there was the Malay ruling class who claimed the Semai as Sakai, their permanent slaves because the latter did not belong to the universal Islamic ummah. Second were
the field-ethnographers attached to the Perak Museum who were concerned with the preservation of these "primitive" peoples and their culture. The Perak colonial government resolved these "problems of the aborigines" by first negotiating a compromise with the Malays whereby the Sakai was recognised, by the British regime, as dependants/wards of the Malay Rulers. The Sakai were permitted to inhabit "unoccupied" State land by sufferance as wards of the Malay rulers and Sakai hamlets would come under the administrative jurisdiction of the Territorial Chief of the Malay sub-district. Then, in 1905 a Superintendent of the Sakai was appointed in the Batang Padang District while the care and study cum preservation of Sakai culture were tasks assigned to the Museum field-ethnographers. As such aborigines such as the Semai of Darat Legep became not only wards of the Malay rulers but dependents of the Museum ethnographers. To the extent that Aboriginal places existed then, such as that of the Semai, they were extensions of the Perak Museum and the Perak royal court. In effect, therefore, the British administration solved not the problems of the aborigines but the problems of these two agencies in their gaining access to and control over the aborigine. The mobility of the Sakai, the difficulty in finding them, pinning them down, were real problems to the ethnographers and the Malay chiefs though for different reasons. "Putting them in their place", defining their boundaries, outlining their culture and appointing their headmen enabled field ethnographers to locate their illusive subjects for research and the Malay chiefs their dependants for the expropriation of forest produce. What the colonial government instituted, therefore, were aboriginal places i.e. a particular mix of relations (social networks) between the ethnographers and the "primitive races" and between the Malay ruling class and their "Sakai wards".

On the part of the Darat Legep Semai, the most obvious result of colonial expansionism was the great reduction in size and the relocation of their lengriik territory. Whatever remained of their lengriik territory, moreover, was not formally recognized by the colonial state. What rights the Semai did enjoy within their lengriik were possible by way of default rather than formal recognition. To the extent that the Semai relocated their settlements to the confines of the State Forest Lands, recognized as "unoccupied and waste lands", they were able to continue their territorial and tenurial practices. The way they relocated their settlements and the subsequent reorganising of their structures of authority and communication between settlements were also deliberate strategies on the part of the Semai to reproduce their land practices.

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