



## COLONIAL LAND LEGACIES IN THE PORTUGUESE-SPEAKING WORLD

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# Colonial Concessions: The Antinomies of Land Policy in Portuguese Timor

*Douglas Kammen and Laura S. Meitzner Yoder*

## Introduction

Land concessions granted to state-owned enterprises or to private companies are one of the most significant and enduring colonial legacies in the Global South. Claiming and designating vast tracts of land facilitated expansive sugar cultivation in the Americas, jute plantations in South Asia, and the Cultivation System in the Netherlands East Indies, to name some (in)famous instances. The outcomes, including indigenous land dispossession and labour exploitation, are well-known, but less noticed is how the idea of land concessions emerged in tandem with changes in colonial governance and the diffusion of emerging international norms regarding land. This is particularly true in the case of smaller and less profitable colonies. In this chapter, we excavate the lineages of successive systems of land control in Portuguese Timor. These competing systems remain readily perceptible and jostle for recognition in modern Timor-Leste as it seeks to reconcile the legacies of these paradigms while building its own laws and policies.

Recent scholarship on Timor-Leste has emphasized the appearance of large land concessions, including both those owned by the state and those granted to private corporations, under the long and brutal governorship of Celestino da Silva (1895–1908). Shepherd and McWilliam, for example, draw a direct connection between the pacification campaigns waged by Governor Silva at the start of his tenure and the emergence of plantations in Portuguese Timor.<sup>1</sup> Similarly, Fitzpatrick draws attention to “new land concession regulations instituted in

1901” in the colony.<sup>2</sup> The seizure of indigenous land and new accompanying coercion of labour had a brutal impact on the population, not only where plantations were established but also in non-plantation regions where labour was recruited. But the origins of Portuguese land policy and the designation of land concessions are by no means specific to a particular governor. Critical antecedents to the emergence of large-scale land concessions in Portuguese Timor include empire-wide legislation passed in the middle of the nineteenth century to promote settler colonialism, especially in Angola and Mozambique; land seizure as punishment of recalcitrant local rulers; and the pernicious myth of the “lazy native” and reformatory power of (forced) labour.

Colonial land policy in Portuguese Timor did not emerge *de novo* around the turn to the twentieth century. Rather, the broad conception of land and specific policies intended to promote a plantation economy were responding to an older regime of Portuguese rule that included a very different understanding of local power and land rights. Beginning in the early eighteenth century, the Portuguese sought to impose a system of “vassalage” modelled on medieval Iberian practices. By the nineteenth century, Portuguese officials not only described Timor as being “feudal,”<sup>3</sup> but indigenous Timorese rulers (*liurai*) increasingly came to enjoy a fusion of political and economic power. Crucially, the backing provided by Portuguese governors to loyal *liurai* strengthened these rulers at the expense of lesser aristocrats and agents of what had once been the corresponding “spiritual realm” within indigenous polities. We refer to this model of vassalage and land relations as the “feudal-paternalistic” land model. During the second half of the nineteenth century, however, legislation passed in Lisbon, the security concerns of governors in Portuguese Timor, and ideas borrowed from the Netherlands Indies paved the way for the dispossession of indigenous land by the colonial state. Out of this emerged a new model based on private ownership of land (though always through the intermediary of state recognition) and market relations.

This chapter explores the transition from the old feudal-paternalistic model to the new in four stages. The first section provides a bird’s-eye view of the origins and dynamics of the feudal-paternalistic model up to the mid-nineteenth century. The second section examines colonial encroachment on indigenous land through new legal notion of “wastelands” and the establishment of the first experimental state plantations. The third section examines the connection between colonial retribution against troublesome indigenous rulers and land dispossession. The fourth section considers the emergence of the new model of private property and market relations, though we emphasize a critical distinction between the early version of this model under Governor Silva and its full expression following Portugal’s transition from monarchy to republican rule.

## The Portuguese Feudal-Paternalistic Model and Land in Timor

While the Portuguese presence in Timor dates to the early sixteenth century, it was not until three centuries later that land emerged as a specific concern for colonial representatives. In 1769, Governor Teles de Meneses moved the base of Portuguese operations eastward to Dili and summoned dozens of local rulers (termed *rei/regulo*) to the new capital—then just an encampment dependent on the goodwill of the local ruler of Motael—to pledge vassalage to the king of Portugal, and thereby recognize Portuguese suzerainty and loyalty to the governor or himself.<sup>4</sup> This practice, which the Portuguese had first applied in Timor in the late seventeenth century and intensified after the first Portuguese governor was resident in 1702, was to have crucial consequences with direct relevance to land policy. In the nineteenth century, the imposition of vassal relations was intended to achieve two primary aims—ensuring security and delivering annual “tribute” (*finta*) from the vassal kingdoms to the Portuguese governors.<sup>5</sup> Unstated in the written terms of vassalage was a third element: that the *rei/regulo* (and at times female *rainha*) was the “lord of the land,” a translation of the indigenous term *li-urrai* (*liu* meaning “more”/“greater than”/“above” and *rai* meaning “land”), which Hägerdal translates as “surpassing the earth.”<sup>6</sup> In short, the terms of vassalage agreed to in 1769 and thereafter were tacit acknowledgement by Portuguese officials of the near-absolute authority of local rulers over their domains, including the population and all land within it.<sup>7</sup> For the purposes of exposition, we call this the feudal-paternalistic model.

The feudal-paternalistic model on which Portuguese suzerainty in Timor rested was reaffirmed in 1811 when Bernardo José Maria da Silveira e Lorena (the Count of Sarzedas), then serving in the colonial administration in Goa, wrote a survey of the religious, civil, administrative, military, and political affairs of Timor. He highlighted the contribution of tribute (*finta*) to the colonial treasury (in 1727 and 1770) but made no mention of land ownership or policy. Four years later, with the end of the Napoleonic Wars, the secretary to the Portuguese governor in Dili compiled a new list of the fifty-five vassal kingdoms and their rulers.<sup>8</sup> The aim, as in 1769–70, was to collect tribute from the vassal kingdoms. What the exercise revealed was that vassal relations with many of the kingdoms had lapsed; what it exposed was the precarious basis of state revenue. The feudal-paternalistic model was based on annual deliveries, not dispossessing the indigenous population of their land or directly overseeing agricultural or forestry production. That does not mean that Portuguese officials had no interest in agriculture.<sup>9</sup> The problem, in the eyes of officials, was that the indigenous population was ill-suited to

producing a surplus beyond their own subsistence needs. For this reason, officials discussed the possibility of importing agriculturalists from China to supply Dili and the other Portuguese outposts along the northern littoral with produce.<sup>10</sup> But with the flight of the monarchy to Brazil in 1807 and ensuing decade of struggle between Rio de Janeiro and Lisbon, little attention was paid to the most distant outpost of the empire in the East, and nothing came of these proposals.

The first inkling of a turning point in Portuguese policy regarding land came in the 1850s, but it would take a decade to mature into an actual policy. Arriving in Dili in 1851, Governor Lopes de Lima recognized the precarity of the Portuguese presence in Timor, limited to Dili and a few other settlements on the northern coast. The administrative apparatus was miniscule, its reach limited, and the revenue collected insufficient to cover operating costs. Lopes de Lima's solution lay in establishing a private company, in which all Chinese merchants were required to invest, and regularizing the border with Dutch territory. His vision rested on collecting customs revenue from imports and exports, not a fundamental alteration of the feudal-paternalistic model. These initiatives bore no immediate fruit—the private company quickly collapsed and the border agreement was not completed until 1859—but Lopes de Lima had pioneered the construction of a functioning state. Six years later, newly arrived Governor Luis Augusto de Almeida Macedo was to take the next, fateful step when he travelled to Batavia, the capital of the Netherlands Indies, to observe first-hand Dutch colonial policies and practices.<sup>11</sup> In the two decades since its inception in 1830, the *Culturstelsel* (Cultivation System) in Java had generated enormous profits. In lieu of a tax on land, the system required peasants to set aside a fifth of their land for cash crops (indigo, coffee, tea, etc.) to be delivered to the colonial state. In the words of historian Onghokham, “the colonial government made the village the basis of its system. The village, as the lowest political and administrative unit, was declared to own all the land [communally],” and hence was collectively responsible for meeting the quota of deliverable crops.<sup>12</sup>

It was not Macedo but his successor who would act on the Dutch model. Affonso de Castro was elected as the representative for Timor in the Portuguese parliament from 1854 to 1858, so had several years to acquaint himself with colonial policy and the state of affairs in Timor. It was on this basis that he was appointed to succeed Macedo as governor in the distant colony, a post he took up in 1859. Castro's first major initiative was promulgation of a thirty-point reform of the administration in 1860, the core of which was the creation of eleven districts.<sup>13</sup> The first twenty points of Castro's code were essentially a set of instructions to the new district commanders to maintain order, while the last three points concerned collection of the annual *fin*ta. Castro explicitly instructed the

district commanders not to interfere in the internal matters of the kingdoms.<sup>14</sup> This was, in other words, a continuation of the feudal-paternalistic model. Castro's innovation, following the Cultivation System in Java (about which he would have learned both from parliamentary discussion in Lisbon about colonial affairs and Macedo's correspondence with Lisbon), was to overlay the forced planting and delivery of coffee on top of the existing feudal-paternalistic system already in place, to which local rulers were accustomed (though not always enthusiastic partners).<sup>15</sup> Just as the Dutch had declared all land to be communally owned by the village, Castro's system implicitly acknowledged that the jural authority of the *reilregulo* extended to land. Castro, Katharine Davidson writes, "made the assumption that the people accepted the *liurai* and *datus* as owners of land, and for those elites who acknowledged the supreme authority of the King of Portugal, he assumed their subjects must accept that traditional dues due to the *liurai*, such as tribute and services, were equally due to the [Portuguese] state."<sup>16</sup> While official statistics on the number of coffee trees, harvested coffee, and exports indicate that the new system led to an increase in production over the next two decades, it is not at all clear this was a result of state policy. Rather, there is good reason to think the Timorese cultivators (at times in tandem with ethnic Chinese) independently recognized the market value of coffee and were responsible for these increases.

Between the promulgation of Castro's code in 1860 and the end of his term in 1863, the colonial state set quotas for the planting of coffee trees in many of the upland kingdoms where conditions were suitable.<sup>17</sup> The new system of commands, reinvigoration of terms of vassalage, and orders to plant coffee trees were met with stiff opposition, with rebellions breaking out to the east (Lacló) and west (Ulmera) of Dili in 1861, in Laga in 1863, and a mutiny within the colonial army in 1864.<sup>18</sup> There is nothing surprising about indigenous resistance to the extension of colonial power: Timor had been wracked by "rebellion" and inter-kingdom fighting throughout much of the eighteenth century. Instead, what is remarkable is the temporal relationship between Castro's initiative and his model in Java. By 1860, the Cultivation System in Java was coming under increasing criticism and eventual dismantlement for being exploitative and wreaking havoc on Javanese welfare.<sup>19</sup> Portuguese uptake lagged behind its regional model, coming into use just as the Dutch transitioned to another system for economic extraction.

## Colonial Encroachment

The feudal-paternalistic model (which, for comparative purposes, we might also think of as indirect rule) had a fundamental weakness: personalization. The bond was based on pledges made by individual indigenous rulers to a specific governor;

a change in either could weaken the bond, or draw it into question altogether. So, each newly appointed governor felt a need to renew the terms of vassalage with as many of the *rei/regulos* as possible. Nevertheless, terms of vassalage and *finta* payment remained the core of Portuguese colonial rule throughout the second half of the nineteenth century. But creeping changes were taking place in the Portuguese understanding and attitude toward land in the late 1860s and '70s. Fuelled by a combination of empire-wide legislation and practical considerations, the legal concept of “wasteland” (*baldios*, which could also be understood as empty or unused land; see chapter by Bernardo Almeida in this volume) provided governors of Portuguese Timor a way around the restrictions imposed by the feudal-paternalistic model, thus enabling encroachment on indigenous land.

The nineteenth century saw passage of successive new legislation in the Portuguese metropole governing land classification in the colonial territories. The major impetus for this was the loss of Brazil in 1822. With this, Portuguese officials redirected their focus to Angola, and by extension Mozambique and Portuguese Guinea. The new legislation aimed to facilitate land alienation and land grants to Portuguese colonists. Of particular importance was passage of the law of 21 August 1856, which established guidelines for alienating state-owned “wastelands” (*baldios pertencentes ao Estado*) in the colonial territories.<sup>20</sup> This was a legal innovation that sought to resolve two long-standing antinomies in single stroke. The first of these was that while the overseas colonies “belonged to” the Crown (and later the state), the Portuguese practice of indirect rule through terms of vassalage acknowledged indigenous rulers as owners of the land. The second issue stemmed from Portuguese perceptions that indigenous agricultural practices were inefficient.<sup>21</sup> Land not being put to what colonial officials thought was optimal use was easily deemed “wasteland.” Finally, this law recognized two different mechanisms for the allocation of “wastelands”: sale (*contrato de compra e venda*) and emphyteusis, which is functionally akin to long-term use rights (*aforamento* or *emprazamento*).<sup>22</sup>

The first known efforts to establish state-owned plantations in Timor were undertaken by Castro’s successors. In 1864, newly arrived Governor José Maria Pereira de Machado proposed extending the decree of 1861 to the province of Timor, but there is no evidence that he acted on this.<sup>23</sup> His successor, Governor Francisco Teixeira da Silva (served 1866–9), first created state plantations. In a study of coffee cultivation in Timor, the Portuguese agronomist Helder Lains e Silva noted that in 1868, Governor Teixeira established an experimental state plantation worked by soldiers who were unsuited to military duty in the kingdom of Lacluta, Viqueque District, on the southern coast.<sup>24</sup> In fact, Lains e Silva’s source was not quite correct: A report in the colonial gazette in 1868 notes two

new state plantations, in Carahil/Caimauc and in Lacluta.<sup>25</sup> The report also notes that the governor, continuing the policy of his predecessor, was providing a great many coffee seedlings to the kingdoms of Lacló, in Manatuto District, and Laga, in Baucau District.<sup>26</sup> (Further promotion of land concessions as a means to develop coffee as well as sugar plantations in Timor followed in 1875 and in the early 1880s.)<sup>27</sup>

This raises two critical questions: Why did Governor Teixeira da Silva select Caimauc and Lacluta to establish the first state-owned plantations in 1868? And on what basis did he obtain land within recognized vassal kingdoms? The location of the two experimental state plantations could not have been more different. Carahil (which was renamed Remexio in 1900) is an upland valley located a mere twenty kilometres south of Dili, while Lacluta is located in the remote northwestern corner of Viqueque District, perhaps a week's travel from Dili in the 1860s.<sup>28</sup> By all appearances, both Caimauc and Lacluta were on good terms with the Portuguese administration, and in the case of Lacluta, the Catholic mission.<sup>29</sup> The most likely explanation for why these two locations were chosen is not simply that they were upland areas suited to coffee cultivation, but that district military commanders charged with promoting coffee cultivation offered the rulers of Caimauc and Lacluta forgiveness of arrears in the annual tribute in return for land.<sup>30</sup> In both cases, given what is known about the estimated population at the time and later, as well as terrain that is most suitable for coffee, it is likely that the land that was ceded to or taken by the state for the experimental plantations was sparsely populated or even uninhabited. In short, there may not have been any need to appeal to the 1856 law on "wastelands."

But that does not mean that the concept of wastelands or the laws that empowered colonial regimes to dispossess the indigenous population are not relevant to Portuguese Timor. Instead, the primary influence simply may not have come from the metropole, but rather from neighbouring colonies. Two years after Governor Teixeira da Silva's pioneering plantations were established, the government of the Netherlands East Indies passed a new agrarian law (*Agrarische Wet*, 1870). This contained provisions that pulled in opposite directions: It prohibited "the sale or permanent transfer of land from natives to Europeans and Chinese,"<sup>31</sup> but also included a provision on *domein verklaring* (statement of domain) according to which "all land not held under proven ownership shall be deemed the domain of the state." The second of these provisions effectively superseded the implicit rights conferred under indirect rule. In other words, an indirect ruler remained responsible for maintaining order and meting out justice according to local "uses and customs," but the new agrarian law enabled the Netherlands Indies government to claim unused or empty land. This was of particular use in

the Outer Islands (i.e., beyond Java), where geologists had identified deposits of minerals, coal, and other valuable natural resources. Just as Governor Affonso de Castro had looked to the Cultivation System in Java as a model for his 1860s effort to promote coffee cultivation, Portuguese governors in the 1870s must have known about the latest Dutch legal mechanism that provided a way to encroach on indigenous land.<sup>32</sup>

From the 1870s onward, the colonial gazette included increasing numbers of notices about border disputes among indigenous kingdoms. Even when these disputes did not involve outright violence or require the governor to deploy troops, they attracted greater scrutiny from the state, and hence greater knowledge of rural, and especially upland, regions of the colony. As attractive sites for coffee cultivation became better known, governors and their staff could draw on the precedent set by the 1856 law and the immediate example of Dutch practices to dispossess kingdoms of land seen to be unoccupied or just not put to maximal economic use. Increasing state encroachment on land represented a gradual erosion of the terms of vassalage and model of indirect rule, but this did not alter the fact that the ruling model was drawn from medieval Portugal and applied to Timor through the nineteenth century. In the 1870s and '80s, governors continued to summon the indigenous *rei/regulo* to Dili to sign terms of vassalage, and the district commanders continued to estimate the number of *almas* (souls), which formed the basis for the administration's assessment of the annual tribute. Actual collection of the tribute was another matter, of course.

## Retribution and the Origins of the New Land Model

What prompted the shift from the old feudal-paternalistic model, in which indigenous authority over and ownership of land was protected, to a new regime in which the state dispossessed the indigenous population of land and made it available to outsiders as land "concessions"? Scholarship on colonial land policy in Portuguese Timor usually jumps directly from Governor Castro's initiatives in the early 1860s straight to Governor Silva's brutal military campaigns and land seizure starting in 1895.<sup>33</sup> In fact, there are four possible sources of the emergence of the new land regime and the introduction of land concessions in Portuguese Timor in the late nineteenth century: (a) application of or changes in Portuguese law pertaining to overseas possessions; (b) foreign affairs and models; (c) purely practical considerations; and (d) the personal interests of the governors. All of these played a role in the period between the late 1870s and the end of the century, but we must unpack the order in which they were applied, the types of land in question, and the logic that this entailed.

The origins of direct Portuguese involvement in the question of land qua land lie neither in application of the 1856 law nor in an intentional plan to acquire land, but instead in retribution for disobedience to the colonial state. The first clearly documented instance of this emerged after an extended dispute between the kingdoms of Laleia and Vemassee, which in 1879 resulted in the governor ordering military operations to punish the “rebel” ruler of Laleia, Manoel dos Remedios. Although Remedios evaded capture, Governor Hugo da Lacerdo declared his intention to “distribute the constituent parts of the rebel kingdom so that it will remain only in memory. . . . Because we have not yet captured the *ex-regulo* . . . we must set an example to those . . . who might be susceptible to identical errors.”<sup>34</sup> Although unstated, the decision to redistribute land to neighbouring polities reflected the official assessment of the land itself. Eight years later, when Governor Maia sent a military force to punish the kingdom of Maubara, which was the richest coffee-growing region in all of Portuguese Timor, a new twist was added to the punishment. In his report about the rebellion, Governor Maia wrote, “But the best of all that happened was the possession of the lands of Babequinia, that I took over immediately as Lands of the King [*Terras de El-Rei*]. These are not only the best plantations in Maubara, producing a profit of 500 piculs of coffee, or 2,000 arrobas, with possibilities of even more; but we can extend our dominion to the interior, whereas up to now we have only occupied the littoral.”<sup>35</sup> The difference between the lands of Laleia in 1879 and those in Maubara in 1887 was that the latter were not only suited to coffee cultivation but were already producing a valuable crop.

While the governors of Timor were engaging in futile attempts to assert their authority over a territory that was only partially mapped in the 1880s, two legal developments on the international stage were to play a critical role in shaping future colonial land policy in Portuguese Timor. The first of these was the Berlin Conference of 1884–5, organized by German Chancellor Otto van Bismarck. Best known for setting off the scramble for Africa, the critical principle enshrined by the conference participants was that recognition of colonial claims would be based on demonstrating “effective occupation.”<sup>36</sup> As Portuguese authority was essentially limited to the northern coast of Timor, this new principle provided impetus for the Dili-based authorities to demonstrate their “occupation” of all districts. Colonial administrations sought to demonstrate that their claims were based on actual presence; and an actual presence necessitated demonstrating order. Anything that disrupted order, in turn, could be used to justify the seizure of land. A second legal influence may have come from the Torrens title system, first introduced through the Real Property Act of 1858 in South Australia, for land titling.<sup>37</sup> The core principle informing this was that registration of land was

the basis for a title, rather than title (or tracing ownership back in time through a series of documents or other claims) being the basis for registration. Although actual land deeds would not be introduced in Portuguese Timor until the early twentieth century,<sup>38</sup> the principles of the Torrens system in a colonial context where “natives” did not have deeds provided legal cover for dispossession of land.

Developments in international law help to contextualize the wider atmosphere in which a new land regime was emerging in Portuguese Timor, but they have little explanatory power on their own. The first uses of the term “concession” in Portuguese Timor may stem from the example set by business practices elsewhere in the world: requests for the right to prospect for minerals. By the 1890s, a number of investors submitted requests to the colonial government in Dili for the right to prospect for minerals. In 1890, a Portuguese citizen resident in Hong Kong was granted rights to prospect for oil in the kingdoms of Laclubar and Funar, in the highlands of Manatuto District,<sup>39</sup> and a Chinese resident of Singapore wrote to the administration in Dili requesting a permit to prospect for minerals.<sup>40</sup> Two years later, another investor was granted rights to mine for gold in the kingdoms of Bibicusso and Turiscaí.<sup>41</sup> Other requests followed, including for oil in Viqueque, eventually leading to the granting of mining concessions. In understanding the origins and application of land concessions, it is essential to recognize that requests made by mineral prospectors, who knew that a formal concession would be necessary, foreshadowed the granting of large-scale concessions for coffee and other plantations in Portuguese Timor.

Yet, as was the case in 1887, it was what the colonial regime termed “rebellion” that provided justification for the emergence of a new land regime based on alienating indigenous land and granting concessions. And, again, it was Maubara that set the new ball rolling. In 1893, Governor Cypriano Forjaz personally led a military force to quash troubles that had arisen, according to his information, because an alliance between the local ruling family and the ethnic Chinese had sent an emissary to Dutch territory to request the Dutch flag and seek a return to Dutch overlordship. Governor Forjaz and his troops laid waste to the kingdom. This time, rather than directly seize land, the governor removed the old ruling family and installed a compliant new ruler, who would facilitate Portuguese access to land and labour. Governor Forjaz also issued a fateful order banning the indigenous population from travelling between kingdoms in the northwestern part of the territory without a permit.<sup>42</sup>

This was the backdrop to the arrival of a new governor, the cavalry officer and staunch monarchist Celestino da Silva, in 1894, who ruled until 1908. In one of his first reports, he wrote, “All the kingdoms of the west were in revolt . . . and so were the twelve *reinos* of the central west and seven of the southern *reinos* . . .

Only three hours from the city [of Dili], Manomera was in rebellion and in Mothael eight jurisdictions were disobedient.<sup>43</sup> This was a gross exaggeration, but a useful one. Over the next several years, Governor Silva launched a series of brutal pacification campaigns, first in the western districts, and later in the east. These campaigns, Katharine Davidson writes, provided Governor Silva with “a nucleus of controllable land and labour in the form of deserted territories and prisoners-of-war.”<sup>44</sup> The widespread seizure of land, however, was in direct violation of Lisbon’s decree of 27 September 1894 (the so-called *Decreto-travão*, or “break decree”), that specified that land alienation in the colonies could no longer be made directly by the colonial or metropolitan government, but had to be submitted to parliament for authorization. The objective, with the African colonies clearly in mind, was to curb the growing influence of foreign capital in Portuguese territories.<sup>45</sup>

The combination of land directly seized during the pacification campaigns and the intimidation of *rei/regulo* or their replacement with pliable figures provided the foundation for Governor Silva’s plan to turn the tide on Portuguese Timor’s long-standing fiscal deficit. The centrepiece of this initiative was the establishment of agricultural societies. The first of these, Sociedade Agrícola Pátria e Trabalho (SAPT), was established in 1897, and over the next decade four other major companies were established: the private Companhia de Timor, with seven plantations in the kingdom of Ermera; Empreza Preservença, which was owned by Silva’s family and started with a large cocoa plantation in the kingdom of Deribate; Empreza Agrícola de Timor, which started with a 2,000-hectare plantation in Deribate; and Empreza Comercial Agrícola de Timor, with coffee plantations in the devastated kingdom of Maubara and neighbouring Mahubo.<sup>46</sup>

The second prong in Governor Silva’s approach was to promote coffee cultivation in as many parts of the colony as possible. To this end, he founded a “Plantation School” in Remexio, on the site of Governor Teixeira da Silva’s 1868 experimental coffee plantation, to teach agricultural extension workers “who would go around the island to train the natives.”<sup>47</sup> The third prong of his strategy combined purely economic with implicitly political motives: granting tracts of prime land to Portuguese officials and military officers as reward for their service (and often personal loyalty to the governor). Unfortunately, the colonial gazette is not fully available for the critical years 1897–9, so it is not known if the earliest of these land grants were publicized or the legal basis on which they were made. But both the seizure and distribution of indigenous land required proper authorization from the Portuguese parliament. For this reason, it is likely that many of the land grants made to officials in Governor Silva’s service were not publicized. One example will suffice here: In the late 1890s, Governor Silva granted

several hundred hectares of land on the upper reaches of Mount Maubara to his son, Julio Celestino de Montalvão e Silva, who, despite being a member of the Portuguese Navy, had been tasked with helping to manage the SAPT plantation in Fatubessi.<sup>48</sup> Such grants were a cost-free and effective way to reward loyalists and to encourage the development of new plantations.

During his first six years in office, Governor Silva neither abolished the old, feudal-paternalistic model nor established a new regime from scratch. His early methods built on his predecessors' practice of punishing rebellious *rei/regulo* by redistributing or seizing land within their kingdoms. But up until the turn of the century, he continued to recognize the indigenous kingdoms and engage them through formal terms of vassalage. Furthermore, his methods were motivated as much by a desire to extend the reach of the state, and hence its effective occupation, to the borders of the colony as they were by a desire to dispossess the indigenous population. And during the early period, there is no evidence that legal niceties ever motivated his actions or were raised to legitimize his actions; he was a cavalry officer interested in furthering the glories of the empire, not a lawyer.

## **The New Land Model in Full Bloom: Confiscation (Primitive Accumulation)**

The new model based on the alienation of indigenous land, open grants or sale of land concessions for agricultural development, a market for land transactions, and registration of those transactions burst onto the scene during the first decade of the twentieth century. This appears to have involved a convergence of influences—metropolitan or specifically overseas law (made with the African colonies in mind), international norms (specifically, the need to demonstrate “effective occupation”), an eye on Dutch practice (including the shift to a liberal model based on market forces and transactions), and practical considerations of power. This developed over two distinct periods—initially in the first decade of the twentieth century, which was the last decade of the monarchy; and later during the first decade of republican rule, after the 1910 revolution. Importantly, while we focus on the blossoming of the new model, note that the older model did not suddenly disappear; it continued to operate in parallel both because economic forces were too weak to sweep it away and because the old model remained useful to the colonial state.

The year 1900 marked the beginning of the great fire sale of indigenous land (and the accompanying loss of sacred sites and cultural heritage) in the central highlands.<sup>49</sup> But the dynamics differed in several critical aspects from those during the first few years of Governor Silva's tenure, and from the picture painted by several authors of a direct link between pacification campaigns and the

Table 11.1. Recipients of major land concessions in 1900

Name	Status/position	Residence	Concession	Location
Amandio Baptista de Souza	?	Lisbon	1,000 ha	Ermera
Conde de Mendia	Portuguese nobility	Lisbon	1,000 ha	
Visconde de Carnaxide	Portuguese nobility	Lisbon	1,000 ha	
Marquês de Fayal	Portuguese nobility	Lisbon	1,000 ha	
José da Silveira Vianna	cavalry officer	Lisbon?	1,000 ha	
Anselmo de Assis e Andrade	famous economist	Lisbon	1,000 ha	
Francisco Mantero	landowner in S. Tomé	Lisbon	1,000 ha	
Augusto de Silva Carvalho	Pres. Medical Society	Lisbon	1,000 ha	
Henrique J. M. de Mendonça	capitalist in Sao Tomé	Lisbon	1,000 ha	
Jacinto Isla M. Santos e Silva	aide to Gov. C. da Silva	Dili	1,000 ha	
D. Francisco Martins	Timorese	Ermera?	1,000 ha	

Source: *Boletim Oficial do Distrito Autonomo de Timor*, various issues in 1900

appropriation of land from the indigenous rulers and/or populace within those kingdoms.<sup>50</sup> First, and most remarkably, in 1900 the sequencing was reversed from earlier retributive actions: Massive land tracts were designated as land concessions (*concessão*) in Motael and Ermera *prior* to the start of military operations that year (and with no operations in Motael and only minimal operations in the western and southern fringe of Ermera in the preceding years).<sup>51</sup> Second, the announcements in the colonial gazette specified that the concessions were “in a location of the grantee’s own choosing” in the listed kingdom, “or in any other indigenous *reino* of their choosing.” The final point concerns the recipients of the 1,000-hectare concessions of “wasteland” (*terreno baldio*), listed in table 11.1.

A group of Lisbon-based men who received land concessions enjoyed close business ties, with one of the founders of the Companhia de Timor, Francisco Mantero, at the centre. In 1896 Mantero and Vianna established Sociedade Agricultura Colonial to run plantations in São Tomé; in 1899, Mantero, Andrade, Carvalho, Mendia, Mendonça, and Vianna established Companhia Portuguesa das Minas de Ouro de Manica to prospect in Mozambique; in 1900, Mantero and Conde de Mendia created Companhia Agricola de Cazengo to explore agricultural

lands in Angola; and, in 1903, Mantero established Companhia de Cabinda to develop agriculture in Angola.<sup>52</sup> Company board members had broad economic, academic, governance, and military influence in Portugal. Francisco Mantero, for example, “was an expert in the coffee and cocoa businesses. Having lived in Angola, Mozambique, Timor, and S. Tomé, he [helped develop] the farming structures which were central in the territorial organisation of those places.”<sup>53</sup> Santos e Silva was a relative of Governor Silva. This was an exercise, overseen by the governor, in the wholesale seizure and privatization of indigenous land. And it was only the beginning.

For the law was not far behind. In early 1901, a Portuguese parliamentary commission presented a new proposal regarding land alienation in the colonies so as to reconcile the conflicting interests of the state and private investors. The ensuing parliamentary discussion of the proposal included debate about the merits and drawbacks of the 1856 legislation that was still in use, with some local modifications, in the colonies. In May, parliament passed the new law of 9 May 1901 on land concessions in the overseas provinces that opened the way for alienation of state-owned wastelands, followed by a Timor-specific implementing regulation.<sup>54</sup> It starts by decreeing that “all the lands that at this time are not private property” are considered state domain and that all state-owned wastelands can be alienated (with certain exceptions made for land adjacent to infrastructure, water, and common lands used by villagers).<sup>55</sup> The amount of wasteland that could be alienated varied from colony to colony: 1,000 hectares in Lourenço Marques, 250 hectares in Cabo Verde and Índia, 25,000 hectares in Guiné and Timor, and 50,000 hectares in Angola and Mozambique. The colonial governors could grant concessions (*aforamento*) of up to one-tenth of these sizes, but these were subject to approval by the metropolitan government. Importantly, all alienation of land had to be preceded by public auction, with announcements posted in the colonial gazette.<sup>56</sup> The new law was a mixed blessing for Governor Silva. While he could no longer grant land at will, the law opened new opportunities, not to mention legal cover. Governor Silva soon added his own twists. In 1905 he issued a decree that “all kingdoms which do not have at least six hundred households will be declared extinct,”<sup>57</sup> thereby facilitating further alienation of land. The next target was labour. A 1906 decree went further, erasing the distinction between natives and *reinóis*, and hence bringing far larger numbers of Timorese into the labour pool.<sup>58</sup>

Between the passage of the new law on wastelands in 1901 and the end of his tenure in 1908, Governor Silva’s administration allocated tens of thousands of hectares of land concessions.<sup>59</sup> At least four 1,000-hectare concessions were granted in 1902. The following year, the government granted 11,000 hectares of

land to Companhia de Timor. And the numbers continued to rise. In addition to the new agricultural *sociedade*, government officials and military officers also received significant tracts of land, as did private Portuguese citizens and a number of non-Portuguese citizens (including Australians, Germans, and others). Alongside these grants of “wastelands,” there was also a boom in private land sales by Timorese, in many cases by *regulo*. At the same time, there were an increasing number of land purchases by ethnic Chinese (both those from families long-established in Timor and new sojourners), particularly in urban areas, in the *posto* (sub-district seats), and in some instances of coffee plantations. What the colonial gazette notices do not reveal is the level of coercion involved in at least some of these sales. But that was by no means the entire story. Governor Silva’s 1905 decree also contained a provision that the *regulo* were to be granted the right “to have up to fifty hectares of land cultivated in their kingdoms by their subjects.”<sup>60</sup> This is perhaps the clearest, but by no means the only, example of the continuation, and even deepening, of the old feudal-paternalistic model alongside the emergence of the new land regime based on expropriation and the granting of land concessions.

The revolution of 1910, which overthrew the House of Bragança and established the First Portuguese Republic, promised to liberalize the metropole and overseas empire. In doing so, however, this undermined the symbolic foundations on which colonial rule had been erected during the nineteenth century. In Portuguese Timor, these changes, together with the introduction of a territory-wide head tax (*imposto de capitação*) in 1908, undermined the position of the *regulos* in Timor and placed new burdens on the lesser nobility, thereby precipitating a major rebellion in 1911–12. For the purposes of this chapter, it is sufficient to note that the liberalizing impulse included thoroughgoing alternations to colonial land policy.<sup>61</sup> The provisional republican government, Fernando Augusto de Figueiredo writes, “approved new legislation for the concession of wastelands, following increasing pressure towards greater liberalization. The main innovations were that concessions by *aforamento* and property transmissions up to 2,500 hectares were now made under the authority of the provincial government, without the necessity of approval by the metropolitan government.”<sup>62</sup> Alongside land law, a great many new labour laws were introduced, essentially prizing the peasantry away from the *regulos* and making their labour available to agricultural companies and private planters.

It was against this backdrop that the colonial administration first came to recognize and grant deeds for indigenous landownership. In 1914 the colonial government issued an edict on the registration of indigenous land,<sup>63</sup> and beginning the following year the colonial gazette published a large table for each

district listing Timorese (mostly men, but in a few cases women) who had registered their land, complete with descriptions of the boundaries and the status of neighbouring land (either owned or “wasteland”). Most of these registered plots of land were in the district seat, where ethnic Chinese were rapidly purchasing land, but there are also instances of larger plots of rural land.<sup>64</sup> Based on the names, and in some cases titles, it appears that many of these individuals were members of indigenous ruling families. This suggests that at least part of the aristocratic class realized the opportunities that the new land regime presented. In a sense, this marks the fulfillment of the new land model, based on the right to alienation and an emerging market for legally recognized land transactions.

## Conclusion

It would be grossly simplistic to treat the story of late-colonial land policy in Portuguese Timor as the story of the rise of large coffee plantations. As this chapter has argued, it is productive to understand colonial land policy in Portuguese Timor in terms of overlapping, borrowed, and phased transitions that variably prioritized economic interests, governance priorities, and legal elements. The “feudal-paternalistic” land regime, in which non-interference in the internal workings of the kingdoms was recognized (though not always respected), faded with the rise of the new land regime based on outright confiscation and the establishment of private property. This emerging regime was based on the dispossession of indigenous land and the granting of concessions in the beginning of the final decade of the nineteenth century, alongside the emergence of a land sale market in the first decades of the twentieth century. It is crucial to recognize that the new land regime did not displace the old one. Rather, from the start of the twentieth century, both regimes were in operation at the same time.

What were the driving forces behind colonial land policy in Portuguese Timor? This volume seeks to understand common features across the Portuguese overseas empire—laws, models, influences, even personnel. This chapter, however, argues that throughout the nineteenth century, law—even when supportive of colonial aims—was often ignored or treated as an afterthought, and that actual policy and practice in Timor developed more as a result of other factors, often exhibiting in Timor a decades-late uptake of legal and governance mechanisms from elsewhere. These included envy and attempted emulation of Dutch success in Java (Governor Castro in the 1860s), borrowing of international and Dutch legal innovations (state claim to land declared unused, made eligible for alienation), ad hoc measures (redistributing land to other kingdoms, then declaring rebellion land to be Crown property), and international norms regarding mineral prospecting.

Today, the most important legacy of Portuguese rule on land in independent Timor-Leste is not the passage of land law per se, but the continued coexistence of two competing land regimes: The first, with origins during the older feudal-paternalistic model, is often glossed as “customary” and based on *adat/lisan*/communal rights; the second, reflecting a combination of state power and the encouragement of market forces, involves the introduction of a new legal system in which private rights over land are recognized (even if only selectively), and within which the land entanglements around Portuguese, Indonesian, and independent Timor-Leste legal regimes are focused. The tension between these dual systems is still being worked out today.

## NOTES TO CHAPTER 11

- 1 Christopher. J. Shepherd and Andrew McWilliam, “Cultivating Plantations and Subjects in East Timor: A Genealogy,” *Bijdragen tot de Taal-, Land- en Volkenkunde* 169 (2013): 326–61.
- 2 Daniel Fitzpatrick, *Land Claims in East Timor* (Asia Pacific Press, 2002).
- 3 Affonso de Castro, *As Possessões Portuguezas na Oceania* (Imprensa Nacional, 1867).
- 4 Geoffrey C. Gunn, *Timor Loro Sae: 500 Years* (Livros do Oriente, 1999).
- 5 In the nineteenth century these written terms typically included pledges “to fulfill all orders,” “to pay the annual tribute,” and “to provide auxiliaries in war.”
- 6 Hans Hägerdal, *Lords of the Land, Lords of the Sea: Conflict and Adaptation in Early Colonial Timor, 1600–1800* (KITLV, 2012), 62. Compare the above/below dichotomy in Timor to the Indic-inspired titles taken by rulers in Central Java that place the emphasis on being the “centre”: in Surakarta, Sultan Nail of the Cosmos (Pakubuwono), and in Yogyakarta, Sultan Axis of the Cosmos (Hamengkubuwono).
- 7 Portuguese officials were not particularly interested in the “inner workings” of the kingdoms, and specifically the relationship between the *rei/regulos* and the various members of the lesser aristocratic class (*datos*, *tumanggãos*, etc.). Positing something akin to absolute rule made indigenous society more legible.
- 8 “Relação dos Reinos, e Reis, da dependencia do Governo de Timor, com residencia na Fortoleza de Delly,” signed by the secretary to the governor, 28 February 1815, in Manoel José Gomes Loureira 1835: 234–5.
- 9 In fact, at precisely the same time da Silveira e Lorena was compiling his document and the governor in Dili was seeking to renew relations with the indigenous kingdoms, there was a flurry of correspondence about the excellent prospect for agricultural development in Timor.
- 10 Douglas Kammen and Jonathan Chen, *Cina Timor: Baba, Hakka and Cantonese in the Making of East Timor* (Yale Council on Southeast Asia Studies, 2019), 22.
- 11 Luis Augusto de Almeida Macedo, hand-written diary for 1857, held in Kroch Library, Rare and Manuscripts Collection, Cornell University. Macedo was not the only foreign observer. In 1858, the Indian-born British planter J. W. B. Money was also in Batavia and the Priangan highlands of western Java, studying the Cultivation System; this resulted in his classic book *Java: Or How to Manage a Colony* (1861).
- 12 Onghokham, “The Myth of Colonialism in Indonesia: Java and the Rise of Dutch Colonialism,” in *The Thugs, the Curtain Thief, and the Sugar Lord*, ed. Onghokham (Metafor Publishing, 2003), 173.
- 13 In 1866, when the colony was placed under the Province of Macau, the number of districts was reduced to ten.
- 14 Luna de Oliveira, *Timor na História de Portugal*, vol. 2 (Fundação Oriente, 2004), 58–62.
- 15 Castro, *As Possessões Portuguezas na Oceania*, 421–37.
- 16 Katharine Davidson, “The Portuguese Colonization of Timor: The Final Stage, 1850–1912” (PhD diss., University of New South Wales, 1994), 90.
- 17 According to Shepherd and McWilliam, “Cultivating Plantations and Subjects,” 329, this was applied to thirty out of the fifty kingdoms.

- 18 René Pélissier, *Timor en guerre: Le crocodile et les Portugais (1847–1913)* (Pélissier, 1996), 41–58.
- 19 Eduard Doves Dekker’s scathing novel *Max Havelaar: The Coffee Auctions of the Dutch Trading Company* was published in 1860, and marked the beginning of the end of the Cultivation System, which the Dutch abandoned in 1870. It is highly unlikely that Castro was aware of the publication of *Max Havelaar* when he introduced his thirty-point code and promotion of state quotas for coffee planting and delivery.
- 20 The new policy regarding empty lands was first communicated to the Macau Senate in 1862. Maria Luisa Abrantes, Miguel Rui Infante, and José Sintra Martinheira, *Macau e o Oriente no Arquivo Histórico Ultramarino 1833–1911*, vol. 3 (Instituto Cultural de Macau, 1999), 72. It is not known when this was communicated by officials in Macau to their counterparts in Timor.
- 21 Criticism centred on “primitive” methods such as use of dibble sticks or broadcasting of seeds rather than use of the plow; shifting swidden practices that required leaving land fallow for a certain period of time; low yields; or forest, wetlands, or arid land that were not planted but from which produce, game, and other resources were collected.
- 22 It is notable that the term “concession” (*concessão*) only appears twice in the extensive 1856 law: in article 29, where a “Decreto de concessão” is needed for a provincial governor to alienate land parcels over five hundred hectares; and in article 57, which discusses the “titulos de concessão” in the demarcation of *sesmarias* (Crown land grants).
- 23 AHU\_ACL\_SEMU\_DGU\_CU\_01, Pt42-1910, cited in Abrantes et al., *Macau e o Oriente*, 239.
- 24 Hélder Lains e Silva, *Timor e a Culture do Café* (Imprensa Portuguesa, 1956), 33, citing Gonçalo Pimenta de Castro, *Timor—Subsídios para a Sua História* (1944).
- 25 One was in “Carayli” [*sic*: Carahil] under the “king of Caiman” [*sic*: Caimauc, in Motael District], using “invalid soldiers,” and with a target of ten thousand coffee trees by the end of the year; a second plantation in “Lachita” [*sic*: Lacluta, in Viqueque District], where similar results were expected (but for which there is no mention of the use of military personnel). *Boletim da Provincia de Macau e Timor* 16, no. 15 (13 April 1868): 74.
- 26 Das Dores, who served as military commander in Viqueque in 1878, later wrote about Lacluta: “O Governo mandou fazer plantacoes de café neste reino em 1867, nas quaes empregou gente para as cuidar, e gastou uma importante somma, mas os governadores que se seguiram deixaram taes plantacoes ao abandon, de forma gue em 1891 ja esavam reduzidas a mato maninho.” Raphael das Dores, *Apontamentos para um Dicionario Chorográfico de Timor* (Imprensa Nacional, 1903), 36.
- 27 AHU\_ACU\_SEMU\_DGU\_005, Cx0044 and AHU\_ACL\_SEMU\_DGU\_2R\_002, Cx0001, cited in Abrantes et al., *Macau e Timor*, 100, 125–6.
- 28 While both Laga and Lacló (mentioned above) had been the sites of rebellions in the early 1860s, which meant not only counter-insurgency campaigns but also subsequent Portuguese meddling in the selection of local rulers, neither Carahil/Caimauc nor Lacluta were sites of resistance to colonial rule prior to Governor Teixeira da Silva’s tenure. There is no evidence to suggest that Governor Teixeira dispossessed indigenous rulers of part of their kingdoms, perhaps by appealing to the 1856 law on wastelands.
- 29 In the 1890s, Portuguese officials estimated that 60 per cent of the 1,000 inhabitants of Lacluta were Christian. Bento da Franca, *Macau e os seus Habitants; Relações com Timor* (Imprensa Nacional, 1897), 246–7.
- 30 In 1866, the kingdoms were 60,000 rupias in arrears (see Castro, *As Possessões Portuguezas na Oceania*), and by 1878, that had risen to 72,000 rupias. But neither Caimauc nor Lacluta were greatly indebted. See Arquivo Historico Macau, AO682, Doc. P. 180, document dated 9 December 1878, signed Manoel Antonio Teixeira, secretary to the governor.
- 31 C. Fasseur, “Cornerstone and Stumbling Block: Racial Classification and the Late Colonial State in Indonesia,” in *The Late Colonial State in Indonesia: Political and Economic Foundations of the Netherlands Indies 1880–1942*, ed. Robert Cribb (KITLV Press, 1994), 88.
- 32 During the second half of the nineteenth century, there were Portuguese consuls in the cities of Surabaya and Makassar, in the Netherlands East Indies, who corresponded with the governors in Dili.
- 33 W. G. Clarence-Smith, “Planters and Smallholders in Portuguese Timor in the Nineteenth and Twentieth Centuries,” *Indonesia Circle* 57 (March 1992): 15–30; Shepherd and McWilliam, “Cultivating Plantations and Subjects.”
- 34 Davidson, “The Portuguese Colonization of Timor,” 157.
- 35 Quoted in Douglas Kammen, *Three Centuries of Conflict in East Timor* (Rutgers University Press, 2015), 72 (with minor adjustment to the translation). Nowhere in the available documentation does Governor Maia provide a legal basis for the seizure of indigenous land or its redesignation as Crown lands, but the basis may well have been the 1856 law discussed above.
- 36 In a sense, this is to international law what the concept of “empty land” was to the internal claims in the 1850s: What was “empty” could (il)legitimately be claimed.

- 37 The Torrens system became known in Portugal. In 1910, University of Coimbra law professor Ruy Ennes Ulrich included extended commentary on Torrens in his lectures. Ruy Ennes Ulrich, *Economia Colonial: Lições feitas ao curso do 4.º ano jurídico no ano de 1909–1910*, vol. 1 (Imprensa da Universidade, 1910), 470–82, <https://web.novalaw.unl.pt/Anexos/Investigacao/1374.pdf>.
- 38 Edict 193 of 1914, *Boletim Oficial do Governo da Província de Timor* 15, no. 31 (1 August 1914): 225–6.
- 39 *Boletim Oficial da Governo de Macau e Timor* 38, no. 52 (29 December 1892): 248.
- 40 Kammen and Chen, *Cina Timor: Baba, Hakka and Cantonese in the Making of East Timor*, 62.
- 41 *Boletim Oficial do Governo da Província de Macau e Timor* 38, no. 52 (29 December 1892): 1.
- 42 Davidson, “The Portuguese Colonization of Timor,” 182. By locking the peasantry to the land, this policy was the logical culmination of the process of fusion and parcelization that had begun in the eighteenth century with the imposition of vassal relations. The combination of political and economic power within nested territorial units lies at the heart of Perry Anderson’s classic analysis of the feudal system in Europe. Anderson, *Lineages of the Absolutist State* (Verso, 1979).
- 43 Quoted in Davidson, “The Portuguese Colonization of Timor,” 181 (punctuation altered).
- 44 Davidson, 218.
- 45 *Legislação Novíssima* 22 (1894): 683. For Mozambique, this phenomenon is discussed in the chapter by José Adalima in this volume.
- 46 Pélissier, *Timor en Guerre*.
- 47 Davidson, “The Portuguese Colonization of Timor,” 95.
- 48 Kammen, *Three Centuries of Conflict in East Timor*, 104.
- 49 Caveat: The colonial gazette is not fully available for the years 1897–9, so we simply do not know what land grants were made in this period.
- 50 Shepherd and McWilliam, “Cultivating Plantations and Subjects.”
- 51 In 1900, military operations were conducted in the northern part of Manufahi District and Motael District between 14 July and 15 August. Pélissier, *Timor en Guerre*, 234. Meanwhile, the concession of the first three 1,000-hectare grants in Aileu/Motael together with other 1,000-hectare grants in Ermera was made public through the colonial gazette on July 7! See *Boletim Oficial do Districto Autonomo de Timor* 1, no. 27 (7 July 1900): 113.
- 52 See, respectively, *Legislação Novíssima* 24 (1901): 121–5; *Legislação Novíssima* 27 (1901): 178–84; Maria Eugénia Mata, Leonor Fernandes Ferreira, and João Pereira dos Santos, “Success and Failure in Portuguese Colonial Africa: The Case of the Cazengo Agricultural Company (1900–1945),” *Entreprises et histoire* 3, no. 88 (2017): 53–73; and *Legislação Novíssima* 31 (1904): 253–8.
- 53 Mata, Ferreira, and Santos, “Success and Failure in Portuguese Colonial Africa,” 61.
- 54 Bernardo Ribeiro de Almeida, “Building Land Tenure Systems: The Political, Legal, and Institutional Struggles of Timor-Leste” (PhD diss., Universiteit Leiden, 2020), 58, 301.
- 55 *Carta de lei de 9 de Maio de 1901 sobre concessões de terrenos no ultramar*, available at <https://debates.parlamento.pt/catalogo/mc/cd/01/01/01/015/1901-02-09/15>.
- 56 *Legislação Novíssima* 29 (1901): 69–79.
- 57 Decree of 13 September 1906, quoted in Davidson, “The Portuguese Colonization of Timor,” 103.
- 58 *Portaria Provincial* no. 30, in *Boletim Oficial do Districto Autonomo de Timor* 7, no. 13 (31 March 1906): 67–8.
- 59 Some concessions were provisory and dependent on effective exploitation of the land, so they might have expired without occupation.
- 60 Davidson, “The Portuguese Colonization of Timor,” 102.
- 61 Almeida, “Building Land Tenure Systems,” 60, notes that “Júlio Celestino Montalvão e Silva, son of the Governor Celestino da Silva, claimed that ‘the property regime is being perfected along [with] the evolution of the people, starting from the initial uncertainty until the final individualization’ (Silva, 1910: 33).”
- 62 Fernando Augusto de Figueiredo, “Timor: A Presença Portuguesa (1769–1945)” (PhD diss., Universidade do Porto, 2004), 541–2. For full land legislation under the republic, see Afonso Camacho Rodrigues, *Concessões de Terrenos, 1913, Geral e Privativa da Colónia, até 1913*; Afonso Camacho Rodrigues, *Concessões de Terrenos, 1924, Geral e Privativa da Colónia, até 1923*.
- 63 *Portaria* no. 193 of 27 July 1914, published in the *Boletim Oficial do Governo da Província de Timor*, no. 31 (1 August 1914).
- 64 Kammen and Chen, *Cina Timor*, 42–6, 61.

