

STATE ENACTMENTS

The following is a list of state enactments passed in 1975:—

KEDAH

| <i>Bil. Enakmen/ Enactment No.</i> | <i>Tajuk Ringkas/Short Title</i> |
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| 1 | Enakmen Perbadanan Perpustakaan Umum Negeri Kedah (Pindaan), 1975. Kedah State Public Library Corporation (Amendment) Enactment, 1975. |
| 2 | Enakmen Pinjaman (Membina Bangunan Pejabat-Pejabat Kerajaan Negeri) Tahun 1975. Loan (Erecting of State Government Offices Buildings) Enactment, 1975. |
| 3 | Enakmen Peruntukan Tahun 1975. Supply Enactment, 1975. |
| 4 | Enakmen Pinjaman (Kawasan-kawasan Perusahaan) (Pindaan) Tahun 1975. Loan (Industrial Areas) (Amendment) Enactment, 1975. |
| 5 | Enakmen Majlis Mesyuarat Kerajaan (Bayaran Wang Ahli-Ahli) (Pindaan) Tahun 1975. Executive Council (Members' Remuneration) (Amendment) Enactment, 1975. |
| 6 | Enakmen Dewan Negeri (Bayaran Wang Ahli-Ahli) (Pindaan) Tahun 1975. Legislative Assembly (Members' Remuneration) (Amendment) Enactment, 1975. |

KELANTAN

| <i>Bil. Enakmen/ Enactment No.</i> | <i>Tajuk Ringkas/Short Title</i> |
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| 1 | Enakmen Perbekalan Tambahan Yang Ketiga (1974) Tahun 1975. Third Supplementary Supply (1974) Enactment, 1975. |

| <i>Bil. Enakmen/ Enactment No.</i> | <i>Tajuk Ringkas/Short Title</i> |
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| 2 | Enakmen Perbekalan (1975) Tahun 1975. Supply (1975) Enactment, 1975. |
| 3 | Enakmen Kumpulan Wang Pinjaman Perumahan (Pindaan), 1975. Housing Loan Fund (Amendment) Enactment, 1975. |
| 4 | Enakmen (Upahan) Ahli-Ahli Dewan Negeri (Pindaan), 1975. Members of the Legislative Assembly (Remuneration) (Amendment) Enactment 1975. |

PERLIS

| <i>Bil. Enakmen/ Enactment No.</i> | <i>Tajuk Ringkas/Short Title</i> |
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| 1 | Enakmen Perbekalan Tambahan Yang Kedua (1974) Tahun 1975. Second Supplementary Supply (1974) Enactment, 1975. |
| 2 | Enakmen Peruntukan Diraja (Pindaan) Tahun 1975. Civil Lists (Amendment) Enactment, 1975. |
| 3 | Enakmen Perbekalan Tahun 1975. Supply Enactment, 1975. |

SABAH

| <i>Bil. Enakmen/ Enactment No.</i> | <i>Tajuk Ringkas/Short Title</i> |
|--|---|
| 1 | Enakmen Bekalan Tambahan Ketiga (1974), 1975. The Third Supplementary Supply (1974) Enactment, 1975. |
| 2 | Enakmen Bekalan Tambahan Pertama (1975), 1975 The First Supplementary Supply (1975) Enactment, 1975. |
| 3 | Enakmen Pentadbiran Undang-Undang Islam (Pindaan), 1975. The Administration of Muslim Law (Amendment) Enactment, 1975. |
| 4 | Enakmen Hutan (Pindaan), 1975. The Forest (Amendment) Enactment, 1975. |

*Bil. Enakmen/
Enactment No.*

Tajuk Ringkas/Short Title

5

Enakmen Kumpulan Wang Perusahaan Menanam Semula Getah (Pindaan), 1975.
The Rubber Industry Replanting Fund (Amendment) Enactment, 1975.

SARAWAK

*Bil. Ordinan/
Ordinan No.*

Tajuk Ringkas/Short Title

1

Members of the Administration and Members of the Council Negri (Pensions & Gratuities) Ordinance, 1975.

2

Members of the Legislative & Public Services Commission (Remuneration) (Amendment) Ordinance, 1975.

3

Supply (1975) Ordinance, 1975.

TRENGGANU

*Bil. Enakmen/
Enactment No.*

Tajuk Ringkas/Short Title

1

Enakmen Yayasan Trengganu (Pindaan), 1975.
Trengganu Foundation (Amendment) Enactment, 1975.

2

Enakmen Suruhanjaya Perkhidmatan Negeri (Pindaan), 1975.
State Service Commission (Amendment) Enactment, 1975.

3

Enakmen Perbekalan Tambahan Pertama (1975), 1975.
First Supplementary Supply (1975) Enactment, 1975.

4

Enakmen Pentadbiran Hukum Syarak (Pindaan), 1975.
Administration of Islamic Law (Amendment) Enactment, 1975.

5

Enakmen Peruntukan Diraja (Pindaan), 1975.
Civil List (Amendment) Enactment, 1975.

6

Enakmen Elaun Belanja Hidup Kerabat Raja (Pindaan), 1975.
Ruling House Allowances (Amendment) Enactment, 1975.

BOOK REVIEWS

CASES ON NATIVE CUSTOMARY LAWS IN SABAH (1953-1972)

Compiled by Datuk Lee Hun Hoe
[Government Printing Office, Kota Kinabalu]

This collection of cases on Native Customary Law in Sabah compiled by the Honourable the Chief Justice, Borneo, Tan Sri Datuk Lee Hun Hoe, is indeed a valuable addition to the literature on Malaysian Law. It will be especially helpful to students in the Faculty of Law, University of Malaya, who offer customary law in their courses of study.

It was only in 1958 that the Native Courts Ordinance was amended to provide for appeals from the District Officer to be heard by the Native Court of Appeal comprised of a Judge of the Supreme Court as President, the Resident of the Residency in which the original proceedings took place and one Native Chief to be appointed *ad hoc* by the Government. Although Tan Sri Datuk Lee Hun Hoe has included the 1953 decision of the Court of Appeal in *Matusin bin Simbi v. Kawang binte Abdullah* (page 1), this was not an appeal from the Native Court. The other cases included are from and after 1958 and they raise the question as to how far the doctrine of *stare decisis* can be applied to the Native Courts. Are the decisions of the Native Court of Appeal binding on the Native Courts? In the case of *Tinggi bin Ungkok v. Tabar bin Lang* (page 35), the Native Court of Appeal held in 1962 that the Native Court had no jurisdiction to deal with the question of ownership of a buffalo and that the matter should be heard in the ordinary court. In *Binidict Tunal v. John Jomin* (page 90), a 1968 case, where the theft of a buffalo was alleged, the question of jurisdiction was raised on appeal but the Native Court of Appeal held that the "matter of jurisdiction should have been raised as early as possible" and it upheld the decision of the Native Court based on custom. In *Kalito bin Bantilan v. Chin Ab Hee* (page 158) the Native Court of Appeal in 1972 again held that the Native Court had no jurisdiction in the case of a dispute over the ownership of a buffalo, as no question of native custom or law was involved. Lee Hun Hoe J. (as he then was) said "It is a case clearly outside the jurisdiction of the Native Court and it should have been tried in the ordinary court of law. It is most important that every Native Court should be aware of its jurisdiction".

The question of *res judicata* again is raised in a number of cases. In