

PREFACE

The aim of this research is to fulfil a requirement for the Bachelor of Laws Degree from the University of Malaya.

Native customary law is not written and is passed through the generations by word of mouth. Publications regarding native customary law, native courts and native chiefs are very limited and as such about 50% of the materials required were obtained from interviews with those connected with the native courts and the institution of native chiefs. Materials were also obtained in the answers to questionnaires posted to the Residents of Kudat, Sandakan and Tawau. Materials were collected also from relevant files of the Ministry of Local Government. The origin and development of the system was obtained from K.G. Tregonning's "A History of Sabah, 1881 - 1963". Stephen R. Evans, "Guide for Sabah Native Courts" also aided the preparation of this project paper.

The scope of the research is centered on the origin and development of the Native Courts System, the procedure in the Native Courts and the jurisdiction of the courts as granted by Section 5 of the Native Courts Ordinance. As native chiefs are an integral part of the native courts, Chapter IV deals with the institution of native chiefs. Recommendations and criticisms are included when it was thought that improvements could be made.

I wish to state that the term native chief is used in two senses. Where the words native chief appear as a common noun, it covers

the Ketua Kampung, the Native Chief and the District Chief. However, where it appears as a proper noun, it refers to the office of a Native Chief.

I wish to express my thanks to Professor Ahmad Ibrahim who has consented to supervise my project paper. I also thank officials of the Attorney General's Chambers, the Community Development Centre, the five Residents of Sabah and the District Officer of Keningau for answering all questions and questionnaires put to them so promptly and efficiently. I also extend my gratitude to the President of the Kota Kinabalu Native Court, Datuk O.K.K. Mohd. Taib, the Secretary of State, Datuk Haji Abdul Hamid Egeh and the former State Establishment Officer and Secretary General of Parti BERJAYA, Haji Mohd. Noor Mansoor for their help.

Mary Robert

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