

The District Court of Negombo The Bench and the Bar

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Walter Terrance (W. T.) Stace was a British civil servant, educator, public philosopher, and epistemologist. He was employed by the Princeton University (USA) as the Stuart Professor of Philosophy. He was born in London, educated at Trinity college Dublin, and died in California. He wrote on Hegel, mysticism and moral relativism. His *Critical History of Greek Philosophy* (1920) was a masterpiece. It shows how a difficult, complex subject can be expressed in simple language if, and only if, the author has an inside knowledge of the subject. **This reputed scholar was the District Judge of Negombo from 1920-22.**

He is remembered to this day by the road named after him—Stace Road in Colombo 09.

W. T. Stace was not the only scholar who adorned the Bench of the District Court of Negombo. Forty years before him, **in 1863, James De Alwis functioned as judge of this Court.** He was a lawyer, writer, poet, and prominent colonial era legislator of Ceylon (as Sri Lanka was known then). He translated the *Sidath Sangara* the ancient classic written in verse on Sinhala grammar to English with a long Introduction in English on the Sinhala Language. Among his other writings were several books on Buddhism.

Then again there was William George Woodhouse who served in the British Civil Service in Ceylon. He was District judge and Magistrate in several stations in the country and



while serving as a Judicial Officer he obtained the M.A. and L.L.M. from the Cambridge University. His dissertation for his L.L.M. he submitted to the Cambridge University was *Sissiyanu Sissa Parampara* and Other Laws Relating to Buddhist Priests in Ceylon. **He was the District Judge of Negombo in 1905.**

Many other personages of great distinction have made the Negombo District Court Bench a glittering spectacle.

It is one of the oldest courts of the Island. Its construction on a little hillock above the ground level could be said to be symbolic. It had a large territorial jurisdiction until quite recently when new courts sprung around it for, so it was said, the convenience of the public. And the District Court itself was shifted to a new building which is a complex housing all courts and tribunals in the area.

I had the privilege to join the Bar of the District Court of Negombo around 1959, after spending about two years, as usual, in, or more accurately, as Justice Soertze said of himself before he moved to set up practice in Kalutara, in the precincts of the courts of Hulftsdrop.

When I joined the Negombo Bar the District Judge was the late Mr. Newton Edirisinghe. Being learned, he was eager to learn. He was a regular subscriber to the All England Law Reports which he got by post. When he comes across an interesting judgement reported there which is of importance to us, he shares that information with us. When he comes on the Bench before the days work begins he refers to the reported case and reads it or at least the head note of it, if it correctly gives the *ratio decidendi* and enters into a discussion with us on its implications. Thus, the interest in learning the law was kept alive.

The Negombo Bar was like the multi-coloured rainbow. Next to the metropolitan Colombo Bar it had probably the largest number of nationalities among its members. There

were Sinhalese, Muslim, Tamil, Colombo chetti, Bharata and Burgher Lawyers. It was an admirable admixture which performed well as one family.

There were two branches of the profession then – the Advocates and Proctors. At the time I joined the Negombo Bar I was the youngest advocate there. The unofficial leader of the Bar was advocate Joe Wijeratne, learned and universally respected. I was much inspired by his attitude to fees. If a case is concluded or postponed during the morning session, when the court takes the luncheon adjournment he asks the clients to come to his chambers. When they come he returns half the fee they have paid him for the day. This act of generosity and kindness impressed me a great deal.

Then when he finally retired and stopped coming to court the Bar did not want him to feel he was forgotten. Mr. L P E Karunaratne a senior Proctor made it a daily routine to drop in at Mr. Wijeratne's house and spend some time engaged in convivial conversation. He wanted to see that Mr. Wijeratne never felt lonely. What a gesture ! So thoughtful and grateful I thought.

At the time I joined the Bar lawyers were using different modes of transport to come to court. The majority of them used their own cars. Some used public transport. Some employed the rikshaws (a few rikshaws were still available on hire). At least one lawyer, Mr. Marshall Fernando, a kind old soul, came by boat from Munnakkara across the lagoon as the bridge connecting the mainland was not there then. Those whose houses were in the town like Mr .F. W. Gooneratne walked to court.

Mr. Gooneratne, being one of the most senior proctors of the time, often had to act for the magistrate when the permanent officer was absent. While Mr. Gooneratne was on the Bench a rikshaw was brought as arranged by the lawyers and kept at the door leading to the magistrate's chambers. As Mr. Gooneratne emerges from the chambers, he is gracefully led by the lawyers to

the rikshaw. He knows what it means, but gets in with a smile. He is taken by the rikshaw followed by a procession of lawyers. The procession stops at the Old Rest House. Every lawyer present is served with a drink. Mr. Gooneratne has no say in the matter. He has only to pay the bill. Everything was done in good humour. Everybody was celebrating the acting appointment! Mr. Gooneratne was a man of few words. He was an uncompromising contestant. He gave no quarter and asked for none. However, despite our age gap and difference in seniority he took kindly to me. He was a proctor and proctors, however senior, treated even the most junior advocate with respect. This caused me embarrassment many a time. He was a practicing Roman Catholic. He was not conservative. I was amazed by his radical outlook. When the catholic lawyers were organizing a religious function for the catholic lawyers, he told me he did not approve the idea. He said the lawyers should be one body which can talk with one voice, He does not like to see divisions in the fraternity like Catholic lawyers, Buddhist lawyers, Muslim lawyers and so on. Such divisions are detrimental to the profession in the long run he said. I could not agree more.

If there was any dullness in court work, it was removed by the sense of humour every member possessed. Nobody was allowed to be morose.

Mr. Loos and Mr. Hamilton Jayatilake, two senior proctors, had a common wooden wall dividing their living quarters. When there was some social function of the lawyers Mr. Loos would come to court in the morning and complain that he had a sleepless night because his neighbour Hamilton was crafting and rehearsing his impromptu speech for the occasion throughout the whole night.

There was great amity among the lawyers and mutual respect between the Bench and the Bar. The highest point a native judge of colonial Ceylon could reach was to be appointed the acting Chief Justice. The permanent Chief Justice always had to come from England. Justice Keunaman at the ceremonial sitting of

the Supreme Court to welcome him as acting Chief Justice said,

“We may get the glory of writing the judgement, if there is any glory attached to it: but it is the Bar which supplies us all the material on which our arguments are based”.

At eventide lawyers in and around the town meet at the beach. They have laid down their cares for the day. A lot of bon-homie is seen. Our own poet J. Vijaya-tunga living in London produced a collection of poems under many titles. While standing on the Negombo beach with the lawyer friends around me in the glorious setting sun one title begins to reverberate in my mind:

“Do not go down O sun!”