

My cell displeases me

Does the name William James Villeneuve Smith mean anything to you?

It's not surprising that it doesn't. He was born in 1824 and was one of the Territory's earliest legal practitioners.

He practised in the Northern Territory in the 1870s.

Villeneuve Smith fits very neatly into the mould of eccentric, a word often used to describe people from Australia's north.

He was the son of Francis Smith and Marie-Josephine Villeneuve.

Marie-Josephine's father was the Admiral defeated by Nelson at Trafalgar.

Villeneuve Smith's brother, Francis, was the more 'proper' of the two; he was, at various times, Chief Justice, Attorney-General and Premier of Tasmania.

He was also knighted.

Not so for William Villeneuve Smith.

Take, for example, the arrival of George Byng Scott, the new Government Resident, in Palmerston (Darwin) in 1874.

Villeneuve Smith was at the wharf to meet him and to make a welcome speech.

That speech included comments to the effect that he hoped Scott would be able to remedy the maladministration of his predecessor, Captain Bloomfield Douglas.

That was a reference to the chaos created by the lack of a proper system of administering mining tenements during the mining boom.

This not-so-diplomatic speech was made whilst Villeneuve Smith was clad in a pith helmet and pyjamas

with a servant holding an umbrella over his head.

Scott thought he was the son of a white Raja in India.

The eccentricities did not end when Villeneuve Smith left the Northern Territory to return to Adelaide.

There, in 1875, he became embroiled in a controversy involving a South Australian magistrate, Downer, who was also the Commissioner for Insolvency.

Villeneuve Smith published letters of a highly defamatory nature about Downer.

That meant that he was entitled to privileges, and he grabbed them with both hands.

His cell displeased him.

He complained to the Gaoler who allowed him to choose his own cell.

He chose the Condemned cell because it was the biggest and the best.

His new cell displeased him.

So it was carpeted, book shelves were built and installed.

His clients were ferried to him.

Several factors, including a petition for his release, resulted in his sentence being commuted to two months with a 100-pound fine.

Villeneuve Smith was never disciplined by the profession.

He married twice. His first wife was Flora and his second Mary.

His eldest son, Frank, was born in 1884 out of wedlock to Mary, whom he eventually married in 1899.

Mary and William Villeneuve Smith share a distinction

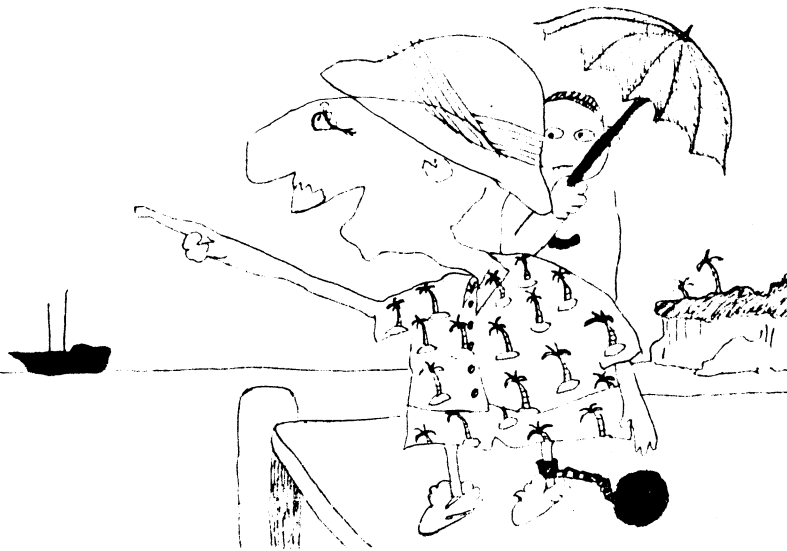
with the Evatt family in that they are the only families in Australia to have borne two silks.

The eldest son, Frank, went on to become an important figure in Australian legal circles and was the President of the Law Council of Australia in the 1930s.

Villeneuve Smith had a grandson, Cairns, who became a judge of the Victorian County Court.

* This piece is based on an interview with Mildren J who has promised that he will write a comprehensive article on William Villeneuve Smith.

Cartoon by Will Stubbs of NAALAS & Law Handbook fame.



He was charged with, and found guilty of, criminal libel and was sentenced to six months' gaol.

Anyone interested in the case will find it at 1876 10 SALR 213.

Villeneuve Smith appealed, unsuccessfully, to the Privy Council.

He then applied *habeas corpus* on the basis that he was imprisoned unlawfully -- his argument ran that he was imprisoned as a criminal whereas criminal libel was a civil matter.

That case is reported at 1877 11 SALR 5.

The result was a substantial decrease in his sentence.

In gaol, Villeneuve Smith was a "First Class Misdemeanant."