

**ARGUMENT OF THE HON. WILLIAM
SMITH, IN GIVING JUDGMENT ON THE
CASE OF THE HON. MR. JUSTICE
JOHNSON IN THE COURT OF
EXCHEQUER, ON THE 7TH OF FEB. 1805**

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Argument of the Hon. William Smith, in Giving Judgment on the Case of the Hon. Mr. Justice Johnson in the Court of Exchequer, on the 7th of Feb. 1805 by William Smith

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WILLIAM SMITH

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ARGUMENT.

OF THE

HON. WILLIAM SMITH,

IN GIVING JUDGMENT

ON

THE CASE

OF THE

HON. MR. JUSTICE JOHNSON,

IN THE

COURT OF EXCHEQUER,

ON THE 7TH OF FEB. 1805.

N. B. BARON SMITH DISSENTED FROM THE REST OF THE COURT.

Dublin :

PRINTED FOR M. N. MAHON, 109, GRAFTON-STREET,

1805.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and analysis processes, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure throughout its lifecycle.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of a data-driven approach in decision-making and the need for continuous monitoring and improvement of data management practices.

TO THE
RIGHT HONOURABLE
SIR M. SMITH, BART. L. L. D.
MASTER OF THE ROLLS,
LORD COMMISSIONER OF THE GREAT SEAL,
AND ONE OF HIS MAJESTY'S
MOST HONOURABLE PRIVY COUNCIL
IN IRELAND.

*THE following Note of his Son's Argument,
on the Case of Mr. Justice Johnson, extracted (with
the Baron's permission) from a general Report of
the proceedings in the Court of Exchequer, is, with
much Respect, inscribed*

By his Lordship's

Obedient,

And very humble Servant,

THE EDITOR.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text notes that without reliable records, it becomes difficult to track expenditures, assess performance, and ensure that resources are being used effectively and ethically.

2. The second part of the document addresses the challenges associated with data collection and analysis. It highlights that while modern technology offers powerful tools for gathering and processing information, the quality and integrity of the data are often compromised. Issues such as incomplete reporting, inconsistent formats, and potential biases can significantly undermine the value of the data. The document suggests that implementing standardized protocols and rigorous quality control measures are necessary to overcome these challenges and ensure that the data is both accurate and actionable.

3. The third part of the document focuses on the role of leadership in fostering a culture of data-driven decision-making. It argues that leaders must not only understand the value of data but also communicate its importance to their teams. By setting clear expectations and providing the necessary resources and training, leaders can encourage their staff to embrace data as a key component of their work. The text also notes that leadership should be visible in using data to inform decisions, which helps to reinforce the importance of data throughout the organization.

4. The fourth part of the document discusses the importance of data security and privacy. As the volume and sensitivity of data continue to grow, organizations must take robust measures to protect this information from unauthorized access, loss, or misuse. This includes implementing strong encryption, access controls, and regular security audits. Additionally, organizations must ensure that they are compliant with relevant data protection regulations, such as the General Data Protection Regulation (GDPR), to avoid legal penalties and maintain the trust of their stakeholders.

5. The fifth and final part of the document provides a summary of the key points and offers recommendations for future action. It reiterates that data is a valuable asset that, when managed properly, can drive significant improvements in efficiency, effectiveness, and transparency. The document concludes by encouraging organizations to continue to invest in their data capabilities and to foster a culture where data is used to drive positive change and innovation.

COURT OF EXCHEQUER, Feb: 7th, 1803.

ARGUMENT

OF THE

HON. WILLIAM SMITH.

IN this case the arrest appearing to me to have been illegal, I am consequently of opinion that the Prisoner should be discharged.

Indeed, I conceive that such should be our rule, in a matter of less easy solution than the present. For it is only in cases of certainty, that the Court is to remand. In those of doubt, it is bound to bail, or to discharge. And here, accordingly, we ought to liberate, in as much as we cannot bail.

In entertaining the sentiments which I have briefly thus avowed, I am aware that I encounter the authority of my Lord Chief Justice;* whose fallibility I am the more reluctant to admit, because he would himself be the first to make, and nobly act on, the admission. But, fallible
he

* Downes.

he is; for he is human:—and it is superfluous to state, that in dissenting from the opinion, I venerate the man.—He indeed is one, my deference for whose superior intellect and knowledge gives way only to my respect for his more valuable qualities; and to the honest exultation which I feel, that merit so uncommon is placed at the head of our Crown law.—I must differ with some degree of qualm from him, who more elevated by worth and talent, than by age or station, would bend a patient and docile ear to the arguments of the humblest man. Who, if these should bring conviction to his candid and modest mind, would unaffectedly rejoice to have his errors thus corrected; without adverting to the lowliness of the instrument which removed them;—and whom this liberal sentiment alone would have sufficed to exalt, above the corrector to whom he yielded. A man, who may be proud; but is a stranger to that base pride, whose pert and disgusting offspring are Obstinacy and Presumption.

I am aware that I also differ in opinion, from one with whom I have generally had the good fortune to agree; and from whom no man, who is as well acquainted with him as I am, can dissent, without considerable scruple and hesitation. I mean my highly esteemed and respected friend, *Judge Daly*.

But

But let it be recollected, that the peculiar situation of *Judge Osborne* precluded him from giving, and perhaps prevented him from forming, any judgment on the present question. It is possible that, had he not yielded to the circumstances of a situation, which he considered so delicate as to enjoin silence as a duty, he might have delivered an opinion, in concurrence with that of the second Judge of the Court; and in opposition to what a person, unacquainted with the manly integrity of his character, might suppose to be the more probable bias of his mind. In that event, the Court being equally divided, the Prisoner would have been remanded, not so much by a substantial decision on his claim, as by virtue of an etiquette and form of law.

There is then a possible case, in which the Court of King's Bench may be considered as having been divided. But, whether such an hypothesis be admitted or not, be it remembered, that my sentiments coincide with those of *Mr. Justice Day*; as independent a gentleman; and as intelligent and upright a magistrate, as, I believe, is to be found upon the bench of either country; and one eminently versed and informed in Criminal law: a Judge, to whose hands an innocent man might commit his life; and whose late decision seems calculated to prove, that the liberties of the subject may be entrusted to his care.

Nor