

matter was, that for seven or eight years past, at least, to his own personal knowledge, various Governors and others in authority had admitted, after a personal inspection of the lock-up, that it was unfit for the reception of prisoners, and promises had been made by every Governor who had visited it that the existing state of things should be remedied by means of improved ventilation or increased accommodation. Often and often his constituents had asked him to bring the subject under the notice of the Government, but he had put it off session after session in the hope that the promises made to improve the buildings would be fulfilled. Nothing, however, had been done in the matter up to the present time, and he felt it to be his duty to bring the subject under the attention of the Government in the House.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said it was quite true that the lock-up had been visited by the Governor a few months ago, and His Excellency had ordered that the ventilation of the cells should be improved by the introduction of the Tobin principle, which had been done. The Medical Officer at Geraldton had also been asked to report on the sanitary condition of the lock-up.

#### DISTRICT ROADS AUDIT BILL, 1877.

This Bill was passed through committee without amendment or discussion, and the third reading fixed for Friday, the 27th July.

#### THIRD READINGS.

The Pensions Bill, and The Imported Stock Act, 1876, Amendment Bill, 1877, were read a third time and passed.

The House adjourned at eight o'clock.

### LEGISLATIVE COUNCIL,

*Friday, 27th July, 1877.*

Line of telegraph between Geraldton and Northampton—First Readings—Fremantle and Guildford Railway—Ballot Bill, 1877: in committee—Message from His Excellency—Third Reading—Industrial Schools Act, 1874, Amendment Bill, 1877: re-committal.

THE SPEAKER took the Chair at seven o'clock.

#### PRAYERS.

#### TELEGRAPH BETWEEN GERALDTON AND NORTHAMPTON.

In reply to MR. BROWN,

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said, as the embankments, cuttings, &c., on the Geraldton and Northampton Railway were now in such a forward state that the work of their completion would not endanger the telegraph between those two towns, it was the intention of the Government to proceed at once with the erection of the telegraph line.

#### FIRST READINGS.

The following bills were read a first time: Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill, 1877.—Marriage with Deceased Wife's Sister Bill.—Dangerous Matches Act, 1876, Repeal Bill, 1877.

#### FREMANTLE AND GUILDFORD RAILWAY.

MR. STEERE moved that an humble address be presented to the Governor, asking him to direct the officer in charge of public works to report, for the information of the House, whether, if the Fremantle and Guildford Railway is constructed on the north side of the river, the central railway station could be brought nearer than Weld Square to the principal business quarter of the city of Perth; if so, what position he would recommend, and whether it would necessitate an increased cost. The hon. member supplemented his motion by moving that the same directions be given to the Director of Public Works with reference to the "alternative" route.

Motion agreed to.

## BALLOT BILL, 1877.

In committee.

Clause 3—defining meaning of polling places :

MR. STEERE moved an amendment, to the effect that "district polling places," instead of meaning (as interpreted in the bill) any polling place within the electoral district other than the central station, shall mean any polling place fixed and appointed by the Governor.

The amendment was carried.

New clause :

MR. STEERE moved a new clause as follows : "No person shall be qualified to be a candidate at any election of a member to serve in the Legislative Council, unless at least ten days before the day named in the writ as the day of the election, he shall have given notice to the returning officer for the district of his intention to become a candidate, which notice shall be signed by such person or his agent and shall also be signed by at least six of the electors for the district in token that they support the candidature of such person; provided however, that if a day shall be hereafter appointed for holding any election within fourteen days of any day fixed by proclamation for holding any session of the Legislative Council, or during the time that such Council shall be in session, it shall not be incumbent on any candidate to give more than five days' notice in the manner hereinbefore provided. Provided also, that no such notice shall in any case be received by the returning officer, nor shall it be of any force or validity, unless it be accompanied by a deposit of £25 to be applied by the returning officer as hereinafter mentioned. The returning officer on the ninth day—or on the fourth day, as the case may be—before the day fixed for the election shall give public notice of the names of all persons who have complied with the requirements of this section, by affirming a notice to that effect on the Court House door of his district and keeping the same there affixed until the day of the election." The hon. member said he thought the Council would see the desirability of providing,—as a kind of certificate that a candidate had a *bond fide* intention of contesting an election,—that in giving

notice of his intention to become a candidate his notice paper should be signed by at least half a dozen of the electors of the district in token that they support his candidature. The House he thought would also further agree with him that no such notice should be received by the returning officer unless accompanied by a deposit of £25, which sum would, conditionally, be returned to the candidate. The same provision as to a deposit appeared in the Ballot Acts of most of the other Colonies, and it served as a guarantee that a candidate in coming forward was in real earnest, and was not doing so just for the fun of the thing. If the candidate did not obtain a certain proportion of votes, as prescribed in a subsequent clause, his deposit money would be forfeited, and would go to the credit of the public, towards paying the cost incurred in connection with the polling at the election.

MR. SHENTON supported the new clause. He thought the provision with respect to the deposit a highly desirable one; in the other Colonies it was £50. It would have the result of saving the Colony a good deal of unnecessary trouble and expense.

The new clause was adopted, and ordered to stand part of the Bill, as clause 4.

Clause 5 provides, among other things, that each ballot paper shall have a number printed on the back, and shall have a counterfoil with the same number printed on the face—the ballot paper to be given to the elector and the counterfoil retained by the returning officer, for transmission (with the ballot paper, when used) to the clerk of the Legislative Council, under seal :

MR. RANDALL thought there was sufficient provision made in the 8th clause of the Bill to prevent fraud on the part of an elector and to ensure perfect secrecy in voting, without having a number placed on the ballot paper and a corresponding number attached to the counterfoil. He would be glad, and he believed the country generally would be better satisfied, if these numbers were not printed on the ballot papers or the counterfoils.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said the question raised by the hon. member was no doubt a very

important one. At the same time, he also thought it was of equal importance that in introducing the ballot—while taking every possible precaution to ensure actual secrecy as a point of fact, and to give voters every assurance that this secrecy would not be violated, we should at the same time retain in our hands a power of tracing up a vote, in case of necessity. Hon. members would see from the Bill that provision was made in case of proceedings arising out of an election having to be taken before the Supreme Court, in the event of any error affecting the validity of an election; and in that case it would be necessary that some power should be reserved in the Bill to trace up a man's vote, and to discover the offender. For instance, one candidate at an election might receive, say, twenty votes, and another candidate twenty-one, and it might turn out that one or two electors had voted twice, or that some person had voted who was not entitled to do so. How could it be discovered whether this had been done without a scrutiny and the existence of some means to trace up each vote. It was also provided in the Bill that proceedings might be taken in case of bribery or corrupt practice, and it might be necessary to prove that a certain voter had been bribed, and to ascertain from his ballot paper for whom he had voted. He did not think that this provision as to numbering the ballot papers and the counterfoils was important in other respects, but he did think it very essential as affording means to discover whether an elector had voted twice, or had been guilty of an offence affecting the validity of an election. In point of fact, it would not affect the secrecy of the ballot. It might be thought by some hon. members that it would impair the confidence of a voter, but the same principle was in operation in England, and it was not found to do so there.

MR. RANDELL said he was still of opinion that there was no necessity for numbering the ballot papers. Certain polling places would be appointed, under the provisions of the Bill, and the returning officer would have a copy of the electoral list for the district before him, from which he could ascertain, before giving an elector a ballot paper, that he was entitled to vote. Having given him

his voting paper, the returning officer would of course place some distinctive mark opposite the voter's name in the electoral list, which, it appeared to the hon. member, would effectually preclude a man from voting twice. As to bribery, no ballot paper could possibly prove such corrupt practice. He was very much pleased with the Bill, on the whole, and he thought the country would be greatly satisfied with it, with the exception of this provision regarding numbering the ballot papers. There was just a possibility, if this provision were retained, of a returning officer ascertaining for whom an elector had voted, and this very fact would tend to impair the confidence of some voters in the principle of secrecy, which, after all, was the fundamental principle of the Bill.

MR. BROWN said, if a returning officer carried out his duty honestly, it would be impossible for him to become cognisant of how any elector had voted. Were there but one polling place for each district, it might be practicable, as the hon. member for Perth had contended, to prevent a man voting twice without having recourse to the proposed system of numbering the ballot papers. But where there were two or three polling places in one district, what was to prevent an elector voting twice or three times? All the returning officer could ascertain then—if the principle of numbering were abandoned—would be that he had a larger number of voting papers in his possession than there were electors qualified to vote. It would be impossible for him to discover who the elector was who had been guilty of the deceit, or for which candidate he had voted.

MR. SHENTON apprehended the presiding officer at each polling place would have a true copy of the electoral roll for the whole district, and it would be his duty to ascertain, before giving any man a ballot paper, that his name appeared on the roll. He thought there would be no perfect secrecy, so far as voting was concerned, if the clause under consideration remained as at present framed.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) quite agreed that there was nothing easier than to prevent double voting at the same polling place; but where there were three or four

separate polling stations in the same district, a man with a good horse would be able to put in practice that admirable maxim of American politics which recommended the voter to "poll early and poll often." The electoral roll would afford no protection in a case like that. How would the returning officer at polling place A, know whether a man had voted at polling place B, or polling place C, or *vice versa*? Hon. members would find that precautionary measures were taken (and provided for in Clause 13) to guard against returning officers having an opportunity to con over the ballot papers or compare them with the counterfoils, and, if the House did not regard these precautions as sufficiently stringent, let them be made more so. It appeared to him they were such as to ensure perfect secrecy in the matter of voting. He admitted that under the provision as to numbering the ballot papers, a voter might not have quite as much confidence in the secrecy of his vote as he otherwise would have; but, on the other hand, he (the Attorney General) could not help thinking it was most essential and important that some power should be retained whereby a man's vote could be followed up, in the event of such a step becoming necessary.

MR. MARMION saw only one way to get out of this difficulty, and that was to provide that the returning officer should pack up the counterfoils and affix his seal thereto—and the scrutineers might do the same—before opening the ballot box at the close of the poll. This would effectually prevent any tampering whatever with the voting papers, and preclude the possibility of ascertaining, by a comparison of a ballot paper with its counterfoil, how any man had voted. He concurred with the Attorney General as to the necessity of being able to follow up votes in the event of any malpractice on the part of an elector, and it appeared to him that the suggestion he had just made would ensure this, while at the same time it would take away all possibility of violating the principle of perfect secrecy in voting.

MR. RANDELL was under the impression that it was part of the duty of the returning officer to compare the number on the ballot papers with the number on the counterfoils.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said that, so far as had been his intention in framing the bill, it was nothing of the kind. He had not intended to have afforded any opportunity for a returning officer to institute any such comparison, or to con over the voting papers in any way; and, if the provisions of the Bill were not severe enough in this respect, he would be glad to receive any suggestion that would still further ensure perfect secrecy, in point of fact, at elections, so long as they retained the power to trace up a vote when a necessity arose for doing so.

MR. MARMION said the Bill placed a great deal of power in the hands of returning officers, who, if they thought proper—he did not mean to say that many of them would do so—could undoubtedly scrutinise the voting papers and compare them with the counterfoils, unless some further provision than that afforded in the Bill were enacted to prevent the possibility of such scrutiny. It appeared to him, as he had already said, that the only plan to preclude this being done was to seal up the counterfoils as soon as the poll closed and before the ballot box was opened, and transmit them to their proper custodian. There would then be no possible chance of perusal or comparison. He thought it highly important that some such precaution should be taken, so as to convince voters that there was no possibility of their votes becoming known even to the returning officer,—honorable man though he might be.

MR. CROWTHER thought the suggestion of the hon. member for Fremantle a very good one, so far as it went; but he would like to know what provision it was proposed to make to ensure secrecy in the case of a voter who could neither read nor write.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said no doubt that was a very difficult question to deal with; but the only question then before the House was whether they should provide some means of tracing up votes. The suggestion of the hon. member for Fremantle did not in the least militate against this principle in the clause under discussion, but merely affected the question of affording an opportunity for returning officers to compare the ballot

papers with their counterfoils and thus ascertain how a man had voted. The question referred to by the hon. member for Greenough might be dealt with further on.

[The clause was then agreed to, with some verbal amendments (*vide* Votes and Proceedings, p. 40) which did not affect the principle involved.]

Clause 6.—“Certain directions to voters to be placarded on polling places:”

Agreed to.

Clause 7.—“Procedure at central polling place on day of election:”

Agreed to.

Clause 8.—“Poll to commence at 10 a.m. and close at 6 p.m. Only persons allowed within polling place shall be the returning officer and his clerk (if any); the scrutineers (to be appointed by each candidate); the voters about to vote; and such police constables as the presiding officer may deem necessary for enforcing order:”

Assented to, *sub silentio*.

Clause 9.—“Procedure in taking of poll:”

MR. STEERE moved, That instead of the voter filling in his ballot paper on “a table apart,” he should do so within a “compartment screened from observation.”

This was agreed to.

MR. RANDELL pointed out an apparent contradiction as to the mode of procedure prescribed in this clause and the directions for the guidance of voters given in the second schedule of the Bill. According to the clause before the committee, the ballot paper, after being filled in by the voter, had to be delivered back, folded, to the returning officer, whose duty it was to deposit it in the ballot box. But according to the directions contained in the schedule, and which were to be placarded on the polling places, the voter himself put his ballot paper in the box. He thought it would be preferable to adopt the principle laid down in the schedule than the mode of procedure prescribed by the clause under discussion.

MR. CROWTHER thought a more important question for consideration in connection with this section of the Bill, was the enactment of some provision to enable illiterate electors to record their votes, with as much secrecy as other voters.

MR. BROWN said provisions were made in the English Act, not only for illiterate persons but for the blind.

MR. BURT pointed out that a voter had only to affix his sign manual in the shape of a  $\times$  to the ballot paper; he need not necessarily be able to write his name. Candidates would take care to provide such voters with ballot papers, and would drill them in before the election as to the precise spot where to affix the cross.

MR. CROWTHER said there would be a difficulty in doing that, as the voter would receive his ballot paper from the hand of the returning officer on the day of the election.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) did not think it mattered much how people who could neither read nor write voted. It might be important, however, to provide for blind people, or people who had no arms.

MR. BROWN said the Bill was intended to apply to all enfranchised persons, and provisions should be made to enable all classes of voters to record their vote in secrecy. In England, such provisions were made not alone for illiterate persons and those physically incapacitated from personally exercising their right to vote, but also for the religious scruples of voters. He would move a modification of this section of the English Act when the time arrived for doing so.

Clause agreed to.

New clause:

MR. STEERE moved the following new clause:—

“It shall be lawful for any person being qualified to vote for any electoral district who, prior to the day fixed for any election in such district shall be within any other district, or who shall reside more than thirty miles from a polling place for the district in which he desires to vote, to go before a Resident or Police Magistrate, or some other Justice duly appointed by the Governor as a person authorised to take votes at elections, and demand to be allowed to vote for the electoral district for which he is qualified to vote, as aforesaid; and the said Resident or Police Magistrate or Justice shall then write the name of the electoral district for which such person desires to vote, and also the name and address of

such person, and the date, on two counterfoils, each of which shall be marked with the same number, and shall have signed his name on the back of a ballot paper, give the same to such elector; and on the face of such ballot paper the said Resident or Police Magistrate or Justice shall write simply the name of the electoral district for which the voter proposes to vote, and the name of the candidate or candidates at such election, as far as the same are known to him or the said voter, and on the back shall be a number corresponding to the number upon the aforesaid counterfoils; and the voter having received the said paper shall then indicate the name of any candidate or candidates for whom he desires to vote by making a cross or other mark within the square opposite the name of such candidate, and shall then fold it up, and in the presence of the said Resident or Police Magistrate or Justice as aforesaid, shall put the same into an envelope; and the said Resident or Police Magistrate or Justice shall then put one of the corresponding counterfoils into a separate envelope, and shall seal up each such envelope, and shall write the words "Ballot Paper" on the face of the envelope containing the ballot paper, and the word "Counterfoil" on that containing the counterfoil, and shall then give the same to the voter; and it shall then be competent for such voter to vote by sending the said envelopes by post or otherwise to the returning officer. The returning officer, on receipt of any such envelopes, shall without opening them, retain them in his possession until the commencement of the poll, where, in presence of the scrutineers, he shall proceed to open the envelopes containing the counterfoils, and having made a mark on the copy of the electoral roll in use at his polling-place against the name of each person who appears by such counterfoils to have voted, shall keep such counterfoils in the same manner as the counterfoils of the ballot papers used by him at such election. Having thus dealt with the counterfoils, the returning officer shall proceed to open the envelopes containing the ballot papers, allowing the scrutineers the opportunity (if they desire it) of seeing that the seals of the said envelopes are intact; and as he takes

out any ballot paper from its envelope, he shall, without opening the same, deposit it in the ballot box. The returning officer shall deal in the same way with any ballot papers and counterfoils, drawn up in accordance with this section which he may receive prior to the closing of the poll. Any person who shall have been to a Resident or Police Magistrate or other Justice as aforesaid, for the purpose of voting under this section, and in pursuance of the provisions of this section shall have received a ballot paper, put the same into an envelope and received the counterfoil from such Resident or Police Magistrate or Justice as aforesaid shall be deemed to all intents and purposes to have voted at such election, although he may not have sent the said envelopes or either of them to the returning officer, or although they or either of them have miscarried. For all subsequent purposes the returning officer shall treat any counterfoils and ballot papers received in accordance with the provisions of this section in the same way that he is required to treat counterfoils of ballot papers given by himself to voters and ballot papers received by himself from voters."

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he did not object to the clause—in fact, he had framed it; at the same time he felt there were some difficulties in the way. For instance, a returning officer might, through carelessness or inadvertence, open one of the envelopes, and, if he discovered that the vote contained therein was not in accordance with his wishes, he might put it in the fire. But it was impossible to provide for every contingency, and, on the whole, he did not see how they could introduce greater precautions than were provided in the section under consideration, if they were going to extend the provisions of the bill to persons residing out of a district for which they were entitled to vote. After all, there was not much likelihood of any undue pressure being brought to bear upon such persons, and therefore it was of less importance to retain the principle of secrecy so far as they were concerned.

MR. MARMION asked why it was proposed to limit the application of the clause,—so far as the granting of authority to take votes,—to Resident

Magistrates and Justices of the Peace "duly appointed for the purpose by the Governor." Why should not all Justices have the same power?

MR. STEERE: The only reason is, that you would have to send a book of printed ballot-forms and counterfoils to every Justice of the Peace throughout the Colony,—a very expensive and unnecessary proceeding, it appears to me. I have no objection to every Magistrate in the Colony being vested with the same authority, except on the score of expense and inconvenience.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) would not allow any Honorary Magistrate to exercise the power, where a Resident Magistrate was available; but there were cases in which it would be inconvenient to limit the authority to the Stipendary Magistrate, and for that reason it was proposed that the Governor should, when expedient, appoint a Justice to take the votes.

The new section was then agreed to, and ordered to stand part of the bill as clause 10.

Clauses 11 and 12,—relating to the steps to be taken in the case of ballot papers inadvertently spoilt, and to the questions to be put to a voter by presiding officers before giving him a ballot paper—were agreed to without discussion.

Clause 13—"Procedure at district polling places at close of the poll."

MR. MARMION, with a view to further provide for the maintenance of secrecy, moved as an amendment, That after the word "box" and before the word "and," in the fifth line, the words, "and such being done, the presiding officer shall at once enclose in a strong envelope the counterfoils of the ballot papers which have been used at the said district polling place, together with such ballot papers and counterfoils as were supplied to him for the purpose of the election, and have not been used, and shall affix his seal thereto; and it shall be lawful for the said scrutineers likewise to affix their seals thereto," be inserted.

Agreed to.

Progress reported.

#### MESSAGE FROM HIS EXCELLENCY.

MR. SPEAKER reported the receipt of the following message from His Excellency the Governor:—

"In reply to the address from your honorable House requesting the Government to introduce a Loan Bill for the purposes of a railway from Fremantle to Guildford, if the Governor felt that by introducing the bill this session it would materially expedite the commencement of the undertaking, he would do so; but as this would not be the case, inasmuch as the bill, if passed, would not be assented to until the work had been approved by the Secretary of State, the Governor feels he would hardly be justified in adopting an unusual course from which no commensurate advantage would be derived. The information already furnished to the Secretary of State will, the Governor believes, enable him to give a decision in the matter, and the Governor thinks it right to leave it to his successor—upon whose Government will devolve the responsibility of carrying out the work,—to introduce the necessary loan bill."

#### THIRD READING.

The District Roads Audit Bill, 1877, was read a third time.

#### INDUSTRIAL SCHOOLS ACT 1874, AMENDMENT BILL 1877.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved that this bill be now read a third time.

MR. MARMION, as an amendment, moved, that the bill be recommitted.

Agreed to.

#### IN COMMITTEE.

MR. MARMION moved, That the words "three years," in the last line of the bill, be struck out, and the words "one year" be inserted in lieu thereof.

Agreed to.

MR. BROWN said he would move a new clause excluding aborigines from the provisions of the first section of the bill. He was informed it would be exceedingly difficult, in the case of many aboriginal children, to get them into such institutions as the Native Mission, if the provisions of this clause were made to apply to aborigines.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): I do not know what is the parliamentary practice, but I think we ought not to countenance the introduction of amendments like this, without any notice being given of them. If this practice were allowed, it would be competent for hon. members, on the recommittal of a bill, to spring a new clause upon the committee which a full House would not have agreed to. I do not mean to say that anything of the sort has been attempted in this instance, but I think it would form a bad precedent, and I would suggest to the honorable member that he should move that progress be reported and leave obtained to sit again.

MR. BROWN: I perfectly agree with the remarks that have fallen from the Attorney General. I should be sorry indeed to spring a clause like this upon the House, and I shall be happy to adopt his suggestion. I may say that the reason I have for introducing the clause at this the eleventh hour is, that those most interested in the institutions which the Bill applies to were never consulted at all as to its provisions, and it was only in course of conversation with one of these gentlemen that I discovered how inadvisable it would be to apply the provisions of the first clause to aborigines.

Progress reported, and leave obtained to sit again on Wednesday, 1st August.

The House adjourned at eleven o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Monday, 30th July, 1877.*

Vaccination—Coastal and Intercolonial Steam Communication—First Readings—Marriage with Deceased Wife's Sister Bill: second reading; in Committee—Dangerous Matches Act, 1876, Repeal Bill, 1877: second reading; in Committee.

THE SPEAKER took the Chair at seven o'clock.

PRAYERS.

## VACCINATION.

MR. STEERE asked the Colonial Secretary whether, in consequence of the report of the Colonial Surgeon, which states that "the law with regard to vaccination may be considered a dead letter," is it the intention of the Government to propose any fresh legislation, or to issue any fresh regulations to endeavor to ensure a more frequent compliance with the present Vaccination Act?

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said it was not; but the question was under the consideration of the Government and papers on the subject would be presented to the Council in due course.

## COASTAL AND INTERCOLONIAL STEAM COMMUNICATION.

MR. CROWTHER, in accordance with notice, moved the following resolution: "That in the opinion of this Council, monthly steam communication between Geraldton, Fremantle, Albany, and South Australia, so regulated that the steamer on the return trip from Adelaide to Geraldton should meet the homeward bound Colonial mail steamer at Albany, would prove of more benefit to this Colony than the existing arrangements for steam communication upon the coast; and that an humble address be presented to His Excellency the Governor by this House, praying that he will be pleased to make such arrangement with the owners of the s.s. *Rob Roy*." This subject was to his mind one of the most, if not the most, important question which the House would have to deal with during the session, and he had no doubt it would obtain the support of the Government and of all the members of the House, as well as every well-wisher of the Colony outside the House. From the earliest stage of the Colony this question of steam communication had been the subject of more or less agitation. Formerly it was regarded as a luxury to be indulged in sparingly, but now-a-days it was looked upon as one of the necessities of our social and commercial existence. It was a boon, however, which the Colony had to pay for, and was content to pay for; but it was the duty of the Government to see that the public had ensured to them as much of the