

Bill No. 85 of 1948.

A BILL CONSTITUTING THE LLOYDMINSTER
HOSPITAL BOARD

NOTE.

At the present time a hospital is being operated jointly at Lloydminster on the Saskatchewan side of the border by the Lloydminster Municipal Hospital Board organized under *The Municipal Hospitals Act* of Alberta, and the Lloydminster and District Hospital Board organized under the corresponding Saskatchewan Act. This is done pursuant to an agreement between the two Boards ratified by the Legislatures of both Provinces. The two Boards meet together for the transaction of the business of the hospital but have no joint corporate existence. Both Boards are desirous of extending the hospital, and as soon as possible, erecting a new one. For this purpose it will be necessary to issue debentures which cannot be done under the present arrangements. Both Boards desire legislation to amalgamate the two districts and establish a new district incorporating all the territory now in the two districts, and a new board to administer such new district. A vote was taken in November last to get the opinion of the voters of each district on the proposed amalgamation of the districts and a substantial majority in each district favoured the amalgamation. In order to effect the proposed amalgamation, legislation in both Alberta and Saskatchewan is necessary and a Bill identical in every material detail with this Bill was introduced on the fifteenth of March in the Saskatchewan Legislature.

The proposed Bill is based on *The Municipal Hospitals Act* of Alberta and the Saskatchewan authorities have agreed on the Bill as it now appears.

The new district will consist of part of the Municipal District of Vermilion River on the Alberta side, the Town of Lloydminster (a portion of which is on the Alberta side), and the Rural Municipality of Britannia and part of the Rural Municipality of Wilton on the Saskatchewan side. The different municipalities in the district will be represented on the new Board by the same number of members as represented them on the former two Boards and the joint Boards together will act as a Provisional Board until a new Board is elected in December. The assets of the two Boards will be vested in the new Board. The existing Alberta Board has substantial assets in cash and securities which will be transferred to the new Board and held in trust for the purpose of meeting requisitions made on the Vermilion River Municipal District.

Debenture by-laws must receive the assent of sixty per cent of the ratepayers voting thereon and must also be approved by both the Board of Public Utility Commissioners of Alberta and the Local Government Board of Saskatchewan.

The division of the total requisition among the municipalities is fixed by section 29 of the Act but provision is made for a review after January 1st, 1950, of this distribution in the manner set out in section 33. At the same time the number of Board members and the number representing each municipality may be reviewed and altered. The provisions as to qualifications for election of Board members and of voters at an election of members and of voters on debenture by-laws are substantially the same as under *The Municipal Hospitals Act*, and except where otherwise provided, the electoral procedure as set out in *The Municipal District Act* is made applicable.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 85 of 1948.

An Act Constituting the Lloydminster Hospital Board.

(Assented to _____, 1948.)

WHEREAS the Lloydminster Municipal Hospital Board No. 8 of the Province of Alberta, and the Lloydminster and District Hospital Board of the Province of Saskatchewan have pursuant to the terms of an agreement dated the 10th day of December, A.D. 1919, authorized by an Act of the Legislature of the Province of Saskatchewan intituled an Act to incorporate the Lloydminster and District Hospital Board, being chapter 100 of the Statutes of Saskatchewan, 1918-19, and ratified and confirmed by an Act of the Province of Alberta, being chapter 103 of the Statutes of Alberta, 1941, jointly owned and operated a hospital in that portion of the Town of Lloydminster which is within the boundaries of the Province of Saskatchewan;

And whereas it is expedient that the said hospital or any hospital hereafter erected be operated by one Board to be chosen as hereinafter provided;

And whereas it is anticipated that an Act in terms similar to the terms of this Act will be passed by the Legislature of the Province of Saskatchewan;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Lloydminster Hospital Act*."

2. In this Act and in any regulations made hereunder, unless the context otherwise requires,—

- (a) "Alberta Board" means the Lloydminster Municipal Hospital Board No. 8 of the Province of Alberta;
- (b) "Alberta District" means the Lloydminster Municipal Hospital District No. 8 of the Province of Alberta.
- (c) "Hospital Board" means the Lloydminster Hospital Board established pursuant to the provisions of this Act;
- (d) "Hospital District" means the Lloydminster Hospital District constituted by this Act;
- (e) "Minister" means the Minister of Health of the Province of Alberta;

- (f) "Municipality" includes the Town of Lloydminster;
- (g) "Saskatchewan Board" means the Lloydminster and District Hospital Board of the Province of Saskatchewan;
- (h) "Saskatchewan District" means the Lloydminster and District Hospital District of the Province of Saskatchewan;
- (i) "The Town of Lloydminster" means the area composed of the Town of Lloydminster in the Province of Saskatchewan as constituted on the first day of May, 1930, and the Village of Lloydminster in the Province of Alberta, as constituted upon the said day, or any area from time to time lawfully included in the Town of Lloydminster.

3. The area included in the Town of Lloydminster, and in the rural municipality of Britannia, and in that portion of the rural municipality of Wilton No. 472, in the Province of Saskatchewan, described as follows:

All of townships 46, 47, 48 and 49 and that portion of township 45, north of the Battle River, all in range 27, west of the third meridian in the rural municipality of Wilton No. 472. Also all of townships 47, 48 and 49 and that portion of townships 45 and 46, north of the Battle River, all in range 26, west of the third meridian. Also the east half of township 49, range 26, west of the third meridian;

and in that portion of the Municipal District of Vermilion River No. 71, described as follows:

All of townships 46, 47, 48, 49, 50, 51 and 52 and that portion of township 45, north of the Battle River and that portion of townships 53 and 54 south of the North Saskatchewan River in range 1, west of the fourth meridian. Also all of townships 46, 47, 48, 49, 50, 51, 52 and 53 and that portion of township 45 north of the Battle River and that portion of township 54 south of the North Saskatchewan River in range 2, west of the fourth meridian. Also all of townships 47, 48, 49 and 50 and the east half of townships 51, 52 and 53 and that portion of the east half of township 54, south of the North Saskatchewan River, together with that portion of townships 45 and 46, north of the Battle River in range 3, west of the fourth meridian;

is hereby created a hospital district under the name of the Lloydminster Hospital District.

4.—(1) The said hospital district shall be governed by a Board to be established in accordance with the provisions of this Act.

(2) Such Board shall be known as the Lloydminster Hospital Board.

5.—(1) The interest of the Alberta Board in block 14, in that portion of the Town of Lloydminster in the Province of Saskatchewan, according to a plan of record in the Land Titles Office for the Battleford Land Registration District as Plan B1127, and in the hospital erected thereon and all other assets of the said Board except as provided by subsection (2) are hereby vested in the Hospital Board. Such Board shall assume and pay all liabilities of the Alberta Board.

(2) The surplus of the Lloydminster Municipal Hospital Board of the Province of Alberta No. 8 consisting of Dominion of Canada victory bonds of six thousand dollars and surplus cash remaining as of the date of the coming into force of this Act, shall be held in trust by the Hospital Board to be applied against requisitions made by the said Board to the Municipal District of Vermilion River No. 71.

6. On the coming into force of this Act the Alberta Board and the Alberta District shall be dissolved.

7.—(1) Notwithstanding the provisions of section 6, until the first meeting of the Hospital Board the joint Board of the Alberta and Saskatchewan Districts now operating the said hospital under the terms of the agreement between such Boards dated the 10th day of December, 1919, and amended the 12th day of December, 1940, shall be the Provisional Hospital Board of the Hospital District and shall have all the rights and exercise all the powers of the Hospital Board until the first meeting thereof.

(2) The Provisional Hospital Board and the Hospital Board shall be a corporation under the name of the Lloydminster Hospital Board with all the rights and privileges incidental thereto.

8. The Minister may pay to the Hospital Board upon its filing with the Department of Public Health the returns provided for by *The Hospitals Act*, the same *per diem* allowance in respect to each person admitted from Alberta to the hospital or treated therein as may be paid to an approved hospital in Alberta pursuant to *The Hospitals Act*.

9. The Hospital Board shall be entitled to all the rights and privileges conferred upon hospitals and hospital boards by *The Hospitals Act* and any regulation made thereunder and shall be subject to the obligations imposed upon hospitals and hospital boards by such Act and regulations.

10. Notwithstanding the provisions of any other Act to the contrary, actions for damages against the Hospital Board whether arising out of tort or contract in respect of any act whether misfeasance or nonfeasance in providing any hospital service shall be commenced within a year after the cause of action arose and not otherwise.

11.—(1) Subject to section 9, the Hospital Board shall have the control and management of any hospital owned or operated by it and may make such rules and regulations for the maintenance and management of the hospital as it may deem fit.

(2) At the first meeting of the Hospital Board and afterwards at the first meeting in each year, the members of such Board shall elect a chairman and vice-chairman from among their number, and in the case of vacancies occurring shall fill the vacancies.

(3) The Hospital Board may pay each of its members for each meeting an allowance of twenty cents per mile from his home to the place of meeting, and also an allowance not exceeding six dollars each per day for the time necessarily occupied by the meeting of the Board, provided that no allowance shall be paid to any member in respect of more than twelve meetings in any one year.

12.—(1) In addition to the usual staff it shall be lawful for the Board to employ one or more district nurses whose course of study and qualifications shall be determined by it.

(2) The Hospital Board may with the approval of the Minister and the Minister of Public Health for the Province of Saskatchewan, enter into any agreement for the payment of any portion of the salary and expenses of one or more nurses to provide nursing services outside the hospital but within the Hospital District.

(3) The Hospital Board may make such provisions as may be necessary in order to receive the recognition by the University of Alberta of its hospital and of the Province of Saskatchewan and the training given therein as suitable for the training of nurses under *The Registered Nurses Act*.

(4) The Hospital Board may make agreements with the Province of Alberta and the Province of Saskatchewan as to the cost and methods of specially training any number of nurses so as to better fit them to become superintendent of the hospital of the district and as to what proportion of such costs their province will pay.

(5) The Hospital Board may employ a secretary-treasurer, superintendent, matron and such other officers as it may see fit and shall define the duties and fix their remuneration.

13.—(1) The secretary-treasurer shall within one month after entering upon his duties, furnish security to the Hospital Board in the sum of ten thousand dollars by a bond or policy of guarantee of a corporation empowered to grant bonds or policies for the integrity and faithful accounting of public officers or servants occupying positions of trust;

such security shall be renewed at the beginning of each year, and additional security shall be given when required by the Hospital Board.

(2) If the Hospital Board fails to obtain such security or a renewal of the same the members thereof shall be jointly and severally liable for any default of the secretary-treasurer to the extent of the sums for which the bond should have been taken :

Provided that if the majority of the Hospital Board refuses or neglects to obtain or renew the security on the demand of any member, the demand being duly recorded in the minutes, each member making the demand shall be relieved from all personal liability in case of default of the secretary-treasurer.

14. The Provisional Hospital Board shall as soon as practicable, adopt a corporate seal which shall be the seal of the Hospital Board.

15. The Hospital Board shall at its first meeting after the coming into force of this Act and at its first meeting each subsequent year or within two months thereafter, appoint an auditor who shall be a member of the Institute of Chartered Accountants of Alberta or Saskatchewan.

16.—(1) The Hospital Board may from time to time authorize by resolution its chairman and secretary-treasurer to borrow such sums as the Hospital Board may from time to time deem necessary to meet its current expenditures, and the amount so borrowed may be secured by the promissory note or notes of the chairman and the secretary-treasurer given on behalf of the Hospital Board.

(2) The Hospital Board may pledge, charge or hypothecate any moneys which are due or may become due to it on account of any government grants, requisitions, or accounts for hospital services for the purpose of securing the repayment of any moneys borrowed by the Hospital Board under the authority conferred by this section.

17. Subject to the approval of the Board of Public Utility Commissioners of the Province of Alberta and the Local Government Board of the Province of Saskatchewan the Hospital Board may borrow such amount for capital expenditures as may be determined by a by-law under its corporate seal, in the form set out in the Schedule hereto as Form A or in any other form approved by the Minister.

18.—(1) Before any such by-law is finally passed it shall be submitted to a vote of the persons entitled to vote as hereinafter provided, and receive the approval of sixty per cent of the persons voting thereon.

(2) The Hospital Board shall by resolution fix the time for holding the vote, appoint a returning officer, divide the district into polling divisions and name a polling place in each of the polling divisions and a deputy returning officer therefor and appoint the time and place when and where the returning officer shall sum up the votes given for and against the by-law.

(3) The secretary-treasurer or clerk of each municipality included in whole or in part within the area of the district shall forward to the returning officer at least fifteen days before the day fixed for taking the vote a list of the persons entitled to vote on by-laws for the issue of debentures in such municipality or portion included within the Hospital District.

(4) The returning officer shall thereupon prepare a separate list for each polling division.

19.—(1) The polling place for a polling division shall be within the same or within a town or village bordering thereon.

(2) If the Hospital Board deems it advisable, the vote may be held on the day herein fixed for the election of the Hospital Board.

(3) The ballot papers for voting on the by-law shall be in Form B of the Schedule.

(4) Notice of the poll shall be posted up at least fourteen clear days before the date of voting in at least two widely separated conspicuous places in each polling division of the district, and every such notice shall be in Form C of the Schedule.

(5) At the day and during the hours fixed by the notice a vote shall be taken in each polling division of the district, and all proceedings thereat and preliminary and subsequent thereto shall be conducted in the same manner as nearly as may be as at an election of members of the Hospital Board and subject to the provisions of subsection (6) hereof to a recount.

(6) Any recount shall be conducted by the person designated and as nearly as may be in the manner provided for recounts at an election for councillors in the municipality in which the person instituting proceedings for a recount is a voter and the appropriate Statute of the Province of Alberta or the Province of Saskatchewan shall apply thereto.

(7) The list furnished by the returning officer shall form the list of voters entitled to vote at each polling division respectively on such by-law and the persons named in such list together with any person who takes the oath or affirmation in the proper form set out in Form D of the Schedule shall be the persons entitled to vote upon such by-law. Upon such oath or affirmation being taken, the deputy returning

officer shall cause such person's name to be added to the voters' list with the word "Sworn" or "Affirmed" written thereafter according to the fact.

(8) Every deputy returning officer shall either satisfy himself that the name of every person who presents himself for the purpose of voting, or a name apparently intended for that of such person is on the voters' list or shall administer to him the oath provided for in subsection (7).

(9) On the application of any person interested in promoting or opposing the by-law the secretary-treasurer of the Hospital Board shall authorize the attendance of two persons on behalf of the party applying at each polling place and at the final summing up of the votes, but no more than two such persons on each side shall be so authorized.

(10) Every person entitled to vote shall vote once only on the by-law, and every voter who is not resident in the Hospital District may vote in any polling division in which any land or place of business in respect of which he becomes qualified as a voter is situated.

(11) The returning officer shall at the time and place appointed by the Hospital Board and in the presence of those authorized to attend, or such of them as may be present, sum up the number of votes for and against the by-law, and then and there declare the result and forthwith certify to the Hospital Board under his hand whether or not sixty per cent of the voters who have voted on the by-law approved of the same.

(12) In the event of a recount not being duly applied for the secretary-treasurer shall forward to the Minister and to the Minister of Municipal Affairs for the Province of Saskatchewan a certified copy under the seal of the Hospital Board of the returning officer's statement of the result of the poll, and in the event of a recount being applied for the secretary-treasurer shall, after such recount has been held, transmit the aforesaid document together with a certified statement of the judge holding the recount as to the result of the recount.

20. Upon the passing of such by-law the Hospital Board may issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorized or of any less sum upon the terms specified in the by-law, and the debenture or debentures shall be sealed with the seal of the Hospital Board, and together with the coupons thereto attached shall be signed by the chairman and the secretary-treasurer of the Board or by such other officers of the Board authorized by resolution to sign the same.

21. A copy of every such by-law shall be inscribed in the minute book containing a record of the Hospital Board's proceedings.

22. Debentures shall not carry interest at a greater rate than six per cent per annum.

23. Debentures may be dated at any time within twelve months from the date of the aforesaid by-law, and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture, and the debenture shall be in the form set forth as Form D in the Schedule hereto or to the like effect or such other form as may be approved by the Minister and the Minister of Municipal Affairs for the Province of Saskatchewan.

24. Whenever a series of debentures is issued of the same denomination and at the same time, each of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing a like mark or symbol.

25—(1) Every debenture before being issued shall be sent for registration to the Minister and the Minister of Municipal Affairs for the Province of Saskatchewan.

(2) The Minister shall thereupon, if satisfied that the requirements of this Act have been substantially complied with, register and countersign the debentures, and such countersigning by the Minister, if the debentures are also countersigned by the Minister of Municipal Affairs for the Province of Saskatchewan, shall be conclusive evidence that the district has been legally constituted, that the by-law has been validly passed, and that all formalities in respect of the loan and the issue of the debentures have been complied with.

(3) Without restricting the powers of the Deputy Minister conferred upon him by *The Public Service Act, 1947*, or any other Act, the Deputy Minister of Health shall have and possess for the purpose of this section, all the powers herein conferred upon the Minister.

(4) The said debentures when countersigned by the Minister and the Minister of Municipal Affairs for the Province of Saskatchewan shall create a charge or lien upon the property of the Hospital Board and all property in the Hospital District assessable or taxable for hospital purposes and the legality of the issue of the debentures shall be thereby conclusively established and their validity shall not be questioned by any Court in the Province and each shall be a good and indefeasible security in the hands of any *bona fide* holder thereof.

26. The Hospital Board pending the sale of any debentures issued as provided for herein may by resolution or by-law authorize the chairman and the secretary-treasurer

to raise money by way of loan on the debentures and to hypothecate them for any such loan and the proceeds of such loan shall be applied for the purpose for which the debentures were issued, and should the debentures be subsequently sold and disposed of, the proceeds shall first be applied in repayment of the loan, but the purchaser shall not be bound to see to the application of the proceeds of any such loan.

27. The signatures on the coupons attached to the debentures may be engraved, lithographed or otherwise mechanically reproduced.

28. On or before the first day of February in each year the Hospital Board shall prepare a statement of its estimated expenditure for the current year, including such amount as may be required for the payment of any indebtedness falling due upon any debentures, or to provide a sinking fund for the retirement of any debentures, and such statement shall also show the estimated revenue, if any, to be derived from the hospital.

29. Until such time as the proportions are varied as hereinafter provided for, such excess of expenditure over revenue as shown in the statement shall be paid by the following municipalities in the following proportions:

Town of Lloydminster.....	27%
M.D. of Vermilion-River No. 71.....	46%
Rural Municipality of Britannia No. 502.....	18%
Rural Municipality of Wilton No. 472.....	9%

30.—(1) Before the first day of March in each year, the Board shall send to the council of each municipality above mentioned a requisition for that portion of the excess of expenditure over the estimated revenue which is to be paid by it pursuant to the provisions of section 29.

(2) Upon the receipt of any such requisition each such council shall levy and collect a hospital tax at a rate sufficient to make payment of the sum requisitioned, after making due allowance for uncollectible taxes.

(3) Each such council shall forward to the Board the sum so requisitioned in four equal quarterly payments, the first of which payments shall be made before the first day of April in each year.

(4) All sums collected by any such council on account of the hospital tax levied by that council shall be applied in paying requisitions made upon it pursuant to this Act.

31. In each included municipality, the incidence, imposition, method of assessment, collection and enforcement of the hospital tax shall follow and be regulated by the provisions of its appropriate municipal Act with regard to

municipal taxes, including therein all provisions as to penalties, liens, distress and sale or forfeiture proceedings.

32. The Hospital Board may, with the approval of the Board of Public Utility Commissioners with respect to the council of a municipality in Alberta, and with the approval of the Local Government Board with respect to the council of a municipality in the Province of Saskatchewan, and the Town of Lloydminster, enter into an agreement with any such council for the compromise, settlement and payment, and as to the time and manner of payment, of any sums payable in respect of any hospital taxes which such council at any time either levied or ought to have levied for and on account of the Hospital Board or in respect of requisitions made by the Hospital Board upon the council, which for the time being remain outstanding and unpaid, and any agreement so made shall be binding upon all the other councils and any sum payable by virtue of any such agreement shall be payable as an addition to the requisitions made pursuant to the other provisions of this Act in the same way in all respects as if the same had been included in and formed part of such a requisition.

33.—(1) At any time after the first day of January, 1950, the council of any municipality within the Hospital District may notify the Hospital Board that it desires to apply for a variation of its proportion of the expenses of the hospital as set out in section 29, and the Board shall thereupon notify the Minister and the Minister of Municipal Affairs for the Province of Saskatchewan who thereupon shall each appoint an arbitrator and such arbitrators shall appoint a third arbitrator, and in the event of their failure to agree upon the third arbitrator then in the event of the application for a variation being made by a council of a municipality in the Province of Saskatchewan, or by the Town of Lloydminster, a third arbitrator shall be appointed by the Chief Justice of Saskatchewan, or in the event of such application being made by the council of a municipality in the Province of Alberta, the third arbitrator shall be appointed by the Chief Justice of Alberta.

(2) Such arbitrators shall upon due notice to each of the municipalities included in the Hospital District, determine whether or not there should be a variation in the proportionate contributions made by the municipalities, and if so, in what proportion each municipality should contribute to the expense of the hospital, and the decision of such arbitrators or a majority of them shall be final and binding and the municipalities affected shall be bound to contribute on requisition in the proportions so determined by the arbitrators.

34.—(1) The arbitrators shall also determine the total number of members thereafter to constitute the Hospital Board and the number to be elected from each municipality

in whole or in part within the boundaries of the Hospital District, and at the next election held for the Hospital Board after the making of the award the Board shall be elected in accordance with such award.

(2) The Hospital Board may enter into an agreement with any municipality not now wholly included in its area for the admission to the Hospital District of the whole or part of the area of such municipality.

(3) The proportion which such municipality is to contribute to the expenses of the hospital and the total membership of the Hospital Board after its inclusion and the number of members to be elected from each municipality shall be determined by arbitrators appointed in the manner set out in section 33 hereof.

(4) Any award of arbitrators appointed under the provisions hereof may be varied by the award of such arbitrators subsequently appointed at intervals of not less than five years after the expiration of the year in which the award was made.

35.—(1) The Hospital Board shall consist of eleven members to be elected by the voters as hereinafter defined:

Six shall be elected from the Municipal District of Vermilion-River No. 71;

Two from the Town of Lloydminster;

Two from the rural municipality of Britannia No. 502;

One from the Rural Municipality of Wilton No. 472.

(2) The Hospital Board shall divide each municipality (other than the Town of Lloydminster) from which more than one member is to be elected into as many electoral divisions as there are board members to be elected and shall fix the boundaries thereof.

(3) The members elected shall hold office for two years and until their successors are elected.

(4) the persons eligible for election as members of the Hospital Board shall be persons,—

(a) who are of the full age of twenty-one years and British subjects;

(b) who are able to read and write the English language;

(c) who are entitled to vote on by-laws for the issue of debentures;

(d) who are resident in the municipality and in the electoral division, if any, in which the election is being held; and

(e) the husband or wife of any such person residing with her or him.

(5) The following persons shall be ineligible for election and disqualified to be members of the Hospital Board, namely:

(a) Doctors practising within the Hospital District;

- (b) Any person who has a contract with the Hospital Board or is a partner with any other person who has any such contract.

(6) The nomination and election of members of the Hospital Board, the conduct of the elections, the proceedings before and after elections (including recount) and the duties of the returning officer and deputy returning officers and all other matters in connection with the election, shall be governed and regulated by the provisions of the appropriate municipal Act or charter governing the election of councillors except where the provisions of such Act or charter are not consistent with this Act, and in the case of inconsistency the provisions of this Act shall govern.

36. The election shall be held on the first Saturday of December in each year and the nomination meeting shall be held three weeks prior to the date of the election.

37. At least three weeks prior to the date of the nomination meeting the Provisional Board in the case of the first election of the Hospital Board, and thereafter the Hospital Board, shall,—

- (a) name a place for holding the nomination meeting which shall be within the Town of Lloydminster;
- (b) appoint the returning officer who shall be a resident voter of the Hospital District;
- (c) divide each municipality or part thereof into polling divisions and assign a name or number to each polling division and name a polling place or places therefor;
- (d) appoint a deputy returning officer for each polling place.

38. The Hospital Board may authorize the deputy returning officer for any or all of the polling places to appoint a poll clerk who shall in the case of absence or disability of the deputy returning officer act as deputy returning officer.

39. The polling place for a polling division shall be within the same or within a town or village bordering thereon.

40. If for any reason a person who has been appointed as returning officer becomes incapable of carrying out his duties, the chairman of the Hospital Board may appoint by writing any resident voter of the district as returning officer in his place, and in case any person who has been appointed as a deputy returning officer, poll clerk (or other election officer) becomes incapable for any reason of carrying out his duties, the returning officer may appoint any other person in the place of the person so becoming incapable.

41. The returning officer shall, at least seven clear days before nomination day, post or cause to be posted up a notice in Form F of the Schedule.

42. The notice shall be posted up in at least two widely separated conspicuous places in each polling division of the Hospital District and also in all post offices, if any, in the Hospital District.

43.—(1) The returning officer shall receive nominations from one o'clock p.m. to four o'clock p.m. on nomination day.

(2) Every nomination shall be in writing and shall be the appropriate part in Form G of the Schedule and shall be signed by at least two voters.

(3) At the hour of four o'clock p.m. if only one person has been nominated for any municipality not divided into electoral divisions other than the Town of Lloydminster or for any electoral division in any other municipality, the returning officer shall declare the persons nominated in respect of such municipality or division duly elected as members of the Hospital Board and shall send to the secretary-treasurer a signed statement giving their full names and addresses.

(4) If not more than two persons are nominated for the Town of Lloydminster the returning officer shall declare such persons duly elected as members of the Hospital Board.

(5) In the event of more than one person being nominated in respect of any municipality not divided into electoral divisions for hospital purposes, other than the Town of Lloydminster, or with respect to any electoral division in a municipality so divided, the returning officer shall declare that a poll will be held for each such municipality or electoral division.

(6) In the event of more than two persons being nominated for the Town of Lloydminster, the returning officer shall declare that a poll will be held for the Town.

44. Any person nominated may withdraw at any time within forty-eight hours after the close of nominations by filing with the returning officer a signed declaration in writing to that effect signed in the presence of two witnesses or of the returning officer.

45. If by reason of any withdrawal or withdrawals there is not more than one candidate for member of the Hospital Board in any municipality which elects only one candidate or for any electoral division or if there are not more than two candidates for the Town of Lloydminster, the polling shall not take place with respect to that municipality or electoral division. The returning officer shall forthwith declare the candidate or candidates duly elected and shall send to the secretary-treasurer, if any, a signed statement giving his or their full names and addresses.

46. After the expiration of forty-eight hours from the close of nominations and within ten days thereafter, the returning officer shall cause notice of the poll to be posted up in

at least two widely separate conspicuous places in each polling division in each municipality or electoral division thereof in which a poll is to be held and also in all Post Offices in such municipality or electoral division and such notice shall be in Form I of this Act.

47. The persons entitled to vote shall be persons who are entitled to vote at an election of councillors in the municipalities and in the electoral division, if any, in which the election is being held. Each person shall only vote once.

48.—(1) The secretary-treasurer or clerk of each municipality included in whole or in part within the area of the Hospital District shall forward to the returning officer at least fifteen days before the day fixed for taking the poll, a list of the persons entitled to vote for councillors in such municipality or portion included within the Hospital District.

(2) The list so furnished shall be the voters' list for the election, and the returning officer shall thereupon prepare a separate list for each polling division.

49. At every election every deputy returning officer shall either satisfy himself that the name of every person who presents himself for the purpose of voting, or a name apparently intended for that of such person, is on the voters' list, or shall administer to him the oath or affirmation provided for in section 50.

50.—(1) Every deputy returning officer shall, while the poll is open, if required so to do by any person whose name does not appear on the voters' list, administer to such person an oath or affirmation in the proper form set out in Form H of the Schedule.

(2) Upon the oath or affirmation having been taken, the deputy returning officer shall cause the person's name to be added to the voters' list with the word "Sworn" or "Affirmed" written thereafter, according to the fact.

51.—(1) At twelve o'clock noon on the day and at the place previously appointed by him in the notice of poll, the returning officer shall in the presence of such of the candidates or their agents as may be present sum up the result of the poll.

(2) If it appears upon the summing up of the result of the poll aforesaid that any two or more candidates, except in the Town of Lloydminster, have an equal number of votes, the returning officer shall give such casting vote or votes as may be necessary to decide the election. If it appears that three or more candidates for election to the Board from the Town of Lloydminster have an equal number of votes, the returning officer shall give such casting vote or votes as may be necessary to decide the election.

(3) When the returning officer has counted the ballots, he shall immediately declare the result of the polls and forward a certified statement thereof to the secretary-treasurer of the Hospital Board.

52. Forthwith after the election the returning officer shall transmit to the secretary-treasurer of the Hospital Board the sealed ballot boxes and duplicate statements used in the election and thereafter the secretary-treasurer shall be responsible for their safe keeping and for their delivery when needed.

53. The secretary-treasurer of the Hospital Board shall, unless otherwise ordered by a judge, retain for two months the ballot boxes with their seals unbroken, and shall then, unless otherwise ordered as aforesaid, cause the ballot boxes to be opened and the packets therein to be burned in the presence of two witnesses.

54. No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer of the Hospital Board except under the order of a judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any order for the inspection or production of ballot papers shall be obeyed by the secretary-treasurer.

55. All reasonable and necessary expenses incurred for an election or a vote on a by-law under this Act shall be paid out of the funds of the Hospital Board upon the production of proper accounts verified in such manner as the Board may direct.

56. *The Controverted Municipal Elections Act* shall apply to the election of any members of the Hospital Board elected from a municipality in the Province of Alberta, and *The Controverted Municipal Elections Act* of the Province of Saskatchewan, shall apply to any elections of any members of the Hospital Board elected from a municipality in the Province of Saskatchewan, including the Town of Lloydminster.

57. No election shall be declared invalid by reason of non-compliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the Forms contained in the Schedule or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the prin-

ciples laid down in this Act and that the non-compliance, mistake or irregularity did not affect the result of the election.

58.—(1) If after the election of any person as a member of the Hospital Board he is convicted of an indictable offence or becomes bankrupt or if without being authorized by a resolution of the Board so to do he absents himself from the meetings of the Board for three consecutive months or ceases to be a resident of the Hospital District, his seat on the Hospital Board shall forthwith become vacant and the Board shall so declare it.

(2) Upon a seat upon the Board becoming vacant by reason of the happening of any of the events in the preceding subsection or by reason of death of a member of the Board the vacancy shall be filled by the Hospital Board but no person shall be eligible to be appointed to the vacancy who would not have been eligible to election to the Hospital Board.

59. This Act shall come into force on the fifteenth day of April, A.D. 1948.

SCHEDULE.

FORM A.

(Section 17.)

BY-LAW NO.....

A By-law Relating to the Issue of Debentures of The Lloydminster Hospital District.

Whereas it is necessary and desirable that the sum ofdollars should be borrowed on the security of the Lloydminster Hospital District for the purpose of.....

(*here state purpose for which money is required*)
repayable to the bearer in consecutive annual instalments of principal and interest at not more than six per cent per annum.

Now therefore the Board of the said District enacts as follows:

1. That the Board do borrow the said sum ofdollars or any less sum, pursuant to the provisions of *The Lloydminster Hospital Act*, and that debentures of the said District be issued for such amount, payable to the bearer

in consecutive annual instalments with interest at not more than six per cent per annum, payable annually, and said debentures shall be executed by the chairman and secretary-treasurer of this Board.

Done and passed this day of
A.D. 19.....

(Signed) (Signed)
Secretary-Treasurer. Chairman.
[SEAL]

FORM B.

(Section 19 (3).)

BALLOT FOR VOTING ON BY-LAWS.

BY LAW No..... (insert the title of the By-law.)	
FOR	
AGAINST	

FORM C.

(Section 19 (4).)

Take notice that a vote of the persons entitled to vote in their own municipalities on By-laws for the issue of debentures will be held on the day of
A.D. 19....., between the hours of nine o'clock in the forenoon and five o'clock in the afternoon at.....

(here insert list of polling subdivisions)
on By-law No..... of The Lloydminster Hospital Board
which said By-law is in the following words:.....

(here insert full text of the By-law)

And take notice that I will at on the
..... day of A.D. 19....., at the
hour of twelve o'clock noon sum up the votes and declare the
result thereof.

Given under my hand at this
day of, A.D. 19

.....
Returning Officer.

FORM D.

(Section 19 (7).)

DECLARATION TO BE TAKEN ON BY-LAW FOR
ISSUE OF DEBENTURES.

1. That I am a person entitled to vote on by-laws for the
issue of debentures in the municipality of

2. That I have not voted before at the taking of this vote.

Dated this day of, A.D. 19

FORM E.

(Section 23.)

Province of

BY-LAW NO.

\$ Debenture No.
Transferable.

THE LLOYDMINSTER HOSPITAL BOARD.

The Lloydminster Hospital Board promises to pay to the
bearer at the at the sum of
..... dollars of lawful money of Canada
in consecutive annual instalments of combined
principal and interest at the rate of per cent per
annum, on the terms and in the amounts specified in the
coupons attached hereto.

Dated this day of, A.D. 19

.....
Secretary-Treasurer.

.....
Chairman.

Countersigned 19

.....
Minister of Health for the Province of Alberta.

.....
*Minister of Municipal Affairs for the Province
of Saskatchewan.*

COUPONS.

Coupon No. Debenture No.

The Lloydminster Hospital Board will pay to the bearer at the on the day of A.D. 19 the sum of dollars, being the annual instalment of principal with the total interest at the rate of per cent per annum due on that day on Hospital Debenture No.

.....
Chairman.

.....
Secretary-Treasurer.

FORM F.

(Section 41.)

NOTICE OF NOMINATION.

Notice is hereby given that from the hours of one o'clock p.m. to four o'clock p.m. on the day of December, A.D. 19, nominations for the office of members of the Lloydminster Hospital Board will be received at in the Town of Lloydminster.

Members are to be elected for the following :

Town of Lloydminster 2

(here insert any municipality not divided into electoral division) 1

For electoral divisions (here insert names of municipalities divided into electoral divisions)

(here insert numbers of electoral divisions for which a poll is held)

Dated at in the Province of
this day of A.D. 19

.....
Returning Officer.

FORM G.

(Section 43 (2).)

NOMINATION PAPER.

For Use When the Municipality Is Not Divided into Electoral Divisions for Hospital Purposes.

We, the undersigned voters hereby nominate

(here insert name, address and occupation of person nominated)

for the office of member of the Hospital Board.

Dated at....., in the Province of.....,
this..... day of....., A.D. 19.....

For Use When the Municipality is Divided into
Electoral Divisions for Hospital Purposes.

We, the undersigned voters hereby nominate.....

*(here insert name, address and occupation of person
nominated)*

for the office of member of the Hospital Board from Electoral
Division No..... of.....
(here insert name of the municipality)

Dated at....., in the Province of.....,
this..... day of....., A.D. 19.....

FORM H.

(Section 50.)

DECLARATION TO BE TAKEN ON ELECTION OF MEMBERS
TO BOARD.

1. That I am a person entitled to vote on the election of
councillors in the municipality of..... (or
Electoral Division No.....).

2. That I have not voted before in this election.

Dated this..... day of....., A.D. 19.....

FORM I.

(Section 46.)

NOTICE OF POLL.

Public notice is hereby given that a poll will be held for
the election of members of the Lloydminster Hospital Board
for the following municipalities.....

*(here insert names of municipalities not divided into
electoral divisions)*

and for the following electoral divisions.....

*(here insert names and numbers of electoral divisions
and name of municipality)*

The polling will take place on the.....day
of December, 19....., from nine o'clock in the forenoon to
five o'clock in the afternoon.

The municipality of.....has been
divided into the following polling divisions.....

(here insert place of poll)

The Electoral Division No.....of the Municipality
of.....has been divided into the
following polling divisions.....

The poll for each polling division will be held at.....

(here insert location of polls)

And take notice that I will on the.....day
of....., A.D. 19....., at the hour of 12:00
o'clock noon sum up the votes and declare the result of the
election.

Given under my hand at....., this.....
day of, A.D. 19.....

.....
Returning Officer.

FIFTH SESSION
TENTH LEGISLATURE
12 GEORGE VI
1948

BILL

An Act Constituting The Lloydminster Hospital Board.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.
