

Bill No. 76 of 1935.

A BILL WITH RESPECT TO AN AGREEMENT FOR  
THE PROVISION OF A BEET SUGAR FACTORY  
IN THE LETHBRIDGE NORTHERN  
IRRIGATION DISTRICT.

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NOTE.

This Bill provides for the ratification of an agreement for the provision of a beet sugar factory in the Lethbridge Northern Irrigation District made between Canadian Sugar Factories, Limited, The Lethbridge Northern Irrigation District and the Lethbridge Northern Colonization Manager. A copy of the agreement is set out in the schedule.

The agreement is conditional upon the ratification thereof by the Legislature.

The Bill provides the powers and authorities requisite for its performance.

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 76 of 1935.

An Act with respect to an Agreement for the Provision of  
a Beet Sugar Factory in the Lethbridge Northern  
Irrigation District.

(Assented to \_\_\_\_\_, 1935.)

**W**HEREAS an agreement has been entered into, dated the twenty-fifth day of February, 1935, between Canadian Sugar Factories, Limited, of the first part, the Board of Trustees of the Lethbridge Northern Irrigation District of the second part, and The Lethbridge Northern Colonization Manager of the third part, whereby Canadian Sugar Factories, Limited, agree to provide and operate a sugar factory in the Lethbridge Northern Irrigation District upon the terms and subject to the conditions set out therein; and

Whereas it is a condition of the said agreement that the same be validated by the legislation enacted by the Legislative Assembly at the present Session thereof and that authority be conferred upon a member of the Executive Council to enter into the undertaking on behalf of the Province therein mentioned and hereinafter more particularly referred to; and

Whereas the immediate provision of a beet sugar factory is likely to be of benefit to people of the Province at large as well as to the water users in the said Irrigation District, and it is expedient and in the public interest that the agreement be ratified and the said authority be conferred;

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

**1.** An agreement dated the twenty-fifth day of February, 1935, and made between Canadian Sugar Factories, Limited, of the first part, the Board of Trustees of The Lethbridge Northern Irrigation District of the second part, and The Lethbridge Northern Colonization Manager of the third part, a copy whereof is set out in the schedule to this Act, is hereby confirmed, validated and ratified.

**2.** The Provincial Secretary is hereby authorized and empowered to enter into an undertaking with Canadian Sugar Factories, Limited, that providing the Company erects and operates a factory in conformity to the provisions of the said agreement and continues the operation of its factory at Raymond, the Government will not at any time prior to the year 1946 give, grant or render any financial assistance or any

other assistance not given to the Company under the said agreement to any person, firm or corporation for the erection of any other beet sugar factory in the Province of Alberta, and the undertaking so given shall be binding on the Government.

3. For the period of ten years commencing with the year 1936, notwithstanding the provisions of any other Act to the contrary, the Company so long as it observes and performs the terms of the said agreement shall not be assessed for the purpose of any kind of taxation in respect of its factory or any machinery therein or equipment thereof for an amount greater than one-tenth of the amount at which the same would be assessed under the present provisions of *The Improvement Districts Act, 1927*; and during the said period the Company shall be exempt from business tax in respect of the business carried on at the factory either for municipal, local, school or other purposes.

4. The Board of Trustees of the Lethbridge Northern Irrigation District and the Lethbridge Northern Colonization Manager are each hereby authorized and empowered to do all acts and things which are requisite and necessary for the purpose of carrying out the said agreement.

5. This Act shall come into force on the day upon which it is assented to.

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#### THE SCHEDULE

An Agreement made this 25th day of February, A.D. 1935.

Between:

CANADIAN SUGAR FACTORIES, LIMITED, a company incorporated under the provisions of *The Companies Act* of Canada having its registered office at Raymond in the Province of Alberta (hereinafter referred to as "the company"),

of the First Part,

and

THE BOARD OF TRUSTEES OF THE LETHBRIDGE NORTHERN IRRIGATION DISTRICT, being a district erected under *The Irrigation Districts Act*, represented herein by the Irrigation Council (hereinafter referred to as "the District"),

of the Second Part,

and

THE LETHBRIDGE NORTHERN COLONIZATION MANAGER, being the manager appointed under the provisions of *The Lethbridge Northern Colonization Act* (hereinafter referred to as "the Manager"),

of the Third Part.

Whereas negotiations have taken place between the parties hereto as a result of which an agreement has been reached with a view to provision by the Company of a beet sugar factory to be situated somewhere within the District;

Now therefore it is hereby mutually agreed and declared by and between the parties as follows:

1. The Company will proceed to erect and equip an up-to-date beet sugar factory at a point within the District to be agreed upon between the parties hereto, with a capacity sufficient to process therein 1,000 tons of beets per day, and will have such factory in operation in the fall of the year 1936 in sufficient time to process sugar beets grown in said District in that year, and will in the year 1936 receive and process, in addition to the sugar beets grown in such year upon the present cultivated beet producing area of such District the same being approximately 2,400 acres, such additional quantity of sugar beets as shall be grown on an area, not less than 5,000 acres, cultivated in said District during said year for sugar beet production, and the Company, subject to the extent that conditions may from time to time warrant having regard to the ability of the Company to profitably market the output of said and/or any other sugar beet factory which the Company may have in the Province of Alberta and unless prevented from so doing by any causes beyond its control, including the acts or omissions of the District, the Manager, and the Government of Alberta or any of them, failure or inadequacy of crop or of water supply, strikes, fire, tempest, etc., will thereafter, during each of the years nineteen thirty-seven to nineteen forty-five inclusive, receive and process, to the capacity of said factory, sugar beets from the said acreage and such further acreage in Alberta as may be cultivated for sugar beet production.

2. The District and the Manager, or one of them, will provide the Company with a parcel of land containing 160 acres or thereabouts, at such point within the District as may be agreed upon between the parties hereto, free of all cost to the Company, and will procure a transfer thereof to the Company sufficient to vest the same in the Company free from all encumbrances; and the said parcel shall have the full irrigation water right, but no water right or water service charges shall be payable in respect of the parcel so long as it is used in connection with the beet sugar business of the Company.

3. The District and the Manager, or one of them, will provide, free of all cost to the Company, a reservoir conveniently situated with a capacity of at least 1,200 acre feet from which the Company shall be entitled to take, free of all charges, all water which may be from time to time required for the operation of the factory.

IT IS FURTHER AGREED AND DECLARED by and between the parties hereto as follows:

(1) In the event of any person or company other than the Company party hereto erecting in the year 1935 or 1936 a

beet sugar factory which would serve the same market as the factory contemplated by this agreement, the Company shall be released from its obligation to build, erect, and/or operate, a beet sugar factory.

(2) That this agreement is conditional upon the provision by the Government of Alberta of a gravel-surfaced road to be provided in time for transporting beets grown in 1936, connecting the factory with the Village of Coaldale.

(3) That this agreement is conditional upon it being provided by sufficient legislative authority that for the period of ten years commencing with the year 1936 the Company shall not be assessed for the purpose of any kind of taxation in respect of its factory and any machinery therein or equipment thereof, for an amount greater than one-tenth of the amount at which the same would be assessed under the present provisions of *The Improvement Districts Act, 1927*; and that during the said period the Company shall be exempt from business tax in respect of the business carried on at the factory, either for municipal, local or school or other purposes.

(4) That this agreement is conditional upon the Government entering into an undertaking binding on the Government, that providing the Company erects and operates a factory in conformity to the provisions of this agreement in that behalf, and continues the operation of its factory at Raymond, the Government will not at any time prior to the year 1946 give, grant or render any financial assistance or any other assistance not given to the Company under this agreement to any person, firm or corporation for the erection of any other beet sugar factory in the Province of Alberta.

(5) The Company shall be at liberty at any time during the term of this agreement to assign, transfer and deliver the full benefit and advantage of this agreement to any other person or corporation, provided that before such assignment or transfer shall take effect, the Assignee or Transferee shall enter into a covenant with the District to carry out and observe all the terms and conditions of this agreement in the same manner as if such Transferee or Assignee had originally been a party thereto.

(6) This agreement shall have no force and effect unless and until the same is validated, and authority is conferred on one of His Majesty's Executive Council of the Province of Alberta, to enter into the aforesaid undertaking on behalf of the Government by legislation enacted at the Session now being held of the Legislature of the Province of Alberta.

IN WITNESS WHEREOF the Company and the District have each hereunto caused its common seal to be hereunto affixed and attested by its proper officers, and the Lethbridge Northern Colonization Manager has hereunto set his hand and official seal, the day and year first above written.

CANADIAN SUGAR FACTORIES, LIMITED,  
[SEAL] (Signed) E. T. ROGERS, President.  
(Signed) R. ADAMSON, Secretary.

THE BOARD OF TRUSTEES OF THE LETHBRIDGE  
NORTHERN IRRIGATION DISTRICT.  
[SEAL] (Signed) L. C. CHARLESWORTH, Official Trustee.  
[SEAL] (Signed) L. C. CHARLESWORTH,  
Lethbridge Northern Colonization Manager.

No. 76.

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FIFTH SESSION  
SEVENTH LEGISLATURE  
25 GEORGE V  
1935

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**B I L L**

An Act with respect to an Agreement  
for the Provision of a Beet Sugar  
Factory in the Lethbridge Northern  
Irrigation District.

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Received and read the

First time.....

Second time.. . . . .

Third time .....

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HON. MR. HOADLEY.

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EDMONTON:  
W. D. McLEAN, KING'S PRINTER  
1935