

# *The Telephone and Telegraph Department Act*

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Chapter 22 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 22

### An Act respecting the Department of Telephones and Telegraphs

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Telephone and Telegraph Department Act*.

1918-19, c.10, s.1; R.S.S. 1920, c.22, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

##### “Foreign telephone system”

1. “**Foreign telephone system**” means a telephone system in operation outside the limits of Saskatchewan;

##### “Municipal telephone system”

2. “**Municipal telephone system**” means a telephone system constructed, maintained and operated under the provisions of *The Municipal Telephone Act*;

##### “Person”

3. “**Person**” includes a company, corporation, municipal corporation, Government or an association or aggregation of individuals;

##### “Private telephone system”

4. “**Private telephone system**” means a telephone system which by the law of the province any person has been authorised to construct, control or operate in Saskatchewan;

##### “Public telephone system”

5. “**Public telephone system**” means a telephone system under the control, management and operation of the minister;

##### “Rural telephone system”

6. “**Rural telephone system**” means a telephone system owned, controlled and operated by a company under the provisions of *The Rural Telephone Act*;

##### “Telegraph system”

7. “**Telegraph system**” means a system of telegraph or telephone lines used for the transmission of telegraph messages and includes all plant, trunk lines, branch lines, stations, toll offices, exchanges, depots, instruments, equipment, poles, wires, property (real and personal) and works connected therewith;

##### “Telephone system”

8. “**Telephone system**” means a system of telephone lines used for the transmission of communications by telephone and includes all plant, long distance lines, branch lines, stations, toll offices, exchanges, depots, instruments, equipment, poles, wires, cables, property (real and personal) and works connected therewith.

1918-19, c.10, s.2; R.S.S. 1920, c.22, s.2.

## ORGANISATION AND FUNCTIONS OF DEPARTMENT

**Department created**

**3** There shall be a department of the Government of Saskatchewan which shall be called the Department of Telephones and Telegraphs, over which the Minister of Telephones and Telegraphs shall preside.

1918-19, c.10, s.3 (redrawn); R.S.S. 1920, c.22, s.3.

**Staff**

**4** Subject to the provisions of section 13, the Lieutenant Governor in Council may appoint a deputy minister and such officers, clerks and assistants as may be required and provide for the remuneration of the same; and such deputy, officers, clerks and assistants shall do and perform all such acts and things, relating to the business of the department as may be required by the minister.

1918-19, c.10, s.4; R.S.S. 1920, c.22, s.4.

**Control of systems**

**5** Every telegraph and telephone system heretofore or hereafter constructed or acquired by the minister under the provisions of this Act or any former Act which this Act replaces, shall unless otherwise provided be under the control and management of the department.

1918-19, c.10, s.5; R.S.S. 1920, c.22, s.5.

## POWERS AND DUTIES OF MINISTER

**Procures supplies**

**6** The minister shall procure all supplies required for the construction, maintenance and operation of telephone exchanges, toll stations and lines. Such supplies may be charged directly against the particular service for which they are required or placed in stock to be subsequently distributed.

1918-19, c.10, s.6; R.S.S. 1920, c.22, s.6.

**May require employees to assist in construction**

**7** The minister may if he deems it advisable in the public interest so to do require any surveyor, engineer, expert or other employee of the department to render to any person requesting the same such advisory, supervisory or other assistance respecting the construction, management and operation of telephone systems as may be necessary, and may fix the terms and conditions under which any such assistance shall be given.

1918-19, c.10, s.7; R.S.S. 1920, c.22, s.7.

**May examine and report on other systems**

8(1) The minister may if he deems it advisable so to do instruct an officer of the department to examine and report upon the construction, operation and management of any municipal or rural or private telephone system.

(2) For the purpose of such examination and report such officer shall have full power and authority at all reasonable hours to enter any building, office or other premises belonging to or connected with any such system and to examine and check all books, accounts, tariffs, rates, balance sheets and other papers, records and documents relating to such system and to examine the switch boards, instruments, toll stations and all other property of whatsoever nature which belongs to or forms a part of such system.

(3) Any person who in any way molests or hinders an officer of the department in the discharge of his duties as herein defined shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding \$25.

1918-19; c.10, s.8; R.S.S. 1920, c.22, s.8.

**May prescribe standards**

9 The minister may:

(a) prescribe standard conditions and specifications for the construction, equipment and maintenance of private, municipal or rural telephone systems operated within Saskatchewan;

(b) prescribe rules and regulations for the keeping of books and accounts of all receipts and expenditures for and on account of any municipal or rural telephone system.

1918-19, c.10, s.9; R.S.S. 1920, c.22, s.9.

**May examine witnesses**

10(1) The minister may, by notice in writing signed by him, require the attendance before him or before any person designated by him in such notice, at a time and place to be named in the notice, of any person whose attendance is deemed necessary in connection with any matter under the jurisdiction of the department; and may, by the notice, require such person to bring with him all papers, plans, books, documents and things in his possession or under his control, bearing in any way upon the matter before him; and the minister or such person designated by him, may, at the time and place appointed by the notice, examine the person so notified to be present, on oath, touching such matter.

(2) The minister may, with the approval of the Lieutenant Governor in Council, pay such remuneration to a witness for time lost and expenses incurred as is deemed just and reasonable.

(3) Any person wilfully neglecting or refusing to comply with the notice of the minister, or to be examined as aforesaid, shall be guilty of an offence and liable, on summary conviction, to a fine of \$25.

1918-19, c.10, s.10; R.S.S. 1920, c.22, s.10.

**Annual report to Legislature**

11(1) The minister shall make and submit to the Lieutenant Governor in Council an annual report on the telephone systems of Saskatchewan which shall be laid before the Legislative Assembly within ten days after the commencement of each session.

(2) Such report shall show the state and condition of each system, the amounts received and expended in respect thereof and such further information as may be deemed advisable.

1918-19, c.10, s.11; R.S.S. 1920, c.22, s.11.

**Determination of minister's duties and powers**

12 When by the law of the province any duties, powers or acts have been assigned or intrusted to the Minister of Railways, Telegraphs and Telephones, the Lieutenant Governor in Council shall, from time to time determine which of the said duties, powers and acts shall be assigned and intrusted to the Minister of Telegraphs and Telephones and the same shall thereupon be assigned to him, and such assignment shall have the same force and effect in all respects as if the Minister of Telegraphs and Telephones had been named in such law in lieu of the Minister of Railways, Telegraphs and Telephones.

1918-19, c.10, s.12; R.S.S. 1920, c.22, s.12.

**CONSTRUCTION, ACQUISITION AND DISPOSAL OF SYSTEMS****Minister may construct and operate systems**

13(1) The minister shall have power to construct build, extend, alter, improve, maintain and operate such telephone and telegraph systems as may be deemed advisable, but before the construction of any such system is proceeded with he shall submit to the Lieutenant Governor in Council for approval the plans, specifications, drawings and estimates of the said proposed system.

(2) Notwithstanding anything contained in *The Civil Service Act*, the minister may engage and dismiss all persons employed in connection with a public telephone system, and may make regulations governing the terms and conditions of their employment.

1918-19, c.10, s.13; R.S.S. 1920, c.22, s.13.

**May purchase**

14 The minister may with the approval of the Lieutenant Governor in Council acquire by purchase, lease or otherwise any telegraph system or any private or other telephone system or any part thereof.

1918-19, c.10, s.14; R.S.S. 1920, c.22, s.14.

**May sell or lease**

**15** The minister may with the approval of the Lieutenant Governor in Council dispose of by sale, lease or otherwise the whole or any part of a public telephone system to any person upon such terms and conditions as may be agreed upon.

1918-19, c.10, s.15; R.S.S. 1920, c.22, s.15.

**AGREEMENTS****Agreements with towns and villages for service**

**16** The minister may enter into an agreement with the council of any town or village for the purpose of securing to such municipality upon the terms and conditions set forth in the agreement the advantage of any class of telephone service provided under this Act.

(2) No such agreement shall be entered into until such council has received a petition in that behalf signed by at least a majority of the resident ratepayers thereof as shown by the last revised assessment roll.

(3) All moneys required to be paid whether annually or otherwise to the department under the terms of any such agreement shall be paid out of the general funds of the municipality.

1918-19, c.10, s.16; R.S.S. 1920, c.22, s.16.

**Agreements for connection or joint operation**

**17(1)** The minister may enter into an agreement or agreements with any person controlling, owning or operating a telephone system for the purpose of providing for connection, intercommunication, joint operation, reciprocal use or transmission of business as between any such system and any public telephone system.

(2) The minister may make such arrangements as he deems advisable for the proper apportionment of expenditures and commissions, the division of receipts and profits, the payment of compensation or such other adjustments as may be necessary under any such agreement.

1918-19, c.10, s.17; R.S.S. 1920, c.22, s.17.

**Power of minister on refusal to enter into agreement**

**18** In case any person controlling, owning or operating a private, municipal or rural telephone system refuses, fails or neglects to enter into an agreement with the minister for any or all of the purposes mentioned in section 17, the Lieutenant Governor in Council may authorise the minister to take all steps necessary or expedient to provide for the carrying out of such purpose or purposes upon such terms and conditions as may be deemed advisable.

1918-19, c.10, s.18; 1920, c.22, s.18; R.S.S.  
1920, c.22, s.18.

## ENTERING UPON AND ACQUIRING LAND

**Minister may break up streets**

**19(1)** The minister, or other person or persons lawfully authorised by him, may, as often as he thinks proper and without the consent of any municipal council or other authority, enter upon and break and open up any highway, road, street, lane, square or other public place for the purpose of erecting poles and stringing wires or cables thereon or thereto or of placing wires or cables underground or of exercising all or any of the powers conferred on him by this Act.

(2) In the exercise of the powers conferred by subsection (1) the following precautions shall be taken:

1. In all cases the surface of the ground so broken or opened up shall be restored as far as possible to its former condition by and at the expense of the province;
2. The public right of travel shall not be interfered with;
3. The entrance to any door or gateway or the free access to any building shall not be obstructed;
4. No trees shall be unnecessarily cut down or mutilated.

1918-19, c.10, s.19; R.S.S. 1920, c.22, s.19.

**Power to enter upon and acquire lands**

**20(1)** For the purposes mentioned in this Act and in the exercise of the powers hereby conferred upon him the minister by his surveyors, engineers, agents, workmen or servants may at any time enter upon and take, use or acquire lands or property in whomsoever vested and do all acts and things therein or in relation thereto which he deems necessary, advisable or expedient.

(2) The minister shall, when required so to do, make reasonable compensation to the owner or owners or persons interested therein for:

- (a) land or property which he may enter upon, take, use or acquire as provided by this section; and
- (b) all damages sustained by such owner or owners or persons in or by the execution of all or any of the said powers.

(3) In case the amount of compensation cannot be mutually agreed upon by the minister and the owner or owners or persons interested, the same shall be determined in the manner provided by *The Arbitration Act*.

1918-19, c.10, s.20; R.S.S. 1920, c.22, s.20.



## REPORTS AND STATEMENTS

**Statement of rates furnished minister**

**21** Every person operating a municipal, rural or private telephone system within the province shall upon demand by the minister forthwith transmit to him a detailed statement in such form as he may prescribe showing all rates, rentals, tariffs, tolls, schedules and charges fixed and charged by such person for supplying telephone service.

(2) If, in the opinion of the minister, such rates, tolls or charges or any of them are unreasonable or discriminatory he shall investigate the matter, and subsequently to such investigation and inquiry may with the approval of the Lieutenant Governor in Council order such alteration or adjustment of such rates as he may deem advisable.

(3) An order made by the minister for this purpose shall be forthwith complied with.

1918-19, c.10, s.21; R.S.S. 1920, c.22, s.21.

**Each system to report to minister**

**22(1)** Every person operating a telephone system or systems within Saskatchewan shall on or before the first day of January in each year, and at such other times as may be required by the minister, and in such form as may be prescribed by him, furnish the department with such statements, reports and returns respecting the cost, receipts, operation, and management of such system or systems as the minister may deem advisable.

(2) Any person refusing or neglecting to transmit to the department any such statement, report or return within such time as the minister may fix, shall be liable to a penalty not exceeding \$25 for each day's delay.

1918-19, c.10, s.22; R.S.S. 1920, c.22, s.22.

## FINANCE

**Treasury Board regulations**

**23** Notwithstanding any provisions in *The Treasury Department Act* to the contrary, the Treasury Board may make regulations concerning:

(a) the matter of dealing, independently of the consolidated fund, with moneys collected as revenue from revenue tolls, exchanges or other kindred services by the Department of Telephones and making expenditures directly by the said department out of such revenue or out of such other moneys as may be appropriated by the Legislature for expenditure upon the telephone services;

(b) the keeping of the accounts of the department in conformity with commercial practice;

(c) the conduct of the audit by the Provincial Auditor.

1918-19, c.10, s.23; R.S.S. 1920, c.22, s.23.

**Statement of accounts**

**24** A statement of the affairs of the department shall be incorporated in the public accounts.

1918-19, c.10, s.24; R.S.S. 1920, c.22, s.24.

**Telephone replacement account**

**25(1)** The Lieutenant Governor in Council may upon the recommendation of the Treasury Board set aside annually in a separate account to be styled "The Telephone Replacement Account" such sum of money from the receipts of the public telephone system as may be deemed expedient and may invest such sum or any portion thereof in Saskatchewan or other securities.

(2) The replacement account may be drawn upon by the minister from time to time to meet the cost of replacing any portion of the public telephone system except replacements made necessary by damage as provided for by the next succeeding section.

1918-19, c.10, s.25; R.S.S. 1920, c.22, s.25.

**Telephone reserve account**

**26** The Lieutenant Governor in Council may upon the recommendation of the Treasury Board set aside annually in a separate account to be styled "The Telephone Reserve Account" such sum of money from the receipts of the public telephone system as may be deemed expedient, and said moneys shall be reserved by the minister for extraordinary expenditures incurred by storms, fire, lightning or other unusual cause.

1918-19, c.10, s.26; R.S.S. 1920, c.22, s.26.

## MISCELLANEOUS PROVISIONS

**Appointment of commission**

**27** The Lieutenant Governor in Council may at any time appoint a commission of not more than three members to take over the construction, maintenance, operation and management of public telephone systems, and may by order determine the duties, powers and authorities of any commission so appointed.

1918-19, c.10, s.27; R.S.S. 1920, c.22, s.27.