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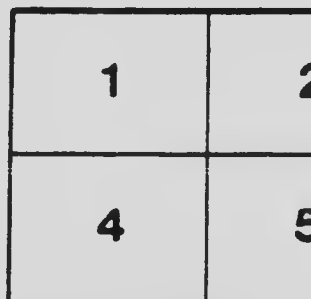
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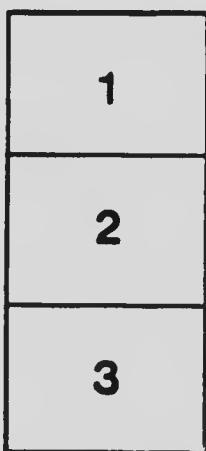
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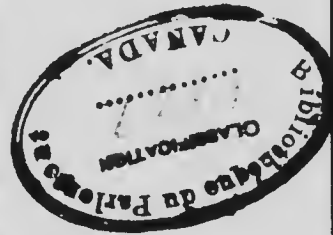
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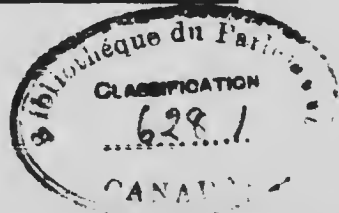
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Case 943

RE PAPERS RELATING TO
THE DIVERSION OF WATER
FROM LAKE MICHIGAN BY THE
SANITARY DISTRICT OF CHICAGO



1912



In accordance with the instruction of Hon. J. D. Hazen, Minister of Marine and Fisheries, a copy of the publication intituled "Papers Relating to the Diversion of Waters from Lake Michigan, by the Sanitary District of Chicago," has been sent you under separate cover.

The Canadian Government has published a large edition of these Statements and is making a liberal distribution throughout the Dominion and the cities bordering on the Great lakes. It is believed that, in this way, public opinion will be fully informed respecting the dangers that threaten the navigation and allied interests of the Great lakes and the St. Lawrence and will be aroused to the necessity of preventing the city of Chicago taking action that injuriously affects the waterline on four thousand miles of shore; that injuriously affects a multitude of interests in two nations and that injuriously affects the riparian rights in a vast territory.

**RE PAPERS RELATING TO THE DIVERSION OF
WATER FROM LAKE MICHIGAN BY THE
SANITARY DISTRICT OF CHICAGO**

The Reply of the Canadian Government to the statement filed by the Sanitary District of Chicago was presented to Hon. Mr. Stimson, United States Secretary of War, Washington, on April 16th last.

On February 5, 1912, the Sanitary District applied to the United States Secretary of War for permission to increase the amount of water diverted from lake Michigan, to dilute Chicago's sewage, from the amount allowed, viz., 4,167 cubic feet per second to 10,000 cubic feet per second. At the first hearing in Washington on February 29th, after the applicants had preferred their arguments in favor of the granting of the application, the navigation and other interests in the United States opposing the application were heard.

At the request of Ambassador Bryce, the Canadian Government and Canadian navigation interests were allowed four weeks in which to prepare memorials of protest against the application. At this hearing, on March 27th last, the case for the Canadian Government was argued by Daniel Mullin, K.C., of St. John, N.B. Protests were also filed by the Commission of Conservation, Dominion Marine Association, Shipping Federation, Montreal and Toronto Harbour Commissioners and Montreal, Toronto and Kingston Boards of Trade.

These were the first comprehensive presentations of the case that had been made and counsel for Chicago acknowledged that it was a very strong indictment. In the Reply, filed by the Chicago Sanitary District with the Secretary of War, seven days later, they attempted, but without success, to meet the arguments that had been preferred by the Canadians. The second statement of the Canadian Government traverses the various points raised in the Reply of Counsel for Chicago and is a sweeping arraignment of that city for its endeavor to abstract from the basin of the St. Lawrence an enormous volume of water, ostensibly to purify its sewage, but really to generate enormously valuable water-powers in the Desplaines river.

The "Conclusions" as set forth in the Second Statement on behalf of the Canadian Government are as follows:

1. That there is no imperative necessity for such a large diversion of water from lake Michigan for sanitary purposes, as is requested in the application.
2. That the historical facts presented in this brief show conclusively that the Sanitary canal cannot be considered as the outgrowth and development of a scheme which has received recognition by the United States Government, or that of the Dominion of Canada.
3. That the claim that the Sanitary District is entitled, as a matter of right, to the use of so much of the waters of lake Michigan as may be necessary for sanitary and domestic purposes, cannot be entertained in so far as it relates to the extraordinary and wasteful use proposed.

4. It has been shown that very substantial injuries have been, and are being suffered by navigation interests. Fears for future and more extensive damages, by reason of increased diversion, are exceedingly well founded, and justify the demand that some improved method of sewage disposal, which shall not require the abstraction of any considerable quantity of water from lake Michigan nor the diversion of other outlets of waters which would naturally flow into it, be adopted.

5. That the Dominion of Canada has the right to a voice in the disposition of the waters of lake Michigan for sanitary purposes in so far as such diversion injuriously affects navigation, because her citizens are accorded, by treaty, the right of free navigation in that lake, and, in that no diversion can be made without injuriously affecting her harbours, channels and canals.

6. It having been shown that the sewage of Chicago can be so treated and disposed of by other means than the present dilution methods, by which great quantities of water are withdrawn from lake Michigan and discharged through the Drainage canal into the Illinois river, it is contended, on behalf of Canada, that the abstraction of water from lake Michigan shall be limited to such quantity as shall not injuriously affect navigation interests on the Canadian side of the boundary, and, that such limitations shall take effect at the end of such time, as, in your judgment, may be reasonably necessary for the Sanitary District to install, and put into use, the works which may be required for disposing of the sewage by other means than by the dilution method now in use.

7. That, in view of the fact that the Sanitary District claims that permits hitherto issued deal only with the flow through the lower portion of the Chicago river, and that it has the right to take any amount of water, without permission, through the canal, provided it is supplied through other feeders, it is respectfully requested that all permits be only for such limited quantity of water as shall not injuriously affect navigation on the lakes and St. Lawrence river, and be so worded as to state the total quantity which the Sanitary District of Chicago may be permitted to withdraw for domestic and sanitary purposes from the drainage basin of lake Michigan.

We feel confident that the interests of humanity at Chicago, as well as the levels of the Great lakes, and of the St. Lawrence river, can best be protected by the installation of a modern system of sewage disposal, rather than by using a method which has been shown to be injurious to the navigation and commerce of both nations, and further, that the interests of the public generally will, thus, be protected, and their welfare promoted.



