

FILED

APR 8 1960

JAMES R. BROWNING, Clerk

IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1959.

**No. 12, Original.**

STATE OF ILLINOIS,

*vs.*

STATES OF MICHIGAN, OHIO, PENNSYLVANIA,  
MINNESOTA, NEW YORK AND WISCONSIN.

**ANSWER OF THE STATE OF ILLINOIS TO PETITION  
OF INTERVENTION OF THE UNITED STATES OF  
AMERICA.**

STATE OF ILLINOIS,

GRENVILLE BEARDSLEY,

Attorney General of the State of Illinois,

WILLIAM C. WINES,

Assistant Attorney General,

GEORGE E. BILLETT,

CHARLES A. BANE,

CALVIN D. TROWBRIDGE,

Special Assistant Attorneys General,

*Counsel for Complainant.*

April 5, 1960.







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Complainant State of Illinois, by its Attorney General, for answer to the Petition of Intervention of the United States of America in the above-entitled cause:

1-11. Admits the allegations and statements contained in Sections I to XI, both inclusive.

12. Admits the allegation contained in Paragraph XII, that Article II of the Treaty of January 11, 1909 between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada provides that a "diversion from their natural channel of waters on either side of the boundary, resulting in any injury on the other side of the boundary shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion occurs," but avers that Article II expressly provides that "this provision shall not apply to cases already existing." Avers that the diversion of water from

Lake Michigan was a case "already existing" at the time said treaty was signed and is therefore exempt from the application of said provision of the Treaty. Admits the remaining allegations of Paragraph XII.

13. Admits the allegations of Paragraph XIII, but aver that Article II of the Boundary Waters Treaty of January 11, 1909 was not modified by the Treaty of February 27, 1950 between the United States and Canada.

14-19. Admits the allegations and statements contained in Paragraphs XIV to XIX, both inclusive.

20. Admits the allegations of Paragraph XX, except denies that a measurable adverse effect upon the interests of navigation would result from a permanent increase in diversion of as much as 1,000 cubic feet per second, or results from the combined effect of all withdrawals from Lake Michigan in Illinois.

21. Admits the allegations in Paragraph XXI, except denies the allegation of the last sentence thereof.

22. Admits the allegations of Paragraph XXII.

23. The petition to intervene having been granted, no response to Paragraph XXIII appears to be required.

WHEREFORE, complainant State of Illinois prays that it be awarded judgment as prayed in the complaint.

Respectfully submitted,

STATE OF ILLINOIS,  
GRENVILLE BEARDSLEY,  
Attorney General of the State of Illinois,

WILLIAM C. WINES,  
Assistant Attorney General,

GEORGE E. BILLET, T,  
CHARLES A. BANE,  
CALVIN D. TROWBRIDGE,  
Special Assistant Attorneys General,

*Counsel for Complainant.*

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