

ACTS TO HURRY END TO LAKE DIVERSION

Supreme Court Appoints Master
to Find Why Chicago Delays
Reducing Use of Water.

LAKE STATES COMPLAINING

Means to Hasten Construction of
Sewage Disposal Plants Are
Sought in Inquiry.

Special to THE NEW YORK TIMES.

WASHINGTON, Dec. 19.—Steps to force the State of Illinois and the Chicago Sanitary District to hurry up the work of building an adequate sewage disposal plant that would reduce water diversion from the Great Lakes-St. Lawrence watershed were taken by the Supreme Court today.

The court appointed Edward F. McClennen, a Boston lawyer, special master, instructed him to make a "summary inquiry" into the delay on the part of Illinois and the Sanitary District, and ordered him to report by next April 1.

The order of the court was issued by Chief Justice Hughes, who as special master conducted the inquiry that led up to the decree by the Supreme Court in April, 1930, directing that the diversion be virtually stopped by December, 1938.

Action by the court is one more chapter in the renewed fight to force compliance with the decree, a fight which was renewed when the Attorney Generals of Ohio, Michigan, Minnesota and Wisconsin notified the court in October that Illinois and the Sanitary District have "for twenty-five years defied the Federal Government and the rights" of the protesting States.

Gilbert Bettman, Attorney General of Ohio, who led his fellow-State officers in asking the court to enforce its decree, charged in a brief that Illinois and the district "through negligence, incompetence or bad faith, have failed, neglected and refused adequately and reasonably to provide for financing the performance of this court's decree.

Slow Progress Cited.

Mr. Bettman asserted that if Chicago maintained the average expenditure of the last three years on the work it would need thirty-six years to build the plants. He said that at the rate of progress for the six months ending July 1 last 320 years would be required.

A few days later the court notified Illinois and the district to show cause why the work had not gone forward properly and set a hearing for Nov. 14. Arguments were held, the State Attorney Generals accusing Illinois and the district of doing comparatively little toward erecting the sewage disposal plants that would limit the Chicago water diversion to 1,500 cubic second feet plus domestic pumpage by Dec. 31, 1938.

Counsel for the district argued that with a return of better business conditions the district could go ahead and complete the sewage treatment program on scheduled time. The attorneys for the Lake States asked the Supreme Court to step in and through an agent build the treatment works at Chicago, taxing the citizens to finance construction.

This followed the line of the Bettman brief which had suggested appointment of a commissioner, receiver or Federal marshal to carry out the decree and to have power to issue bonds founded on the credit, taxes and property and revenues of Illinois and the district.

Inquiry on Delay Ordered.

The court's order today does not go that far, but in its appointment of a master is seen a strong intent to force compliance with its decree.

Three particular subjects into which Mr. McClennen is directed to inquire are:

"1. As to the causes of the delay in obtaining approval of the construction of controlling works in the Chicago River and the steps which should now be taken to secure such approval and prompt construction;

"2. As to the causes of the delay in providing for the construction of the southwest side treatment works, and the steps which should now be taken for such construction or, in case of a change in site, for the construction of an adequate substitute;

"3. As to the financial measures on the part of the Sanitary District or the State of Illinois which are reasonable and necessary in order to carry out the decree of this court."

Master to Summon Witnesses.

The special master is empowered to summon witnesses, prominent among whom, it is assumed here, will be Mr. Bettman and the other attorneys general.

The four States named in the October brief are by no means the only ones interested in the vital matter of lake water diversion. In one way or another, New York, Pennsylvania, Missouri, Kentucky, Tennessee, Louisiana, Mississippi and Arkansas are all connected with the issue in the courts.

Efforts which led to the April, 1930, decree from the Supreme Court "meant titanic work on the part of the lake States," Mr. Bettman told the foreign relations subcommittee when it was recently inquiring into the St. Lawrence seaway.

"There are two purposes in the back of the minds of Chicago and Illinois," he further informed the subcommittee. "Instead of obeying the mandate of the Supreme Court of the United States, they are trying to continue the operation for two purposes; one waterpower down through the Illinois-Mississippi basin and the other to save them the expense of building disposal plants which will make the diversion of the water in this huge quantity unnecessary."