

ABSTRACT

Title of Thesis: “So Long as They Are Efficient”: Annexation, Boosterism and Law in Progressive Era Pittsburgh

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My thesis examines annexation disputes from the mid-1800s to the present in Pittsburgh. My particular focus is on the clashes between the cities of Pittsburgh and Allegheny. I look at why Pittsburgh’s annexation of Allegheny in 1906 succeeded while previous attempts to annex Allegheny failed. A combination of better lawyering and a unified elite class enabled Pittsburgh to finally annex Allegheny. The U.S. Supreme Court made this annexation official through the 1907 case of *Hunter v. City of Pittsburgh*. This case has a rich history and legacy. Much can be gleaned about the broader Progressive Era by examining this case in conjunction with the annexation. I conclude that the case and the annexation reflected a drive for efficiency then sweeping the elites of the nation. In addition, I assert that both the annexation and the *Hunter* decision highlighted the power of elites at this time to accomplish their goals.

**“SO LONG AS THEY ARE EFFICIENT”: ANNEXATION, BOOSTERISM AND LAW
IN PROGRESSIVE ERA PITTSBURGH**

by

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Introduction

On October 25, 1907, attorneys David T. Watson and William A. Stone stood before the United States Supreme Court in the Old Senate Chamber of the Capitol Building. They both had made the train trip from Pittsburgh to deliver oral arguments in the case of *Hunter v. City of Pittsburgh*. The stakes were high. The previous year, Pittsburgh had annexed its neighbor Allegheny as part of what was dubbed the “Greater Pittsburgh” movement.¹ Watson, one of Pittsburgh’s sharpest legal minds, had come to Washington to argue that the Court should uphold the decision of the Pennsylvania Supreme Court that declared legal the bill allowing Pittsburgh’s annexation of Allegheny.² Watson had a personal stake in the bill being upheld. At the bidding of the Pittsburgh Chamber of Commerce, he and the Mayor of Pittsburgh and leading reformer George Guthrie largely drafted the bill in question. The Chamber of Commerce, the leading booster group in Pittsburgh, had an outsize role in pushing annexation and other reforms in the city. At the table with Watson sat W.B. Rogers, the city solicitor from Pittsburgh. The outcome of this argument would determine if he would have significantly more people to represent as city solicitor.

¹ A few words should be said about terminology in this work. I will be referring to consolidation and annexation. Although some argue that there is a technical definition of the terms, each are used interchangeably in the newspapers, much academic scholarship, and in other sources such as the records of the Pittsburgh Chamber of Commerce and the Allegheny City Council records. They are also used interchangeably by the U.S. Supreme Court in the opinion of *Hunter v. City of Pittsburgh*. The Court states “a majority of all the lawful voters of the two cities and the intervening land, voting upon such question, have voted in favor of the annexation or consolidation.” *Hunter v. City of Pittsburgh*, 207 U.S. 161, 162 (1907). Consequently, I also use these words interchangeably. Additionally, in this thesis, I refer to the city of Allegheny. In the scholarship and many newspapers, Allegheny is frequently referred to as Allegheny City, and the two are used almost interchangeably. While Allegheny City technically became Allegheny when hitting a population threshold, many scholars still refer to it as Allegheny City. Minutes of the Allegheny (Pa). Select and Common Council, 1840-1907, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

² In this thesis, I will always spell Pittsburgh with its current spelling. From 1891 until 1911, Pittsburgh officially dropped the “h” from the end of its name. However, if Pittsburgh is spelled Pittsburg in primary sources, I left it that way in the thesis. “Pittsburgh Was Stripped of its H—Then Got It Back,” *Pittsburgh Post-Gazette*, February 24, 2018, <https://www.post-gazette.com/opinion/letters/2018/02/24/Pittsburgh-was-stripped-of-its-H-then-got-it-back/stories/201802240055>.

Two equally estimable lawyers convened at the opposing table. Only a few years prior, William Stone completed his term of service as the 22nd Governor of Pennsylvania. Now an attorney in private practice, Stone argued the case for his city, Allegheny. He believed that Allegheny had been illegally annexed by Pittsburgh. Stone had represented Allegheny throughout the entirety of the legal process but was now joined by one of the nation's preeminent attorneys, John G. Johnson. A prominent art collector, Johnson argued more than 150 cases before the Supreme Court prior to his 1917 death. By 1907, he had been a fixture at the Court for multiple decades.³ His presence, experience, and legal acumen could only enhance Allegheny's chances of finally prevailing, despite several previous defeats in lower courts.

The *Pittsburgh Post* noted the impressive lawyers for both sides, saying that "there probably has never been a constitutional case before the attention of the United States [S]upreme [C]ourt in which more distinguished counsel was involved."⁴ Such an impressive group of lawyers and the enormous stakes of the case for Pittsburgh and Allegheny attracted crowds. Parties of prominent business and civic leaders from Allegheny and Pittsburgh crowded the courtroom to watch the proceedings.⁵

The stakes of this oral argument could not have been higher for the futures of these two cities. Allegheny's annexation would mean a lot of new territory and many new people coming into Pittsburgh. This, boosters believed, would mean more revenue for Pittsburgh and a higher population count at the next census. A win for Pittsburgh and annexation would catapult the city into the highest tier of cities in the country, where the city boosters rightfully believed that it should be. A loss, however, could completely demoralize the Greater Pittsburgh effort and, in

³ "John G. Johnson, Noted Lawyer, Dies," *New York Times*, April 15, 1917.

⁴ "Pittsburgh Defends Legislature's Act; Allegheny Demands Separate Suffrage in Greater City Fight in U.S. Supreme Court," *Pittsburgh Post*, October 19, 1907.

⁵ "It's Up to Court Now," *Pittsburgh Press*, October 29, 1907.

the minds of the city boosters, relegate Pittsburgh for the foreseeable future to the status of a second-rate city. Other cities would assuredly pass it by in terms of population and economic success if it did not prevail in this golden opportunity to annex Allegheny.

The justices on the bench talked often during oral argument. They frequently interrupted Stone and made “an unusual number of comments.”⁶ Justice David J. Brewer asked about the legality of annexation without a vote of the citizens of both cities. Justice Edward White picked up this line of questioning. He seemingly concurred with the attorneys representing Pittsburgh that the state legislature could simply order the annexation of a territory without a vote by that territory. Therefore, he believed, the bill authorizing a joint vote of Pittsburgh and Allegheny was not illegal and not a violation of the U.S. Constitution.⁷ When Stone stated that other cities (and even England with Ireland) had always had votes of the areas to be annexed, Justice White vigorously pressed Stone, arguing that he was veering too far outside the substance of the case. Justice William H. Moody appeared to express skepticism regarding some of Stone’s arguments, remarking that there had been a clear majority that had voted for the annexation of Allegheny. After a few questions about the cities’ debts from Justice William Day and Justice Moody, David T. Watson rose to speak. Watson completed his argument without as many interruptions by the bench, foreshadowing the way that the Court would ultimately rule.⁸

The Court suspended arguments on Friday and decided to resume them on Monday, October 28th. Watson and Pittsburgh City Solicitor W.B. Rogers briefly summed up Pittsburgh’s

⁶ “Has Federal Supreme Court Jurisdiction to Pass Upon Pittsburgh Case?” *Pittsburgh Post*, October 26, 1907.

⁷ Allegheny had alleged that the legislation permitting the annexation vote was a violation of multiple portions of the U.S. Constitution. These provisions included Article I, Section 10 of the U.S. Constitution and the Due Process Clause of the Fourteenth Amendment. The pertinent text of Article I, Section 10 of the U.S. Constitution states that “No State shall...pass any...Law impairing the Obligation of Contracts.” U.S. Constitution, art. I, sect. 10. The relevant text of the Fourteenth Amendment states “...nor shall any State deprive any person of life, liberty, or property without due process of law.” United States Constitution, amend. XIV, sec. 1.

⁸ “Has Federal Supreme Court Jurisdiction to Pass Upon Pittsburgh Case?” *Pittsburgh Post*, October 26, 1907.

position. Rogers stressed the point that numerous annexations had been carried out based on laws promulgated by the Pennsylvania state legislature. This case, he believed, was no different. John G. Johnson rose for Allegheny and spoke about how he believed that due process was violated, as Allegheny was being deprived of its property by being annexed against its will.⁹ After some light questioning by Justice Moody, Johnson finished.¹⁰ The Court would now have the final say on a matter well over a half century in the making.

The 1906-1907 annexation of Allegheny by Pittsburgh ultimately succeeded due to the increased unity of elite business groups such as the Chamber of Commerce. From the earliest annexation efforts in Pittsburgh, aimed at Allegheny and other areas, the degree of unity among elite citizens played a key role in the success of annexation efforts. Another element of success in this annexation fight was the improved lawyering and essentially bulletproof bill (thanks to its carefully drafted language) written by David T. Watson and George Guthrie. (In the 1920s, Pittsburgh's expansionist dreams would suffer because of lack of careful lawyering and draftsmanship). In addition to careful lawyering, the court system itself was more sympathetic to the arguments put forward by the pro-annexation crowd. This reflected a broader trend of the Supreme Court at the time, one that gave much comfort to elite businesspeople and citizens. On a broader and more national scale, the reform impulse taking shape in Pittsburgh and elsewhere, one focused on greater governmental efficiency, influenced the desire to finally annex Allegheny.

Two notions—power and efficiency—unite the annexation championed by the boosters and *Hunter* and its legal legacy. Elites such as Henry Clay Frick's lawyer David T. Watson and prominent corporate lawyer George Guthrie helped to shape the bill which authorized the vote

⁹ "It's Up to Court Now," *Pittsburgh Press*, October 29, 1907.

¹⁰ "No Decision Expected for at Least a Month," *Pittsburgh Post*, October 29, 1907.

enabling Pittsburgh's successful annexation of Allegheny. The Pittsburgh Chamber of Commerce, with a membership roster consisting of some of the wealthiest citizens in the city, greatly helped the annexation campaign to achieve the result that it wanted. *Hunter* also reflected this sentiment of powerful people getting a desired result. The decision benefited elites in Pittsburgh, which related to other Supreme Court decisions of the era (such as *Lochner v. New York*) that benefited business elites nationwide. Other subsequent cases that followed in the *Hunter* line continued this tradition of more powerful entities getting what they wanted, until the Warren Court narrowed *Hunter* in 1960.

At the turn of the century, the notion of efficiency swept through the nation including Pittsburgh and other cities, spurring reforms including annexation in many cities. The Pittsburgh Chamber of Commerce and other business and civic elites championed the notion of more effective and efficient government in their rationales for annexation, believing that it would positively impact the city. This desire for efficient government could even be seen in the Supreme Court's opinion in the *Hunter* case. Ruling in favor of Pittsburgh allowed for more efficient urban government in Pittsburgh. Ruling against Pittsburgh would have strengthened local governments and upset the balance of power between state and local government, which the Court had made sure was relatively stable for almost a century.

In Chapter I, I will examine the background and development of Pittsburgh in the nineteenth century up to 1894. I will focus on Pittsburgh's development as a city, its history of annexing other areas, as well as Allegheny's relationship with annexation during this time. The idea that annexation could help Pittsburgh become a national powerhouse first appeared in early Pittsburgh. That idea proved to be an important one, as it never went away throughout

Pittsburgh's history. Consequently, it is essential to see the importance of annexation as an important tool that boosters used to grow the city.

Chapter II chronicles the importance of annexation across the country, highlighting that the reform movement in Pittsburgh was not the only one to view annexation as a vital way to create an efficient government and enhance the power of elites. I will examine the history of annexation in other cities besides Pittsburgh, highlighting Boston, Philadelphia, Cleveland, Cincinnati, Buffalo, Richmond, and New York City. In briefly telling these cities' stories of annexation, I will emphasize the important similarities and differences between the process of annexation in Pittsburgh and these other cities. This part of the thesis will also argue that boosters commonly used annexation as a tool to enhance the population, economic growth, and the prestige of their cities. Many times, these cities responded to external factors including what other cities were doing. Beyond boosters using annexation as a key tool in their arsenal to grow their cities, one important similarity between Pittsburgh and many of these other cities is the importance of a unified elite class that sought annexation.

In Chapter III, I will first chronicle the failed effort to annex Allegheny in the 1890s. I will examine the role of the Pittsburgh political machine in pushing annexation and the opposition from Allegheny as well as from many businessmen in Pittsburgh. I will also discuss in this chapter the successful annexation of Allegheny in 1906. By exploring the ultimate success of the movement, I plan to highlight the crucial role that the unified Pittsburgh Chamber of Commerce played beginning in 1904 that helped to finally ensure the annexation of Allegheny. The elite citizens in the Chamber shepherded the annexation to completion for a variety of reasons, many revolving around economics and the prestige of the city. Their full-throated unanimous support for annexation in the early 1900s marked a shift from the annexation

effort seen the previous decade. I will also look at the Pittsburgh reformers—led by George Guthrie—and their rise to power. Members of the elite class in Pittsburgh, these reformers placed a special emphasis on annexation in addition to the other efforts that they made to improve the city.

Chapter IV will examine the legal cases surrounding the annexation of Allegheny and Pittsburgh. It will detail the litigation that immediately followed the annexation, litigation that took roughly a year and a half and trips to several courts of appeals to resolve. I will look at the different legal rationales brought forth by both sides as well as the court opinions in the lower courts and at the U.S. Supreme Court. To fully understand the rationale behind the decision of the U.S. Supreme Court, I intend to canvas the history of the Court's decisions relating to state-local conflicts and how *Hunter v. City of Pittsburgh* built upon those cases. *Hunter* ratified and concretized ideas that had been set forth in the Court's opinions prior to 1907. These ideas coalesced with the governmental efficiency impulse that had taken over elite society in the Progressive Era. Although this Court would block reform efforts in other notable cases during this era, it preferred to preserve the balance of power between the state and federal governments and not stand in the way of what the powerful elite businessmen-reformers in Pittsburgh wanted.

Chapter V will survey the history of annexation and metropolitan government in Pittsburgh after the successful annexation of Allegheny in 1907. This chapter will also examine the continued relevance of annexation and municipal expansion in Pittsburgh up to the present day. Although some annexations occurred in the years and decades following Allegheny's annexation in 1907, none achieved the level of importance that Allegheny's did. Annexation itself also became a less common tactic. Many boroughs and townships banded together to overcome Pittsburgh's desire to expand, lobbying legislators in Harrisburg the same way that the

proponents of annexation did. Therefore, elites in the Pittsburgh region began to consider other ways to further their control of the Pittsburgh metropolitan region.

I will examine the consequential legacy of the U.S. Supreme Court's *Hunter* decision in Chapter VI. The Court used *Hunter* to clarify the meaning of previous cases concerning the rights of state and local governments. It illuminated previous decisions and provided a new basis for municipal law going forward, as many state-local conflicts from then on referred to *Hunter* and the ideas that the Court articulated. I will analyze and discuss cases that followed in the decades after *Hunter* and show the long life of *Hunter*, one that is still ongoing.

Scholars have written little about the long history of territorial consolidation in Pittsburgh, especially surrounding the consolidation of Pittsburgh and Allegheny in the early 1900s. Historian Joel Tarr notes this, writing that “surprisingly little scholarship exists surrounding Pittsburgh’s consolidation of Allegheny City.”¹¹ While little scholarship exists surrounding territorial consolidation, excellent scholarship exists on Pittsburgh and reform movements in the city. Tarr, Roy Lubove, and Edward Muller all chronicle Pittsburgh and the reform movements that swept through the city. In addition, Angela Gugliotta’s dissertation chronicled environmental reforms (and reform movements more broadly) in Pittsburgh.

In other cities, Tarr’s statement is also correct. There are discussions of annexation in some works, although no works are explicitly about annexation. For example, *Gotham*, the tome on New York City written by Edwin G. Burrows and Mike Wallace, reviews annexation and its history in New York City. Richard L. McCormick’s *From Realignment to Reform* also has material concerning the history of annexation in New York City. Both works make solid

¹¹ Joel Tarr, “Infrastructure and City Building in the Nineteenth and Twentieth Centuries,” in *City at the Point: Essays on the Social History of Pittsburgh*, ed. Samuel Hays (Pittsburgh: University of Pittsburgh Press, 1989), 262, note 119. Aside from a seminar paper from one of Tarr’s students many decades ago, he notes that there has not been almost any original scholarship on the matter despite its historical importance to Pittsburgh.

contributions to telling New York's annexation story and helped to highlight stakeholders that illuminated similarities and differences to Pittsburgh's story. Sam Bass Warner made two valuable contributions to the history of annexation in two separate cities (Philadelphia and Boston) that informed those sections in this paper. Although these cities are larger than Pittsburgh, Warner's discussions of annexation provided me with useful examples to which I compare Pittsburgh's annexation history. Some smaller articles have information about the story of annexation in other cities.

It is intriguing that little scholarship has been written about the Pittsburgh-Allegheny consolidation battle given the intense interest that it attracted at the time. For booster organizations such as the Pittsburgh Chamber of Commerce, annexation always remained of paramount importance. News about annexation often made Pittsburgh newspapers, very frequently making the front page. Newspapers were frequently prominent supporters of consolidation.¹² Given that annexation was one of the simplest—yet sometimes most fraught—ways to expand the size and area of a city, it is surprising that more scholarship has not focused on elite city boosters and their efforts to expand through annexation. This work aims to make a small contribution toward building the literature regarding city boosters and consolidation.

Tarr's comment regarding the scant history surrounding the Pittsburgh-Allegheny consolidation extends to the *Hunter* case, as scholars have written relatively little material about the *Hunter* case. Despite carving out an important precedent in municipal law, this U.S. Supreme Court case is underexamined. Certainly, nothing has been written about *Hunter* as the culmination of an important event in Pittsburgh history. To fully understand how the Court and

¹² Some newspapers also strongly supported other types of reform, such as smoke reform. Angela Gugliotta, "Hell With the Lid Taken Off": A Cultural History of Air Pollution – Pittsburgh," PhD diss., (Notre Dame University, 2004), 284-85.

Pittsburgh arrived in 1907 at the *Hunter* case, it is first necessary to rewind nearly a century and examine the rise of the city of Pittsburgh. This story informs *Hunter* and showcases a broader story of urban growth, reform, and quests for power and efficient government.

Chapter I: Early Annexation Campaigns

Prior to the 1830s, Pittsburgh was a densely packed city. Small industries crowded together in the downtown area. Commercial activity largely occurred on the wharf of the Monongahela River known as “the Diamond.”¹³ More limited commercial activity took place by the Allegheny and Ohio River waterfronts as well as at “the point,” the land where the Allegheny and Monongahela Rivers converge to form the Ohio River. But the hilly topography of the region made expansion beyond the downtown core somewhat difficult. However, trade began to increase in Pittsburgh due to the Main Line Canal reaching the city. A mixture of canal, railroad, and portage railway, this reached Pittsburgh in 1834. Shortly thereafter, commercial activity and trade grew more rapidly.¹⁴ This increased the flow of people to Pittsburgh. After the city’s commercial prospects grew, more foreign-born people began moving to Pittsburgh.¹⁵

With this increasing trade and commercial activity, Pittsburgh’s business and civic leaders set out with an important goal: annex territory to bolster Pittsburgh’s national importance. By 1846, Pittsburgh expanded its land area. Driven by business and civic leaders, many annexations went smoothly. The addition of the Northern Liberties Borough in 1837 was unopposed. Borough residents did not even cast a vote. In 1845 and 1846, Pittsburgh added four more wards.¹⁶ Despite these annexations, Pittsburgh was still known as a “walking city” at mid-

¹³ Bernard J. Hibbitts, “Lawyering in Place: Topographies of Practice and Pleading in Pittsburgh, 1775-1895,” *University of Pittsburgh Law Review* 73 (Summer 2012): 619, 628.

¹⁴ Edward K. Muller and Joel A. Tarr, *Making Industrial Pittsburgh Modern: Environment, Landscape, Transportation, Energy, and Planning* (Pittsburgh: University of Pittsburgh Press, 2009), 2, 15-16.

¹⁵ Nora Fairres, “Immigrants and Industry: Peopling the Iron City,” in *City at the Point: Essays on the Social History of Pittsburgh*, ed. Samuel Hays (Pittsburgh: University of Pittsburgh Press, 1989), 10.

¹⁶ Tarr, “Infrastructure and City Building in the Nineteenth and Twentieth Centuries,” in *City at the Point*, 217-219. Even in these early annexations, public services were crucial. Many new wards who had just come into Pittsburgh wanted the city to pay for improvements to the streets, for installation of gas lighting, and further extension of water systems. Tarr contends that there could have been some ethnic and religious divides here, as many of the newer wards were populated by more recent immigrants, many of whom were Irish-Catholic and German. Tarr, “Infrastructure and City Building in the Nineteenth and Twentieth Centuries,” in *City at the Point*, 225.

century, with industry and professionals clustered together in the downtown area.¹⁷ Most of the city's lawyers lived in the downtown area within walking distance of the courthouse and of their offices (if they did not work out of their homes).¹⁸

The population figures of comparable U.S. cities around mid-century show why Pittsburgh wished to expand. Its river city counterparts of Cincinnati and St. Louis were growing economically and increasing in population. In the 1840s, St. Louis passed Pittsburgh in population. Cincinnati was already a bigger city than Pittsburgh. Buffalo was right behind Pittsburgh, threatening to overtake it. Pittsburgh, civic leaders believed, risked economic stagnation unless other territory could be added, as little flat land remained in Pittsburgh proper. The annexations that Pittsburgh had already accomplished were relatively small both in land area and population. In the 1850s, the population of Allegheny County increased only six percent. That decade, Buffalo surpassed Pittsburgh in the census rankings.¹⁹ Pittsburgh was not alone in trying to grow by annexation. Approximately 75 percent of cities nationwide were annexing territory in the pre-Civil War era.²⁰ Thus, even in this era, it is clear that annexation's role was one that influential citizens of cities used to boost the population, economy, and presumably the prestige of a city.

Pittsburgh also needed to concentrate on annexation because the wealthiest citizens of downtown Pittsburgh were beginning to leave the city proper to form other communities. The most prominent new communities formed were in the East End, the South Side, and Allegheny

¹⁷ David W. Lonich, "Metropolitanism and the Genesis of Municipal Anxiety in Allegheny County," *Pittsburgh History* 76, no. 2 (Summer 1993): 80.

¹⁸ Hibbitts, "Lawyering in Place," 619, 628.

¹⁹ Campbell Gibson, "Population of the 100 Largest Cities and Urban Areas in the United States: 1790 to 1990," United States Census Bureau, June 1998, <https://www.census.gov/library/working-papers/1998/demo/POP-twps0027.html>. In 1840, Pittsburgh was 17th in total population, and St. Louis was 24th. However, by 1850, although Pittsburgh had climbed to 13th, St. Louis leapfrogged it, all the way into 8th place. In 1850, Buffalo was 16th. However, in 1860, Buffalo was 10th, and Pittsburgh had fallen into 17th place.

²⁰ Sauers, "A Political Process of Urban Growth," 268.

City (the modern-day North Side). Partially because of geography, these areas had greater potential for economic growth than Pittsburgh. Allegheny City was at the north end of Pittsburgh immediately across the Allegheny and Ohio Rivers.²¹ In the 1840s and 1850s, Allegheny City had mills that produced more cotton than any mills in Pittsburgh.²² Allegheny's economic success was not just due to cotton. Iron works, slaughterhouses, and food processing plants provided employment for residents.²³ Due to the financial success of Allegheny City and the increasing tax base of the East End, businessmen and other city boosters (largely supported by local newspapers) began more vehemently touting annexation as the most practical way for the city of Pittsburgh to achieve prosperity.²⁴ Newspapers played a vital role in the consolidation movement, promoting "the image of Pittsburgh as a city of dynamic growth."²⁵ A bigger Pittsburgh would, boosters and newspapers reasoned, attract both national and—increasingly—international capital.²⁶

In 1854, the state legislature helped the cause of Pittsburgh annexationists by passing an act that added 127 square miles to the city proper of Philadelphia without holding a referendum on the issue. Doing so greatly increased Philadelphia's size.²⁷ Feeling somewhat emboldened, local leaders in Pittsburgh figured that they would try their luck at annexation. Led by the Pittsburgh Board of Trade, local political and business leaders made the first of many attempts to

²¹ Lonich, "Metropolitanism and the Genesis of Municipal Anxiety in Allegheny County," 79. Allegheny City was established in 1788. The Pennsylvania state legislature originally intended for Allegheny City to be the seat of the local government. Although Pittsburgh became the seat of local government, Allegheny City grew at a significant rate. On April 13, 1840, it was incorporated as a city.

²² Maurine Weiner Greenwald, "Women and Class in Pittsburgh, 1850-1920," in *City at the Point: Essays on the Social History of Pittsburgh*, ed. Samuel Hays, (Pittsburgh: University of Pittsburgh Press, 1989), 35.

²³ Lonich, "Metropolitanism and the Genesis of Municipal Anxiety in Allegheny County," 79-80.

²⁴ Sauer, "A Political Process of Urban Growth," 265-66.

²⁵ Sauer, "A Political Process of Urban Growth," 266.

²⁶ Lonich, "Metropolitanism and the Genesis of Municipal Anxiety in Allegheny County," 80.

²⁷ Walter Licht, Mark Frazier Lloyd, J.M. Duffin, & Mary D. McConaghy, "Incorporation into Greater Philadelphia: The Consolidation Act of 1854," West Philadelphia Collaborative History, accessed January 10, 2023, <https://collaborativehistory.gse.upenn.edu/stories/incorporation-greater-philadelphia-consolidation-act-1854>.

annex Allegheny City in 1854. An editorial in one of Pittsburgh's then-leading newspapers, *The Daily Morning Post*, highlighted the reasons for annexation. To begin with, annexation would increase Pittsburgh's tax revenues by approximately fifty percent. Furthermore, the editorial stated that, across the United States, success as a city was measured by population. Pittsburgh needed to add people, and annexation represented a convenient way.²⁸ The argument about adding population to measure the success of a city would prove to be an enduring idea, one that would be used in almost every argument about annexation.

Despite the efforts of the Pittsburgh Board of Trade and *The Daily Morning Post*, this annexation attempt failed, as Allegheny City blocked the legislation that would have enabled it.²⁹ It is unclear how much of a role government-provided public services played in the calculation of Allegheny City residents. Some boroughs that had previously consolidated with Pittsburgh were concerned about competition for government services with the residents of the city proper.³⁰ Pittsburgh's indebtedness, however, certainly played a role. In 1854, Pittsburgh had a higher level of indebtedness than surrounding municipalities. Partially because of Pittsburgh's indebtedness, many suburbanites who otherwise might have favored annexed balked at the prospect that becoming part of the city would mean a personal tax increase. These elites used their political influence on the local and state levels to diminish support for the bill. Even in this first attempt to annex Allegheny City, some key issues that would recur in subsequent annexations came into play, namely taxation and indebtedness. Additionally, in this instance, many elites in Allegheny City united against annexation. While others in Pittsburgh, such as the

²⁸ Sauers, "A Political Process of Urban Growth," 269.

²⁹ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 217.

³⁰ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 217-218.

Pittsburgh Board of Trade, were in favor, the relative unity of elites would always be an important factor in annexation battles.³¹

Local business leaders pushed annexation throughout Pittsburgh during the 1800s. Following the end of the Civil War in 1865, the Pittsburgh Board of Trade advocated for a “consolidation convention” and then spearheaded comprehensive annexation campaigns in the late 1860s. The Board of Trade received help in some instances by finding communities willing to be annexed. In the East End of Pittsburgh—what shortly thereafter became one of the world’s wealthiest neighborhoods—elite businessmen who favored annexation argued that it would provide better economic development for the neighborhood. Yet while many elite businessmen favored annexation, many less influential businessmen expressed opposition to annexation. Their concerns included the size of Pittsburgh’s municipal debt and whether their communities would be less unified if they joined Pittsburgh. In a demonstration of what a unified elite business class could accomplish, the elite businessmen won out and, in 1867, Pittsburgh annexed the East End.³² That annexation, combined with later annexations in 1872, increased the city’s land area by more than twenty-five square miles.³³

Not every area wanted to be annexed. Annexing Allegheny City would again prove to be contentious. Despite the previous failure in 1854, business and civic leaders in Pittsburgh decided to try again. On October 9, 1867, the citizens of Allegheny City voted on whether to become part of the city of Pittsburgh. By approximately a 3-1 margin, they voted against consolidation.³⁴ Many residents of Allegheny City simply valued their independence and ability to control their own government too much to become a part of Pittsburgh. Although of dubious

³¹ Lonich, “Metropolitanism and Genesis of Municipal Anxiety in Allegheny City,” 81.

³² Tarr, “Infrastructure and City Building in the Nineteenth and Twentieth Centuries,” in *City at the Point*, 228-229.

³³ Tarr, “Infrastructure and City Building in the Nineteenth and Twentieth Centuries,” in *City at the Point*, 228.

³⁴ Lonich, “Metropolitanism and the Genesis of Municipal Anxiety in Allegheny City,” 82.

reality, some Allegheny residents also viewed their community as a “residential and recreational escape from the smoke” of Pittsburgh. The smoke was only increasing and would later become an even greater problem.³⁵

Although that attempted annexation of Allegheny City failed, Pittsburgh still wanted to expand. In the early 1870s, Pittsburgh went on a municipal-improvement binge, reforming the municipal government and increasing public services. Pittsburgh expanded its police and fire departments and bettered its public parks and water systems. Despite the obvious benefits to the citizenry, one problem emerged from this improvement. Pittsburgh once again became indebted. As a result, city leaders believed that the South Side with its profitable industries could become a vital tax base that would assist in paying down this debt.³⁶ Pittsburgh boosters now viewed the South Side, which had experienced two decades of straight economic growth, as a fiscal prize.³⁷ Factories in the Pittsburgh area manufactured half the nation’s glass. The South Side contributed mightily as twenty-six of the thirty-six total glass manufacturing plants in the region were located there.³⁸ In 1872, Pittsburgh officially annexed the South Side. The somewhat underhanded way that Pittsburgh accomplished this foreshadowed the later Allegheny annexation. In March 1872, South Side voters rejected a proposal to join Pittsburgh. Instead of accepting the result, the state legislature changed an annexation bill in a way that made local approval for annexation unnecessary. The Pittsburgh newspapers, run by the boosters, trumpeted

³⁵ Gugliotta, ““Hell With the Lid Taken Off,”” 101. Others with even more wealth, such as Andrew Carnegie, moved to New York City. Gugliotta, ““Hell With the Lid Taken Off,”” 102.

³⁶ Lonich, “Metropolitanism and the Genesis of Municipal Anxiety in Allegheny City,” 83.

³⁷ Sauers, “A Political Process of Urban Growth,” 273. In the 1850s, East Birmingham, one of the two largest boroughs on the South Side, grew by 110 percent. The largest borough, Birmingham, grew by 62 percent. In contrast, the city of Pittsburgh only grew by 5.1 percent. The South Side grew at a much more rapid rate than Pittsburgh, making its annexation imperative for some city boosters. Sauers, “A Political Process of Urban Growth,” 266-267.

³⁸ Sauers, “A Political Process of Urban Growth,” 268.

the state legislature's action. On April 2, 1872, Governor John Geary signed into law the bill combining the South Side with Pittsburgh.³⁹

Boosters, such as the newspapers and the Pittsburgh Board of Trade, achieved early successes at annexing areas that would help the city grow. While the Board of Trade and other elite businessmen helped early on, the Pittsburgh Chamber of Commerce was founded in 1874. This organization would come to dominate the annexation push.⁴⁰ A reform organization that led efforts for change in Pittsburgh, the Chamber would become one of the most important players in the city's annexation battles over the next several decades.

Despite Allegheny's longstanding opposition to being annexed by Pittsburgh, it frequently annexed other areas. In the post-Civil War era, Allegheny, like Pittsburgh, had increased its efforts at modernization, adding a free mail delivery system, paved streets, and night lights.⁴¹ Due to the cost of providing these services, many business and civic leaders of Allegheny City sought to expand the tax base and prestige of the city by bringing in additional residents. Allegheny City and the Borough of Manchester became two of the first areas to agree to consolidation.⁴² In 1867, the Pennsylvania Legislature in Harrisburg passed a bill that allowed for a vote in Reserve Township to determine if Reserve would join Allegheny.⁴³ Reserve joined, and annexation continued in earnest.⁴⁴ In March 1868, Allegheny City annexed part of the

³⁹ Lonich, "Metropolitanism and Genesis of Municipal Anxiety in Allegheny City," 83.

⁴⁰ Pittsburgh Chamber of Commerce, *Fifty Years of the Chamber of Commerce, 1874-1924* (Pittsburgh: Murdoch, Kerr & Co, Inc., 1924), 5. As stated in the charter, the purpose of the Chamber was "for...protecting, fostering, and developing the commercial, manufacturing, and general interests of the nation, state, and municipality; and generally to use such lawful means as may be necessary for the encouragement and protection of the interests aforesaid."

⁴¹ *Story of Old Allegheny City* (Pittsburgh: Allegheny Centennial Committee, 1941), 50. The free mail system began in 1868. "A Chronological History of Old Allegheny City," Allegheny City Society, accessed November 15, 2022, https://alleghenycity.org/wp-content/uploads/2015/12/A_Chronological_History_of_Old_Allegheny_City.pdf.

⁴² "A Chronological History of Old Allegheny City." This annexation of Manchester also included a large portion of the Troy Hill neighborhood, a populous and large neighborhood on the North Side.

⁴³ "A Chronological History of Old Allegheny City."

⁴⁴ Charles W. Dahlinger, "Old Allegheny," *Western Pennsylvania Historical Magazine* 1, no. 4 (1918): 220.

borough of Duquesne, as Duquesne sought the advantages of “higher municipal classification.”⁴⁵ Thereafter, Allegheny City annexed Woods Run in 1870.⁴⁶ Much like in Pittsburgh—which ended its run of annexations with a string in 1872—the 1870 Woods Run annexation marked the end of a flurry of additions by Allegheny City.

During the nineteenth century, Pittsburgh had evolved from a densely populated, overcrowded town into a thriving city. Particularly after the Civil War, the population of Pittsburgh grew precipitously, due in large part to annexation. In 1860, the population was 49,601 and, by 1890, it was 234,612.⁴⁷ Allegheny City also grew. Even though it busily added to its own territory, its residents still did not wish to join the Pittsburgh fold. After Pittsburgh’s annexation of multiple territories in 1872, annexationist sentiment entered a “period of quietude” that lasted until the 1890s.⁴⁸ Indeed, the only area that Pittsburgh annexed in the 1880s was the Village of Garfield in 1881.⁴⁹

However, annexationist sentiment would not remain dormant for long. Pittsburgh had grown too much for it to remain dormant. Historians John Bauman and Edward Muller note that, throughout the 1870s and 1880s, “Pittsburgh rumbled and roared with the awful din, smoke, and fiery energy of industrialization.”⁵⁰ It was a city at the “center” of the rapidly industrializing country, pushed forward by famous industrialists such as Andrew Carnegie and Henry Clay

⁴⁵ Dahlinger, “Old Allegheny,” 220-221; “A Chronological History of Old Allegheny City.” These advantages included better public services.

⁴⁶ “A Chronological History of Old Allegheny City.”

⁴⁷ Muller and Tarr, *Making Industrial Pittsburgh Modern*, 128.

⁴⁸ Janet R. Daly, “Zoning: Its Historical Context and Importance in the Development of Pittsburgh,” *Western Pennsylvania Historical Magazine* 71, no. 2 (April 1988): 108. One of the primary reasons that annexation entered this period of quietude was the large-scale countrywide economic depression that began in 1873. As will be discussed later in the thesis, many other cities slowed their annexation campaigns during this economic slowdown. While some cities—like Cleveland—would continue their campaigns later, other cities—like Boston—did not.

⁴⁹ “The Growth of Pittsburgh,” Brookline Connection, accessed December 17, 2022, <https://www.brooklineconnection.com/history/Facts/Growth.html>.

⁵⁰ John F. Bauman and Edward K. Muller, *Before Renaissance: Planning in Pittsburgh, 1889-1943* (Pittsburgh: University of Pittsburgh Press, 2006), 15.

Frick. The city successfully weathered the depression in the 1870s, with visitors remarking about the rapid pace of industrialization and massive growth of manufacturing.⁵¹

Industrialization meant a large influx of new people. In 1890, almost 30 percent of the city's population were immigrants. Many immigrants clustered together in ethnic enclaves in the city proper of Pittsburgh.⁵² Still other working-class Pittsburghers moved to the East End. The recently annexed East End kept growing during the 1870s and 1880s, attracting many middle-class and upper-class residents, albeit in separate communities from the working class. Because of the interconnected developments of immigration and industrialization, Pittsburgh grew rapidly.⁵³

City boosters did not want to see this progress slow down. The city had come a long way in just a few generations. From a small, densely populated urban center that grew at a very slow rate, Pittsburgh had evolved into one of the most prominent industrial centers in the world. In the early 1890s, business and civic leaders in Pittsburgh revived the notion of annexing Allegheny, seeking to overcome past failures to finally accomplish this goal. Doing so would boost the city's morale and its economic outlook.

⁵¹ Bauman and Muller, *Before Renaissance*, 15.

⁵² Fairres, "Immigrants and Industry," in *City at the Point*, 10-11. Many Italian immigrants lived in the Bloomfield and East Liberty sections of Pittsburgh. Poles settled in Polish Hill and Lawrenceville. Many Jewish immigrants established synagogues in the Hill District neighborhood of Pittsburgh. Pittsburgh's small but growing African American population also found a home in the Hill District.

⁵³ Bauman and Muller, *Before Renaissance*, 18. Immigration did play a crucial role in the development of Pittsburgh. Fairres, "Immigrants and Industry," in *City at the Point*, 10.

Chapter II: Outside Pittsburgh: Annexation in Other Cities

Annexation did not just happen in Pittsburgh; Pittsburgh's three-quarters of a century push to expand its role was part of a much broader national story that highlights an obsessive American drive for urban growth. Pittsburgh was only one city of many that viewed annexation as a primary method of expansion. The nineteenth and early twentieth centuries were the most prominent eras of annexation for many cities across the country. Annexation across the United States had similar purposes. Many smaller boroughs and townships had to borrow heavily to construct adequate sewer, water, and gas facilities for its residents, as well as supply necessary services such as police and fire. These superior utilities offered by cities were often "a carrot to dangle before prospective urban residents in an annexation campaign."⁵⁴ Joining a larger city was also a way to retire debts and perhaps also ease the tax burdens of residents.⁵⁵

Philadelphia, Boston, Cleveland, Cincinnati, Buffalo, Richmond, and New York City have important stories involving annexation that help to put the actions of Pittsburgh throughout the nineteenth and twentieth centuries in a broader and more national context. I will first address Philadelphia and Boston. These cities are similar because they both finished the bulk of their annexation history before the dawn of the twentieth century. Cleveland, Cincinnati, and Buffalo have all been viewed as regional rivals of Pittsburgh. It is worth examining how their annexation timelines were similar and different, as well as their motivations for annexation. New York City's annexation that created the Five Boroughs as we know them today influenced Pittsburgh. Richmond was a representation of how some

⁵⁴ Jason Jindrich, "Suburbs in the City: Reassessing the Location of Nineteenth-Century American Working-Class Suburbs," *Social Science History* 36, no. 2 (Summer 2012): 149.

⁵⁵ Jindrich, "Suburbs in the City," 149.

Southern cities approached annexation in this period and showed some ways that annexation differed based on geography. It is intriguing to examine the power dynamics taking place in these cities, as elites often were able to annex other communities irrespective of those communities wishes. The process of annexation was very much in the consciousness of elites across the country. Beyond the interesting power dynamics, the notion of increased governmental efficiency played an important role not just in Pittsburgh but also in many of the cities profiled in this section. The examinations of these cities also reveal the centrality of annexation to the history of many cities, furthering highlighting that it is understudied for being so vital to the history of many different cities.

Philadelphia

“We can scarcely find words in which to adequately express that profound and earnest sense of gratification we feel at the final triumph of Consolidation.”⁵⁶ So stated an editorial in Philadelphia’s *North American* in 1854. The 1854 Consolidation Act was one of the most significant events in the history of Philadelphia.⁵⁷ The largest annexation in the United States at the time, the Act added 127 square miles to the city proper, transforming the two square mile city founded by William Penn into a much larger and more populous city. The population rose overnight from 121,000 to 409,000.⁵⁸ With this sizable annexation, Philadelphia attempted to hold onto the advantages that it had and challenge other large cities in the country for economic supremacy.⁵⁹

⁵⁶ Michael P. McCarthy, “The Philadelphia Consolidation of 1854: A Reappraisal,” *Pennsylvania Magazine of History and Biography* 110, no. 4 (October 1986): 531, 548.

⁵⁷ Walter Licht, Mark Frazier Lloyd, J.M. Duffin, & Mary D. McConaghy, “Incorporation into Greater Philadelphia: The Consolidation Act of 1854,” West Philadelphia Collaborative History, accessed January 10, 2023, <https://collaborativehistory.gse.upenn.edu/stories/incorporation-greater-philadelphia-consolidation-act-1854>.

⁵⁸ McCarthy, “The Philadelphia Consolidation of 1854,” 541.

⁵⁹ McCarthy, “The Philadelphia Consolidation of 1854,” 541, 548.

While boosters nationwide universally adopted economic supremacy as one of their major goals, Philadelphia had a rarer reason for advocating for a “Greater Philadelphia,” according to historian Sam Bass Warner. In the 1830s and early 1840s, ethnic, racial, and religious tensions rose in the area. In 1844, those tensions boiled over, leading to fighting between Irish Catholics and native-born Protestants. The riots convinced some elite businessmen and leaders of consolidation’s necessity for the Philadelphia region.⁶⁰ Police protection, they believed, was not currently adequate, as the small force could not prevent or stop the large-scale rioting and destruction that had occurred.⁶¹ Consequently, leaders in Philadelphia argued for the necessity of greater policing and political control of the region to maintain order and protect citizens.⁶²

At first, the appeals for consolidation fell on deaf ears, as some elites expressed reservations with incorporating areas with large numbers of immigrant groups.⁶³ Most lawyers in Philadelphia strongly opposed incorporating new areas partially because they did not wish to “assume the problems, and potentially the tax burdens, of the poorer outside districts.”⁶⁴ Additionally, they wanted to continue running Philadelphia as they had and not

⁶⁰ Sam Bass Warner, *The Private City: Philadelphia in its Three Periods of Growth* (Philadelphia: University of Pennsylvania Press, 1987), 152.

⁶¹ McCarthy, “The Philadelphia Consolidation of 1854,” 534.

⁶² Warner, *The Private City*, 152. Warner was not the only historian who emphasized this somewhat “law and order” rationale for the consolidation movement in Philadelphia. Historian David R. Johnson also emphasized the importance of the riots to consolidation in his history of police in nineteenth century Philadelphia. McCarthy believed that, in Johnson’s estimation, “police protection was the paramount issue” driving many to support annexation, as police could not mount rigorous efforts to combat rioting and lawbreaking. Other historians also address the importance of consolidation in Philadelphia, such as Howard Gillette, Jr. and Elizabeth M. Geffen. Geffen’s work highlights the concept of governmental efficiency in the 1850s, which later also became a common idea in the Progressive Era. McCarthy also examines other potential reasons for consolidation in addition to the need for more police after the riots, discussing the work of Eli Price and his emphasis on “electoral democracy.” Price, an urban booster who had been at the forefront of the consolidation movement, wrote one of the first histories of consolidation in Philadelphia in 1873. At the tail end of the era of Jackson, McCarthy believes that all the new elected offices in Philadelphia were part of a larger trend in favor of more democratic participation. McCarthy, “The Philadelphia Consolidation of 1854,” 532-533.

⁶³ Licht, et al., “Incorporation into Greater Philadelphia.”

⁶⁴ Warner, *The Private City*, 152.

introduce new people to the equation, since new people and groups could be somewhat unpredictable.⁶⁵ Notably, the elite groups such as lawyers and businessmen were divided at this stage of contemplating consolidation, demonstrating a roadblock to a successful effort.

Eventually, public opinion shifted, and elites became unified in backing consolidation. No political parties felt terribly threatened by annexation, which caused opposition to cool.⁶⁶ Furthermore, after a race riot in October 1849, many other holdouts came around to the notion that the city needed increased central control. Shortly thereafter, a committee of leading businessmen and lawyers held a meeting advocating consolidation.⁶⁷ Some realized the need for increased services such as police, fire, and sanitation. Other elites realized the outer, more sparsely populated areas of the region would need housing; plentiful quantities of money could be made in acquiring that housing and proceeding to sell or rent it. Additionally, many city boosters hoped and believed that Philadelphia would become “the commercial center of the United States” after annexation.⁶⁸ While New York City had passed Philadelphia as the nation’s most populous city a half-century prior, Philadelphia had long been in second place. However, in 1850, Philadelphia had fallen to fourth in the census, having been passed by Boston and Baltimore. Since city boosters nationwide paid significant attention to population figures due to perceptions about economic opportunity, many converts came into the pro-

⁶⁵ Warner, *The Private City*, 152.

⁶⁶ Warner, *The Private City*, 154-155. The political parties had eventually arrived at this conclusion. For some years prior, both the Whigs and the Democrats had let bills in the state legislature expire rather than act on them, even though both parties had sizable groups that favored consolidation. This stalemate happened because both parties worried about whether the other party would gain power at the other’s expense from consolidation.

⁶⁷ Warner, *The Private City*, 155.

⁶⁸ Licht, et al., “Incorporation into Greater Philadelphia.”

annexation camp because Philadelphia was in danger of falling further in the population race at the next census.⁶⁹

In 1854, those in favor of consolidation got their wish; Philadelphia expanded dramatically. In what would be significant in Pittsburgh as well, proponents of the bill effectively lobbied both houses of the state legislature to ensure passage of the Consolidation Act.⁷⁰ The population of the city roughly tripled, as three suburbs that became part of Philadelphia were the ninth, eleventh and twelfth most populous areas in the country in the 1850 census.⁷¹ The power of the mayor of Philadelphia also increased.⁷² Consolidation has had a lasting impact on the city, as well. Different from many other major cities, Philadelphia's borders have remained largely unchanged since the passage of this 1854 act.⁷³

Annexations during this period and later annexations in other cities during the Progressive Era had a search for order and efficiency at their heart. Philadelphia wanted to bring order to what many civic leaders perceived as increasing lawlessness. As the title of Robert Wiebe's book suggests, a search for order also underlay the motivations of many Progressive Era reformers in the late nineteenth and early twentieth centuries. One other similarity between the two eras concerned the obsession with population growth. Always, boosters and civic leaders viewed annexation as a means to get ahead in the population arms

⁶⁹ McCarthy, "The Philadelphia Consolidation of 1854," 541. Cincinnati and New Orleans were two cities hot on Philadelphia's heels in terms of population growth. Philadelphia boosters also viewed New York positively because they believed that New Yorkers treated the police force in the city appropriately.

⁷⁰ Licht, et al., "Incorporation into Greater Philadelphia."

⁷¹ Andrew Heath, "Consolidation Act of 1854," Encyclopedia of Greater Philadelphia, 2013, <https://philadelphiaencyclopedia.org/essays/consolidation-act-of-1854/>.

⁷² Warner, *The Private City*, 102. The power of the mayor also mattered in Pittsburgh and was important for many reformers in the Progressive Era in Pittsburgh. Many felt that having power concentrated at the ward level and having a weak mayor led to patronage and the corruption of the Magee-Flinn ring. Consequently, reformers in Pittsburgh worked to increase the mayor's power, believing that Guthrie would use it effectively. Daly, "Zoning in Pittsburgh," 104-105.

⁷³ Heath, "Consolidation Act of 1854."

race. Reformers also felt similarly about public services. Philadelphia wanted better police and believed that annexation would help accomplish that. In Pittsburgh and elsewhere, a desire for better services spurred annexation. Even the religious tension prominent in mid-nineteenth century Philadelphia would resurface (albeit in a far less violent way) in New York near the end of the nineteenth century. Consequently, examining annexation in an early time in Philadelphia highlights common trends evident in other cities' experiences with annexation. These common trends can help to show why annexation mattered so much to city boosters.

Boston

Boston's annexation story largely petered out before the twentieth century but was quite active during the 1800s. Boston, like Pittsburgh, experienced a surge in annexationist sentiment in the postbellum era. Historian Sam Bass Warner credits a desire for increased public works with increasing annexationist sentiment in some of Boston's suburbs, most notably Roxbury. The fight in Roxbury happened in 1868. Many middle-class suburbanites approved of joining Boston because doing so would mean "a political union of homes, jobs, and community."⁷⁴ Opponents of annexation relied on some similar arguments that those in Allegheny and other communities in the Pittsburgh region used. The annexation opponents strongly believed that taxes would go up because of Boston's numerous public services. Many residents in and around Boston believed that it had some of the best public services, including water and education. Paying for those services would require additional tax dollars, and this made some people squeamish. The number of immigrants that entered Boston also made some people uneasy about joining the city. Boston, however, annexed Roxbury in 1868. In 1873, middle class commuters to Boston reversed an 1851 decision that split the rural parts of West Roxbury from the more industrial

⁷⁴ Sam Bass Warner, *Streetcar Suburbs: The Process of Growth in Boston, 1870-1900* (Cambridge: Harvard University Press, 1978), 164.

parts. West Roxbury became a part of Boston because the middle-class commuters believed the services provided by Boston would be beneficial and believed that, with the middle class in charge of Boston, all would be well.⁷⁵

Although Boston completed many successful annexations, Warner notes that the annexation movement died off in Boston during the 1870s, which both did and did not mirror Pittsburgh. Brookline voted against becoming a part of Boston in 1873 and, combined with the lengthy nationwide economic depression that began in 1873, enthusiasm for annexation in Boston went away and never revived.⁷⁶ The severe economic depression also hampered the annexation movement in Pittsburgh. It entered a dormant state, not to revive again until two decades later.⁷⁷ Unlike the revival of Pittsburgh's annexation movement, Boston never again tried to annex Brookline.⁷⁸

Annexation fervor subsided for other reasons than the economic depression; public works also played an important role in quelling the annexation movement in Boston. Warner writes that, in 1870, Brookline, Cambridge, and Charlestown all had functioning independent waterworks, which made being absorbed by Boston less desirable and less necessary. Other cities lacked the tax bases of these regions and, thus, the ability to build quality projects such as the waterworks and provide other municipal services. Consequently, they were more amenable to Boston's overtures because they needed the services that Boston could better provide. Not so Brookline, Cambridge, and Charlestown, which have remained independent to this day.⁷⁹

⁷⁵ Warner, *Streetcar Suburbs*, 163.

⁷⁶ Warner, *Streetcar Suburbs*, 163.

⁷⁷ Daly, "Zoning: Its Historical Context and Importance," 108.

⁷⁸ Warner, *Streetcar Suburbs*, 163.

⁷⁹ Warner, *Streetcar Suburbs*, 163-164.

Cleveland

Boston and Philadelphia represent two of the largest cities with some of the richest history in the country; however, their annexation stories differ somewhat from regional rivals of Pittsburgh. The stories of Cleveland and Cincinnati brim with parallels to Pittsburgh and were on relatively similar timelines throughout the 1800s. Given its relative proximity to Pittsburgh, Cleveland provides a good comparison to see how a nearby city responded to the national pressure to pursue annexation.

Much as in Pittsburgh, Cleveland developed rivalries with nearby cities. Cleveland was incorporated in 1836, a smaller and less populous city than Pittsburgh on the day it became a city.⁸⁰ Soon after Cleveland's incorporation, it developed a rivalry with nearby Ohio City. Cleveland had a population three times greater than Ohio City. However, Cleveland still squabbled with its smaller neighbor as a dispute erupted over bridges. Ohio City residents attempted to stop Cleveland residents and businessmen from using a specific bridge. The leaders and residents of Ohio City believed that allowing Cleveland's residents free access to this bridge harmed Ohio City's mercantile district and the profits of its businessmen. Because of these disputes, violence broke out on several occasions.⁸¹ Cooler heads, however, eventually prevailed. After an 1851 vote to annex Ohio City failed in Cleveland, Cleveland's city council regrouped and tried again. A committee of Cleveland city councilmen met with a counterpart

⁸⁰ In 1840, Pittsburgh's population was 21,115, which made it the 17th largest urban area in the United States. Cleveland's population in the same year was 6,071, which made it the 45th largest urban area in the country. Allegheny City's population was 10,089, making it the 37th largest urban area in the country. Ohio City did not make the top 100 urban areas. Gibson, "Population of the 100 Largest Cities and Urban Areas in the United States: 1790 to 1990."

⁸¹ Christopher Roy, "Ohio City," Case Western Reserve University Encyclopedia of Cleveland History, April 26, 2019, <https://case.edu/ech/articles/o/ohio-city-city-ohio>.

committee from Ohio City.⁸² Cleveland annexed Ohio City on June 5, 1854.⁸³ The Civil War then slowed any momentum of annexation as it did everywhere.

Cleveland's interest in annexation renewed in the postbellum years. In 1873, Cleveland added Newburgh to its fold. The annexation of Newburgh was an important moment for Cleveland, as Newburgh had been considered a leading regional rival of Cleveland. This would, however, be Cleveland's final important annexation for many years, as the nationwide economic depression and rail strikes hindered the city's economy and occupied the minds of the city's business and civic leaders. In Cleveland, Boston, and Pittsburgh, a pattern exists where annexation is somewhat dependent on the national economic climate.⁸⁴

In the 1890s, Cleveland's renewed interest in annexation was quite similar to that of its regional rival Pittsburgh's revived interest. In 1890, Cleveland added Brooklyn to its fold. West Cleveland was added in 1894, followed by Glenville and South Brooklyn in 1895. These annexations were all amiable, as these areas joined Cleveland largely for better services; they still believed, however, that they could retain their more suburban identity. In addition, Cleveland wanted to annex these areas, as they were busy competing in the nationwide "arms race" to annex more territories and grow the population. These annexations of Cleveland's during the 1890s seem to defy previous trends regarding nationwide catastrophes. During the Civil War, annexation naturally stopped everywhere. During the economic depression that began in 1873, annexation also dried up considerably. However, the economic depression that began in 1893 did not have the same impact on annexation.⁸⁵ Cleveland continued its growth

⁸²Samuel Peter Orth, *A History of Cleveland, Ohio* (Cleveland: S.J. Clarke Publishing Company, 1910), 48.

⁸³ Roy, "Ohio City."

⁸⁴ James Borchert, "Suburbs," Case Western Reserve University Encyclopedia of Cleveland History, accessed January 10, 2023, <https://case.edu/ech/articles/s/suburbs>.

⁸⁵ Borchert, "Suburbs." Pittsburgh also tried to annex Allegheny during the period of the depression in the 1890s. While a more thorough examination of the reasons why elites nationwide agitated for annexation during this period is perhaps beyond the scope of this thesis, it is an interesting topic that merits further scholarly examination. One

during the 1890s and the economic depression, rising to a population of 381,768 in 1900, making it the seventh largest city in the nation.⁸⁶ While Cleveland prodigiously annexed territories in the 1890s, none were as contentious as the Allegheny annexation was in Pittsburgh. The areas Cleveland annexed were not as populous as Allegheny. Pittsburgh had to contend with more people expressing resistance to annexation than did Cleveland. However, Cleveland was not content with just growing by annexation. Much as will be seen with Buffalo, Cleveland carefully noted that its continued growth in the early 1900s happened because of an influx of people, not just annexation.⁸⁷

Pittsburgh's rivalry with Cleveland stretches back well over a century and was on full display during this era of heavy annexation. Cleveland's newspapers had, of course, noticed the annexation battle occurring in Pittsburgh in 1907. On March 16, 1907, the *Pittsburgh Gazette Times* reprinted a brief article from the *Cleveland Leader*. The article started out with praise. It applauded Pittsburgh's annexation of Allegheny. This annexation, the *Leader* contended, was long overdue and would put Pittsburgh "nearer the position where it belongs on the list of American cities."⁸⁸ The article then stated that it believed Pittsburgh's population boost from the Allegheny annexation would put it safely ahead of Buffalo, Cincinnati, and San Francisco both in the present and in the next two censuses.⁸⁹

The *Leader* article also captured the competitiveness between the two cities, stating that the regional rivalry between Pittsburgh and Cleveland could and would only have one victor:

potential hypothesis is that, because of the massive proliferation of wealth in the two decades since 1873, certain elites who agitated for annexation were secure enough to do that, whereas they did not agitate for annexation during earlier crises because they had not reached the same level of wealth and economic security.

⁸⁶ "1900 Census: Volume I. Population, Part I," United States Census Bureau, accessed April 9, 2023, <https://www.census.gov/library/publications/1901/dec/vol-01-population.html>.

⁸⁷ "As Cleveland Dopes it Out," *Pittsburgh Gazette Times*, March 16, 1907.

⁸⁸ "As Cleveland Dopes it Out," *Pittsburgh Gazette Times*, March 16, 1907.

⁸⁹ "As Cleveland Dopes it Out," *Pittsburgh Gazette Times*, March 16, 1907.

Cleveland. Even if Pittsburgh gathered in other suburbs, Cleveland's rate of growth would, the Cleveland paper trumpeted, enable Cleveland to pass Pittsburgh by the 1920 census.⁹⁰ The article in the Cleveland newspaper is significant because it encapsulates the sense of competition between cities at this time. Furthermore, it demonstrates another city where newspapers put forward the rhetoric of city boosters with the goal of positively influencing economic development.

Cleveland's annexation efforts also continued post-1907 when the city added a significant prize in West Park. Cleveland lured West Park with traditional promises: lower taxes, better safety forces, and better public transportation. West Park was the last independent city to be annexed by Cleveland.⁹¹ In 1910, Cleveland was the sixth largest city in the nation and, in 1920, it was the fifth largest city.⁹² The faith of the authors of the 1907 *Cleveland Leader* article was rewarded.⁹³

Cincinnati

The Ohio River begins at the confluence of the Allegheny and Monongahela Rivers in Pittsburgh and continues west for 981 miles before emptying into the Mississippi River.⁹⁴ Along the way is Cincinnati. Over the years, its boosters and leaders echoed many of the

⁹⁰ "As Cleveland Dopes it Out," *Pittsburgh Gazette Times*, March 16, 1907. This statement represents one time where a booster group may have *underestimated* how well its city would do in terms of population. Cleveland was ahead of Pittsburgh in the 1920 census. However, it surpassed Pittsburgh in the 1910 census. "1910 Census: Population," United States Census Bureau, accessed February 4, 2023, <https://www.census.gov/library/publications/1913/dec/vol-1-population.html>.

⁹¹ Carol Kovach, "Taking a look at West Park Before its Annexation to Cleveland: A Place in the Sun," Cleveland.com, July 7, 2020, <https://www.cleveland.com/community/2020/07/taking-a-look-at-west-park-before-its-annexation-to-cleveland-a-place-in-the-sun.html>.

⁹² "Timeline," Case Western Reserve University Encyclopedia of Cleveland History, accessed April 22, 2023, <https://case.edu/ech/timeline>.

⁹³ "As Cleveland Dopes it Out," *Pittsburgh Gazette Times*, March 16, 1907. Although I will not address this extensively here, the similarities between the Cleveland and Pittsburgh stories continued throughout the twentieth century, as both experienced massive population drops over the back half of the twentieth century.

⁹⁴ "The Ohio River," National Park Service, accessed February 4, 2023, <https://www.nps.gov/articles/the-ohio-river.htm#:~:text=Beginning%20at%20Pittsburgh%2C%20Pennsylvania%2C%20the,130%20feet%20near%20Louisville%2C%20Kentucky>.

hopes and concerns put forward by those pushing annexation in Pittsburgh, its fellow river city. Cincinnati was first incorporated as a city in 1819, slightly earlier than Cleveland. Much like Pittsburgh, Cincinnati started as a walking city with a vibrant central core. That heart of the city became the industrial and commercial hub as Cincinnati's population expanded by roughly five times between 1820 and 1840. However, the center of the city soon became overcrowded and an unsanitary place for people to live. Out of necessity, local business and civic leaders in Cincinnati began thinking of ways to expand. As with Pittsburgh, they viewed annexation as one of the easiest and most practical ways. In the late 1840s and early 1850s, Cincinnati's annexations increased the square mileage of the city to approximately eight square miles.⁹⁵

Much as in Pittsburgh and Cleveland, interest in annexation among the booster class slowed during the Civil War but rebounded after it. Boosters in Cincinnati worried about regional prestige, as it had fallen behind fellow river city St. Louis in population growth. In addition, other midwestern cities such as Detroit and Cleveland were rapidly growing, which contributed to handwringing by boosters of the Queen City. Cincinnati faced a similar problem to Pittsburgh, as very little room remained within city limits to expand settlements.⁹⁶

By the early 1870s, Cincinnati boosters advocated for annexing all possible outlying areas, rallying around an early form of the governmental efficiency argument. The boosters contended that it was not efficient for eleven mayors to coexist within seven miles of the courthouse in Hamilton County, which includes modern-day downtown Cincinnati. An

⁹⁵ Janice Schulz, "City of Cincinnati Annexation Records," University of Cincinnati, May 19, 2011, <https://libapps.libraries.uc.edu/liblog/2011/05/city-of-cincinnati-annexation-records/>.

⁹⁶ Tim Burke, "The New City: The Evolution of Cincinnati from the 1880s-1930s," Cincinnati History, March 17, 2021, <https://www.cincinnatihistory.org/post/the-new-city-the-evolution-of-cincinnati-from-the-1880-s-1930-s#:~:text=By%201870%20Cincinnati's%20leaders%20were,Cincinnati%20to%2080%20square%20miles.>

annexation spree began, one that lasted into the twentieth century. Cincinnati annexed nearby hilltop communities because—much as in Pittsburgh—Cincinnati could provide services at a level most communities could not. For these communities, that included better police protection, fire services, schools, and water.⁹⁷

Cincinnati's civic leaders also sought out well-to-do areas that would bring in an increased tax base and, therefore, more revenue, much as Pittsburgh's civic leaders had in their annexations of the South Side and the East End. In 1896, Cincinnati annexed the village of Westwood, viewed as one of the biggest prizes because of its upper-middle class and wealthy inhabitants. Westwood's population had expanded in the decade prior to annexation and, although still a relatively small community, the wealth of its extremely prosperous inhabitants was a boon to Cincinnati's coffers.⁹⁸

As with Pittsburgh, however, many areas surrounding Cincinnati resisted annexation. Often (as was the case with Allegheny), those areas had their own base of economic support and an appropriately robust tax base to help fund the services that a modern city needed. Avondale was one such area. Incorporated as a city in 1863, Avondale valued its independence. Because of Avondale's wealth at the time, Cincinnati tried to annex Avondale in 1869, but a court deemed this annexation improper. However, Cincinnati eventually succeeded in annexing Avondale because Cincinnati could provide superior public services.⁹⁹ Cincinnati did not, however, use the same type of brilliant bill drafting and lobbying that Pittsburgh did to reel in Allegheny. They did not need figures like David T. Watson and George Guthrie to draft airtight legislation that would avoid any legal challenge. While

⁹⁷ Burke, "The New City."

⁹⁸ Burke, "The New City."

⁹⁹ Burke, "The New City."

Cincinnati succeeded in annexing some areas, it failed to annex others, such as Norwood and St. Bernard. To this day, they are independent cities surrounded by the city of Cincinnati.¹⁰⁰ Both Norwood and St. Bernard had votes regarding annexation but unlike Pittsburgh and Allegheny, those votes did not involve the residents of Cincinnati making their opinion known.¹⁰¹

After Cincinnati finished annexing the wealthier areas surrounding the city, it slowed down the feverish annexationist pace. Its last major annexation occurred in 1914 when Cincinnati brought in Kennedy Heights. Thereafter, new annexations were “limited to slivers of land adjacent to that already owned by the City.”¹⁰² Similarly, after Allegheny, the size of Pittsburgh’s annexations declined rapidly and the suburbs in the South Hills, for example, chose not to become part of the city.¹⁰³ The development of Cincinnati, however, mostly followed similar lines as Pittsburgh, highlighting an important similarity among these near-Midwestern cities. Both felt pressure from each other and from other regional rivals like Cleveland and Detroit, leading to an “arms race” to expand.

Buffalo

Like Cleveland, Buffalo’s early story surrounding annexation included the annexation of an initial rival. The construction of the Erie Canal turned Buffalo and the nearby city of

¹⁰⁰ Schulz, “City of Cincinnati Annexation Records.”

¹⁰¹ Bill Rinehart, “OKI Wanna Know: Why Aren’t Elmwood Place and St. Bernard Part of Cincinnati,” 91.7 WVXU, October 28, 2020, <https://www.wvxu.org/local-news/2020-10-28/oki-wanna-know-why-arent-elmwood-place-and-st-bernard-part-of-cincinnati>. The author became curious about this during the COVID-19 pandemic when he investigated the masking requirements of Cincinnati and surrounding areas.

¹⁰² Schulz, “City of Cincinnati Annexation Records.”

¹⁰³ “The Growth of Pittsburgh,” Brookline Connection.

Black Rock into rivals.¹⁰⁴ Incorporated as a city in 1832, Buffalo began expanding rapidly.¹⁰⁵ In 1834, trolley service linked Black Rock and Buffalo. By the 1850s, Black Rock's economic situation had deteriorated. Annexation by Buffalo seemed to be a more viable option than continuing solo. After the New York state legislature approved the annexation in April 1853, Buffalo rang in the New Year in 1854 by annexing Black Rock.¹⁰⁶ This annexation doubled the city's land area and greatly expanded its population overnight.¹⁰⁷

Buffalo was unique in an interesting way; although its population grew throughout the late 1800s, the city's boosters made clear that annexation did not constitute the main reason. Throughout the nineteenth century, Buffalo's population expanded rapidly, growing a minimum of 30 percent every census. Buffalo, however, wanted to give the impression that it did not grow as it did primarily because of annexation. The magazine *Greater Buffalo* even bragged about this, observing that "[i]n the decade ending in 1890, the increase in population was 65 percent! Only Chicago exceeded this rate, and Chicago's great growth was achieved through the aid of annexation."¹⁰⁸ The magazine continued by crowing that Buffalo's population increased three times as quickly as the major metropolises of the country such as Philadelphia, New York City, and Boston. Soon, the Buffalo boosters believed, Buffalo's population would exceed 400,000.¹⁰⁹ The braggadocio was standard booster fare. However, downplaying annexation did not seem to be a common theme, as most boosters—especially

¹⁰⁴James Napora, "Houses of Worship: A Guide to the Religious Architecture of Buffalo, New York," (Master of Architecture Thesis, University of Buffalo, 1995), 123-124, 144, <https://buffaloah.com/h/br/nap.html>.

¹⁰⁵ "Historic and Architectural Overview," City of Buffalo: Grant-Ferry-Forest Neighborhood, accessed January 20, 2023, <https://www.buffalony.gov/DocumentCenter/View/1945/Section-3---Historical-and-Architectural-Overview-PDF>.

¹⁰⁶ Napora, "Houses of Worship," 123-124, 144.

¹⁰⁷ Mark Goldman, "Buffalo's Black Rock: A Neighborhood and a City," *Journal of Urban History* 5, no. 4 (August 1979): 448.

¹⁰⁸ "Historic and Architectural Overview," City of Buffalo.

¹⁰⁹ "Historic and Architectural Overview," City of Buffalo.

those in Pittsburgh—seemed far more concerned about the population numbers as opposed to how the city came about those numbers.

With its burgeoning population, Buffalo had to worry about how it would provide services for its citizens. Buffalo felt the same sort of impulse to centralize government that Pittsburgh felt. In 1892, Buffalo abolished the ward system and replaced it with a system that made the mayor much stronger, much as Pittsburgh would do in the early 1900s after the demise of the political machine. Graft and corruption were endemic in Buffalo's ward system just as they were in Pittsburgh's ward system. Very much on the minds of reformers in Buffalo, a piece by the editors of the *Buffalo News* argued that the new municipal government would not "encourage inefficiency" in the same way that the old one did.¹¹⁰ This editorial is instructive in highlighting broader Progressive Era themes. As with some of Pittsburgh's papers, it shows a newspaper trying to influence public opinion in favor of reform and in opposition to the already established machine. In addition, Pittsburgh and other cities trumpeted the notion of increased governmental efficiency.¹¹¹ As the influence of machine politicians in Pittsburgh and Buffalo waned, reformers took center stage to tout efficiency. In Buffalo, it is evident that a similar city to Pittsburgh operated on a similar timeframe. In the late 1800s and early 1900s, both began reckoning with the corruption of machine politics. However, Pittsburgh's boosters, unlike Buffalo's, never shied away from mentioning population growth due to annexation. Instead, they wholeheartedly embraced population growth no matter the source.

¹¹⁰ Goldman, "Buffalo's Black Rock," 463.

¹¹¹ Goldman notes that the ward system had come under attack in different places across the country beginning in the mid-1870s. Goldman, "Buffalo's Black Rock," 463.

Richmond

Annexation was a popular strategy to expand a city, even if rationales for doing so varied somewhat from region to region. The example of Richmond, Virginia shows other layers of annexation more present in the South. These layers include the issue of race as well as the memory of the Civil War. Some of the underlying goals of the Richmond city boosters and civic leaders never varied, such as the incessant drive to bring more money and people into the city. Much as in Pittsburgh, newspapers helped the cause of development and came to the aid of the city boosters in Richmond. The *Richmond-Times Dispatch* wrote that the goal of the business leaders of the city was to “publish to the world that Richmond is the largest city and the greatest business center between Washington and New Orleans.”¹¹²

Richmond had concerns regarding annexation largely separate from those in many Northern cities such as Pittsburgh; boosters wondered about how to contend with the Confederate heritage of the South and the larger African American population. New South boosters also used annexation as a tool to regulate the settlement patterns of African Americans. The boosters accomplished this by having well-to-do developers construct communities for elites in recently annexed suburbs while not developing the center city. Additionally, Southern boosters expressed concern that a showing of African American independence in Southern cities would lead to less capital flowing into the South.¹¹³ Unlike other cities in the North, part of the debate of Southern leaders involved whether to celebrate the heritage of the Confederacy or block out the memory of the war.¹¹⁴ Many businessmen in

¹¹² Reiko Hillyer, *Designing Dixie: Tourism, Memory, and Urban Space in The New South* (Charlottesville: University of Virginia Press, 2015), 131.

¹¹³ Hillyer, *Designing Dixie*, 132.

¹¹⁴ Hillyer, *Designing Dixie*, 131.

the Richmond of Chamber of Commerce debated the wisdom of attracting reunions of Confederate soldiers or whether it was best to move beyond that part of Richmond's past.¹¹⁵

Race was not as central a part of the story of northern annexation battles, particularly in Pittsburgh. While some African Americans were involved in steelmaking and others had been used as strikebreakers, the Great Migration between the two world wars spurred the growth of the African American population in Pittsburgh to significant levels. Previously, industrialists such as Carnegie viewed African American labor as "inefficient, unstable, and unsuitable" for employment in Pittsburgh. Despite Carnegie's pronouncement, historians Jared Day and Joseph Trotter note that African Americans comprised over 700 steelworkers and nearly five percent of the population in Pittsburgh by 1910.¹¹⁶ Despite this, racial motivations for annexations in Pittsburgh during the early 1900s do not seem common. The Chamber and other business groups, in the materials that I encountered, did not express the sentiment that the motivations for their actions were driven by race.

New York City

One of the largest annexations in the country's history took place on January 1, 1898, when New York City's famed five boroughs first came into legal existence. The drive to unify the cities of New York City and Brooklyn began long before 1898, with its roots in the 1830s. And as in the cases of Pittsburgh and its regional rivals Cleveland and Cincinnati, New York began enthusiastically participating in the annexation arms race in the postbellum

¹¹⁵ Hillyer, *Designing Dixie*, 132.

¹¹⁶ Jared N. Day and Joe W. Trotter, *Race and Renaissance: African Americans in Pittsburgh Since World War II* (Pittsburgh: University of Pittsburgh Press, 2010), 1-3.

era. In 1874, New York annexed part of what is now the western Bronx from Westchester County.¹¹⁷

The machine politics of Pittsburgh and New York figured prominently in annexation battles. In the 1890s, political and business leaders in Pittsburgh and Allegheny chafed against the potential expansion of the Magee-Flinn ring's power into Allegheny. Many Brooklynites likewise worried that a potential consolidation with New York City could mean an expansion of Tammany Hall's influence. "Mutters and imprecations" were heard in Brooklyn regarding the consolidation and what it would mean for Brooklyn's government.¹¹⁸ Many Brooklyn residents feared that the worst result of consolidation would be "the loss of good government."¹¹⁹

Brooklynites believed that New York City had been mismanaged because of the political machine, and the same sort of concerns about poor governance would extend to Brooklyn after annexation.¹²⁰ In the mid-1890s, pro-democracy groups formed in New York City to act against the influence of the political machine.¹²¹ Many who pushed for consolidation in New York believed that government would be made more efficient and less machine-driven by consolidation, as non-machine Brooklyn could help counterbalance the New York ring.¹²² However, much as the power of the Magee-Flinn ring in Pittsburgh began to decline in the late 1890s and early 1900s, the New York City political machine also began to

¹¹⁷ Harry Macy, Jr., "Before the Five-Borough City: The Old Cities, Towns, and Villages That Came Together to Form 'Greater New York,'" New York Genealogical and Biographical Society, April 11, 2021, [https://www.newyorkfamilyhistory.org/blog/five-borough-city-old-cities-towns-and-villages-came-together-form-greater-new-york#:~:text=In%201895%20New%20York%20City,and%20Richmond%20\(Richmond%20County\)](https://www.newyorkfamilyhistory.org/blog/five-borough-city-old-cities-towns-and-villages-came-together-form-greater-new-york#:~:text=In%201895%20New%20York%20City,and%20Richmond%20(Richmond%20County).).

¹¹⁸ Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York to 1898* (New York: Oxford University Press, 1999), 1219.

¹¹⁹ Richard L. McCormick, *From Realignment to Reform: Political Change in New York, 1893-1910* (Ithaca: Cornell University Press, 1981), 91.

¹²⁰ McCormick, *From Realignment to Reform*, 91.

¹²¹ McCormick, *From Realignment to Reform*, 46-47.

¹²² Burrows and Wallace, *Gotham*, 1230.

decline. Historian Richard McCormick notes that boosters wished to pursue annexation because Republicans felt that they could gain power at the expense of the Democratic machine.¹²³

Arguments about religion and the power of rural areas also came to the forefront in the New York annexation battle. Much as in Allegheny, many Brooklynites stated that they valued independence and did not want to submit to the will of Greater New York City.¹²⁴ However, some Brooklynites made religious arguments, contending that Brooklyn was a largely middle-class Protestant community. Joining up with Manhattan's far greater Catholic and Jewish populations would not, they felt, be wise. With Pittsburgh and Allegheny, the representatives of more rural areas did not pose much of a problem in getting the annexation bill through the state legislature.¹²⁵ Not so in New York. The gulf between upstate New York and New York City is not a twenty-first century phenomenon. Many upstate legislators expressed suspicion of an already large metropolis becoming a behemoth. They feared that this would dilute any influence they had over state politics.¹²⁶ A rural-urban divide can also be seen in the 1894 annexation vote. In Queens County, the more urbanized areas closest to Manhattan staunchly favored annexation. However, the more sparsely populated and rural periphery of Queens resisted becoming part of New York, with Flushing voting against consolidation.¹²⁷ The urban-rural divide did not just divide communities in Greater New York City; Allegheny had more rural areas than Pittsburgh, and some leaders of Allegheny feared

¹²³ McCormick, *From Realignment to Reform*, 92.

¹²⁴ McCormick, *From Realignment to Reform*, 90. Again, independence plays an important role in resisting annexation. In Brooklyn, Allegheny, and the Avondale area of Cincinnati, all communities resisted annexation for the somewhat nebulous reason of "independence." Given the intense municipal pride that some annexationists clearly felt in the tireless promotion their city, it is no surprise that some of those resisting annexation felt similarly.

¹²⁵ *Consolidation, an address to the citizens of Allegheny City and vicinity, against consolidation with the city of Pittsburgh* (Pittsburgh: Alpha Editions, 2021), 7.

¹²⁶ McCormick, *From Realignment to Reform*, 91.

¹²⁷ Burrows and Wallace, *Gotham*, 1231-1232.

that its rural areas would be neglected if it joined Pittsburgh.¹²⁸ Much as with the ever-growing drive for increased governmental efficiency, the urban-rural divide in both places represented a growing national divide at this time. Historian Robert Wiebe writes of the “widening chasm between urban and rural lives” that occurred nationwide in the 1890s.¹²⁹

Despite these problems, annexation still attracted a substantial backing among those in New York and in the communities to be annexed. The 1894 vote showed that consolidating Brooklyn and New York City had considerable support in New York City and was about evenly divided in Brooklyn.¹³⁰ Many who supported consolidation felt that it would increase economic development in Brooklyn.¹³¹ Consolidation prevailed in Manhattan 96,938 in favor to 59,959 opposed. Interestingly, the areas that did not wish to be annexed were poorer districts and those that Tammany Hall influenced.¹³² New York provides an interesting contrast to Pittsburgh. Whereas, in Pittsburgh, the ring spearheaded an annexation charge in the 1890s to expand its power, the opposite occurred in New York. Here, in the 1890s, the ring was concerned that its power would be diminished and therefore instructed its still-loyal backers to vote against the consolidation. Other places besides Brooklyn voted on annexation in this non-binding referendum. Part of Queens County, all of Richmond County, and the eastern Bronx voted to consolidate with New York City. If these three areas and Brooklyn joined New York, the result would be the second largest city in the world, trailing only London.¹³³

Marked by a grand celebration for the New Year, on January 1, 1898, the first and fourth largest cities in the United States—New York City and Brooklyn—officially merged to

¹²⁸ *Consolidation, an address to the citizens of Allegheny*, 7.

¹²⁹ Robert Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967), 90.

¹³⁰ McCormick, *From Realignment to Reform*, 91.

¹³¹ Burrows and Wallace, *Gotham*, 1231.

¹³² Burrows and Wallace, *Gotham*, 1231.

¹³³ Macy, Jr., “Before the Five-Borough City.”

¹³³ McCormick, *From Realignment to Reform*, 90.

form a “supercity.”¹³⁴ Beyond Brooklyn, New York annexed parts of Western Queens, Long Island City, and Richmond. This led to the five boroughs that we know today.¹³⁵ As with Pittsburgh, business and real estate interests drove the push to unify. The same sort of Progressive Era mindset about reform and efficient government permeated New York City. Much as in Pittsburgh, elites in New York City drove to combine New York City and Brooklyn, arguing to Brooklynites that joining New York City would produce lower taxes and higher growth.¹³⁶ Taxation and public services finally pushed those opposing or on the fence about annexation to support it.¹³⁷ Not every area favored annexation, however. Flushing in Queens County, for example, staunchly opposed annexation because of its sparser population and less connection with commercial interests in Manhattan.¹³⁸

While not on the same scale in terms of size, annexation in New York does have some important parallels to Pittsburgh. Namely, not all areas being annexed favored the prospect. Additionally, both cities tried to overcome their machine pasts and the associated corruption. Population played an important role as well, as city leaders viewed increasing population as a gateway to increasing economic prosperity in the cities. Through New York and other cities, we begin to see a common mindset about annexation in the nineteenth and early twentieth centuries. Public services and taxes were important considerations along with the relative size and wealth of the area to be annexed. Additionally, the mindset of good governance was spreading, as was the desire for the increased efficiency of government. Importantly,

¹³⁴ Burrows and Wallace, *Gotham*, 1219. Staten Island voted solidly in favor of consolidation. Burrows and Wallace, *Gotham*, 1231.

¹³⁵ Macy, Jr., “Before the Five-Borough City.”

¹³⁶ McCormick, *From Realignment to Reform*, 90.

¹³⁷ Kenneth R. Cobb, “The Mayors of the Greater City of New York,” New York City Department of Records and Information Services, January 9, 2021, <https://www.archives.nyc/blog/2021/1/8/the-mayors-of-the-greater-city-of-new-york>.

¹³⁸ Macy, Jr., “Before the Five-Borough City.” Queens voted 60% in favor of consolidation with New York. Burrows and Wallace, *Gotham*, 1231-1232.

McCormick highlights one key reason why annexation succeeded at this time, writing that “[f]or all the dreams and calculations of two-thirds of a century, the drive to join the cities succeeded when it did because the leader of the Republicans believed it to be in his organization’s interest.”¹³⁹ Here lies an important parallel to Pittsburgh, as political calculations in Pittsburgh also mattered. The elites in the Chamber banded together in the early 1900s because they no longer faced as much of a threat from a political machine extending its power. Instead, the one gaining more power would be the reformer George Guthrie, someone whom they all knew and admired. McCormick’s quotation also encapsulates the importance of power throughout the history of annexation. Believing it in the best interest of their organization, Republicans attempted to annex other areas. Thus, Republicans wanted annexation because it would help them gain more power. Similarly, powerful interests in Pittsburgh could only get more powerful through their efforts to annex Allegheny.

¹³⁹ McCormick, *From Realignment to Reform*, 90.

Chapter III: From Failure to Success in Pittsburgh (1894-1906)

William Flinn had not run Pittsburgh's political machine for many years purely on luck; he seized openings when he saw them, and he believed that he and his machine could successfully annex Allegheny. Adding a city the size of Allegheny would assuredly increase his territory. The state senator and other attorneys began work on a bill for the state legislature that would allow the citizens of Allegheny to determine their fate for annexation.¹⁴⁰ The bill "provided that upon the petition of two per centum of the qualified electors of the district desiring to be annexed, the Common Pleas Court of the county should order a joint election to be held in the city to which annexation was made and in the petitioning district."¹⁴¹ A *joint* election would decide the result. Almost immediately, a clamor arose in Allegheny. Pittsburgh's population far exceeded that of Allegheny. If the votes were combined, Allegheny had no hope of retaining its independence. Politicians in the area enlisted the help of United States Senator Matthew Quay, a native of Western Pennsylvania. Allegheny even employed noted Pittsburgh attorney David T. Watson to help draft amendments to the bill.¹⁴²

Beyond his work on annexation, William Flinn is an important player in the story of Progressive Era Pittsburgh. Along with Christopher Magee, Flinn ran the infamous Pittsburgh political machine of the late nineteenth and early twentieth century. Magee, a former state senator, forged numerous connections as Pittsburgh city treasurer. He achieved wealth and further connections in the streetcar business during its ascendancy.¹⁴³ Flinn was a contractor.

¹⁴⁰ "Can Be Forced In," *Pittsburgh Post*, December 29, 1894.

¹⁴¹ Dahlinger, "Old Allegheny City," 221-222.

¹⁴² Dahlinger, "Old Allegheny City," 222.

¹⁴³ Steven Bernstein, "Christopher Lyman Magee: Pittsburgh's Benevolent Tyrant," *Western Pennsylvania History* (Summer 2003): 37. Beyond Magee and Flinn, another important member of the Pittsburgh ring was a prominent friend of Andrew Carnegie's, Director of Public Works Edward M. Bigelow. Magee, Flinn, and Bigelow were well into their time in charge of the city in the 1890s. They would, however, be out of power in a few short years. Magee died in early 1901, setting in motion a string of events that would permanently end the ring's power.

Magee befriended and crafted an alliance with Flinn in 1879, an action that proved conducive to Magee's ambitions for greater power and Flinn's ambitions for greater wealth.¹⁴⁴ Through his position in the machine, Flinn, in 1882, became chairman of the city Republican Executive Committee, a prominent position that he commanded for two decades. Flinn also served in the Pennsylvania State Senate from 1890 to 1902.¹⁴⁵

During the Magee-Flinn era, politics in Pittsburgh was localized, operating on a ward basis. This made it easier for machine bosses to influence politics, as they could control votes in a specific ward and appoint men as ward leaders who expressed sympathy for the machine. In exchange for votes, the ward leaders would receive money or favors for the ward. In 1903, journalist and notable "muckraker" Lincoln Steffens wrote an expose of the Pittsburgh ring and the level of corruption in Pittsburgh's city government. Part of his larger work *The Shame of the Cities*, Steffens wrote that Magee largely controlled the political end of the machine, managing much of the politics of the city. Highly invested in ward politics, Magee made sure to boost politicians who staunchly supported him, ensuring their election and furthering his own power.¹⁴⁶

Votes were not the only prominent aspect of society controlled by the machine; the machine also controlled business in Pittsburgh. Whereas Magee controlled the political side of the machine, Flinn controlled the business aspects of the machine, collecting money from graft. Steffens, perhaps bowing to the sensationalist style of the time, wrote of the Pittsburgh ring: "I know nothing like it in any other city. Tammany [Hall in New York] in comparison is a plaything."¹⁴⁷ While conceivably a hyperbolic statement meant to shock his readers and draw

¹⁴⁴ Bernstein, "Christopher Lyman Magee," 38.

¹⁴⁵ Ron Schuler, *The Steel Bar: Pittsburgh Lawyers and the Making of America* (Pittsburgh: Marquez Press LLC, 2019), 211.

¹⁴⁶ Aaron Matthew Gallogly, "A Higher Public Spirit and a Better Social Order: The Civic Club of Allegheny County, 1895-1930," (Master's Thesis, Duquesne University, 2010), 49-50.

¹⁴⁷ Gallogly, "A Higher Public Spirit and a Better Social Order," 49-50. Magee and Flinn provided some services for the communities that relied on their patronage. Common improvements included paved streets and sewers.

attention to the seriousness and pervasiveness of the ring's influence, Steffens's comment does highlight the nature of Pittsburgh's machine politics and the vast influence wielded by Magee and Flinn. Businesses affiliated with the machine and its leaders would always receive city contracts, even when those businesses had not submitted the lowest bid.¹⁴⁸ Magee and Flinn's influence stretched beyond politics and business. They also wielded impressive power over the legal system in the city. Lawyers frequently worked with the ring to expedite legal matters and, in return, make contributions for the election of ring candidates.¹⁴⁹

Even as Magee, Flinn, and the ring tried to expand their power through the annexation of more territory, some voluntary groups simultaneously attempted to gain power and put their imprint on the city. The Pittsburgh Chamber of Commerce quickly arose as a force in the drive to ensure the success of annexation and the goal of a "Greater Pittsburgh." Historian Roy Lubove noted the importance of voluntary organizations such as the Chamber during the Progressive Era in Pittsburgh. The voluntary organizations, of which the Chamber constituted the most notable, "set in motion the organized forces of change, including the adoption of new service and welfare functions by government."¹⁵⁰ The Chamber also pushed annexation because of the belief that the "national ranking of the vastly enlarged city would be good for business and

Magee and Flinn also helped to build firehouses, public parks, and a new courthouse. However, some of the services were not distributed evenly among wards. Muller and Bauman, *Before Renaissance*, 30.

¹⁴⁸ Gallogly, "A Higher Public Spirit and a Better Social Order," 49. Schools were controlled at the ward level, and reformers wanted to change this. Many groups, such as the CCAC, advocated for greater centralization of schools. Gallogly, "A Higher Public Spirit and a Better Social Order," xiv-xv. Historian Mark Goldman examines the powerful ward model but takes care to show why it was not an entirely bad system in Buffalo. He looks at the decline of the neighborhood Black Rock. He writes that the decline of the ward system "denied the separate neighborhood communities the political power that had, for so long, been essential to their strength and stability." Goldman, "Buffalo's Black Rock," 466-467.

¹⁴⁹ Schuler, *The Steel Bar*, 207.

¹⁵⁰ Roy Lubove, *Twentieth Century Pittsburgh, Volume 1: Government, Business, and Environmental Change* (Pittsburgh: University of Pittsburgh Press, 2006), 28.

civic spirit.”¹⁵¹ This belief would underlie the efforts of those in favor of annexation not just in the 1890s but also in the following decade.

The reform impulse of the Chamber was reflected nationally, not just in Pittsburgh. Reformers nationwide actively tried to contend with the chaos unleashed by rapid industrialization and urbanization by creating a more systematic and well-ordered society.¹⁵² This systematic and well-ordered society would, ideally, make government less costly and more efficient for everyone. It would rid urban environments of machine politics, which reformers believed corrupted citizens and harmed democratic institutions.¹⁵³

While the Chamber was the most important reform-oriented organization from the standpoint of annexation, other reform organizations also helped to change Pittsburgh. The Civic Club of Allegheny County (CCAC) was founded in the 1890s. Containing both women and men, the membership consisted of elite citizens of both Pittsburgh and Allegheny.¹⁵⁴ The CCAC aimed to improve the city in common ways for reformers throughout the country in the Progressive Era. The members of the CCAC “set their sights on city beautification, improving environmental factors in the city such as smoke and sewer sanitation as well as improving the effectiveness of parks with rest stations.”¹⁵⁵ Even with their desire to reform, those in the reform organizations still viewed economic growth as something of paramount importance for the city.¹⁵⁶ Without question, the members of the Chamber and the CCAC were the elites of the city.

¹⁵¹ Edward K. Muller, “The Pittsburgh Survey and ‘Greater Pittsburgh’: A Muddled Metropolitan Geography,” in *Pittsburgh Surveyed: Social Science and Social Reform in the Twentieth Century*, ed. Maurine W. Greenwald and Margo Anderson (Pittsburgh: University of Pittsburgh Press, 1996), 79.

¹⁵² Shelton Stromquist, *Reinventing “The People”: The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006), 5-6.

¹⁵³ Stromquist, *Reinventing “The People,”* 64-65.

¹⁵⁴ Gallogly, “A Higher Public Spirit and a Better Social Order,” xi. Men comprised the majority of reformers, particularly in the Chamber. The CCAC was a mixed-gender organization.

¹⁵⁵ Gallogly, “A Higher Public Spirit and a Better Social Order,” xii.

¹⁵⁶ Lubove, *Twentieth Century Pittsburgh*, 49. Magee and Flinn acted as if they cared about smoke reform. In 1892, perhaps to ease some of the anti-machine feelings fermenting in Pittsburgh, they stated that they would support a

A substantial 65 percent of the members of the Chamber and the CCAC were listed in the upper-class directories of the city that held the names and addresses of the most wealthy and influential citizens. The directories only included roughly two percent of the residents of Pittsburgh, showing the elite status of most of the reformers.¹⁵⁷ This also highlights why so many viewed economic growth as one of the most desired outcomes of reform.

Members of the Chamber and the CCAC exercised significant influence over the city, including in the pursuit of annexation. The “reformer-businessman” in Pittsburgh used his reform bent to further his own influence in the community. Such reforms included more efficient government via annexation.¹⁵⁸ More territory in Pittsburgh, boosters believed, meant more money for the city and themselves. Some in the Chamber focused on achieving that very goal. In December 1894, the Chamber appointed a five-person committee designed to bring about a Greater Pittsburgh. The Pittsburgh Chamber and the Allegheny Chamber of Commerce then united over the topic, leading to a joint committee to explore annexation.¹⁵⁹ The committee members immediately went on the offensive, arguing that tax advantages provided a “special inducement” for the merger. The committee explained that someone who pays rent or is only a small property holder would see his taxes reduced if Pittsburgh annexed that person’s

goal of smoke abatement. However, they worked hard to ensure that businesses never would feel any real hardship from any smoke abatement reforms. The Chamber of Commerce was in favor of smoke reforms, partially because they were worried about the city becoming economically stagnant. Two ordinances included regulating the production of smoke from bituminous coal and putting regulations on regulating the building and production of coke ovens. The Chamber believed that these smoke reforms would force “economic diversification.” Pittsburgh, the Chamber touted year after year in their yearbooks, had great advantages in its location and should expand beyond just focusing on iron and steel manufacturing. Gugliotta, “‘Hell With the Lid Taken Off,’” 219, 291.

¹⁵⁷ “The Politics of Pittsburgh Flood Control, 1908-1936,” *Pennsylvania History, A Journal of Mid-Atlantic Studies* 42, no. 1 (January 1975): 3-24.

¹⁵⁸ Lubove, *Twentieth Century Pittsburgh*, 28.

¹⁵⁹ Pittsburgh Chamber of Commerce, *Fifty Years of the Chamber*, 68.

borough.¹⁶⁰ Despite the joint offensive launched by the two Chambers, they would soon run into choppy waters when political realities created opposition to the annexation.

Annexing Allegheny made sense for the leaders of Pittsburgh because Allegheny had a large population and an area of approximately eight square miles. The boosters believed the additional population and area would enhance the reputation and profitability of the city.¹⁶¹ In the 1890 census, Pittsburgh's population was 238,617; Allegheny had 105,287 inhabitants. Pittsburgh ranked thirteenth in the nation in population, while Allegheny ranked twenty-eighth. Combining the two would put them above such regional rivals as Cleveland, Cincinnati, and Buffalo.¹⁶² The incentives of greater population and more prestige were enticing, especially for businessmen who would stand to benefit financially from annexation.

From the viewpoint of many Allegheny residents, the sharks were circling; their city would not be annexed without a fight. While Allegheny's Chamber may have been in favor of annexation, the City Council was not. The Council quickly put forward multiple reasons to oppose annexation, citing the South Side and contending that annexation had not improved the quality of life for residents in that section of the city.

One of the greatest reasons for opposition came because the Magee-Flinn ring championed this effort.¹⁶³ Because of their power and control over Pittsburgh's politics, business, and judiciary, Allegheny City Clerk Robert Dilworth stated the Magee-Flinn ring was a drawback for his citizens. Dilworth believed the ring had nothing of value to offer Allegheny. The promise of material improvements could not tempt him. Any benefits that Pittsburgh could

¹⁶⁰ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

¹⁶¹ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 244. Both the population and the actual size of the city were viewed as positives for Pittsburgh.

¹⁶² "Cities, Towns, Villages, and Boroughs," United States Census Bureau, accessed December 18, 2022 https://www2.census.gov/library/publications/decennial/1890/volume-1/1890a_v1-12.pdf.

¹⁶³ "Brushton Ready to Join," *Pittsburgh Post*, April 25, 1894.

offer would be vastly outweighed by the drawbacks. His residents, he believed, would oppose consolidation if Magee and Flinn held power. Dilworth said that Allegheny City had proper lighting of its streets and, in his opinion, a superior fire department to Pittsburgh. Beyond his arguments about the ring and public services, Dilworth also noted that annexation would lead to tax increases for the citizens of Allegheny.¹⁶⁴

Debate on the annexation bill crafted by Flinn and his associates continued into 1895; crucially, schisms among elites entered into the open. W.L. Scaife, a notable businessman and chairman of the Scaife Foundry & Machine Co., opposed the bill. He served on the board of directors of the Chamber of Commerce, which, despite the committee to bring about Greater Pittsburgh, was far from united in its promotion of annexing Allegheny. At one meeting, some Chamber board members attempted to give Flinn's bill a "direct stab" and kill its chances of being passed in the state legislature. Scaife felt it profoundly unfair to force Allegheny to become a part of Pittsburgh if it did not wish to do so.¹⁶⁵ However, on May 8, 1895, two bills were enacted into law. One outlined the procedures of annexation for boroughs and townships while the other outlined procedures of annexation for cities of the second class, namely Allegheny.¹⁶⁶ The Pennsylvania Supreme Court, however, declared both bills unconstitutional, which temporarily derailed annexation.¹⁶⁷ The Court believed that the bills fell far too close to

¹⁶⁴ "Brushton Ready to Join," *Pittsburgh Post*, April 25, 1894. Brushton was one of two annexations that Pittsburgh completed in the 1890s. Brushton officially joined Pittsburgh on December 1, 1894. The Borough of Beltzhoover officially joined on March 1, 1898. "The Growth of Pittsburgh."

¹⁶⁵ "To Kill the Bill," *Pittsburgh Post*, January 22, 1895. If the Chamber had managed to kill the bill, that would have sent a powerful signal to the state legislature that the leading businessmen of the city did not wish for the annexation to proceed.

¹⁶⁶ Dahlinger, "Old Allegheny City," 221-222.

¹⁶⁷ Dan Rooney and Carol Peterson, *Allegheny City: A History of Pittsburgh's North Side* (Pittsburgh: University of Pittsburgh Press, 2014), 132.

special legislation, in that the language meant that the bills could only apply to one specific place.¹⁶⁸

Flinn and Magee would be out of power within a few short years after this failure to annex Allegheny, as a variety of factors converged to put a stop to their reign. First, throughout the mid-1890s when this annexation fight occurred, the growing reform movement took shape in Pittsburgh. In 1895, Magee and Flinn faced serious political opposition when a group of reform candidates ran for city offices.¹⁶⁹ These reformers wished to clean up municipal governments to cleanse a city overrun by corrupt practices of the ring.¹⁷⁰ Although the reformers lost the 1895 election, their success represented a direct attack on the ring, showing that many Pittsburghers had tired of the graft and wanted something new.¹⁷¹ Coupled with leading reformer George Guthrie's near-win in the 1896 mayoral election, the diminishing power of the ring in Pittsburgh could be seen. Nationwide, the rise of reformers transformed many machine politicians into more villainous figures and caused the broader weakening of ring politics.¹⁷²

The Pittsburgh ring was also harmed by infighting, especially after Christopher Magee took a leave of absence from running it in 1900 because of health reasons. He died shortly thereafter. His death allowed long-festering rivalries to come into the open and left a vacuum at the head of the ring, as no individuals quite had the strength and political savvy to control the major figures of city the way that Magee did. While Andrew Carnegie's friend and Magee's cousin Edward Bigelow, the director of the Department of Public Works, emerged as sort of a de facto head of the ring, he did not have as much power or as wide a reach as Magee did. But

¹⁶⁸ "Act Does Not Stand," *Pittsburgh Commercial Gazette*, May 26, 1896.

¹⁶⁹ Gallogly, "A Higher Public Spirit and a Better Social Order," 48.

¹⁷⁰ Schuler, *The Steel Bar*, 206.

¹⁷¹ Gallogly, "A Higher Public Spirit and a Better Social Order," 48.

¹⁷² Wiebe, *The Search for Order*, 167.

Bigelow in turn died in 1904. His death left a near-total vacuum for power in the city. The ring had almost completely collapsed. George Guthrie and the reformers could finally gain power.¹⁷³

Guthrie was a widely admired figure among those with reform sympathies. Lincoln Steffens portrayed him in a very flattering light in his work. To Steffens, Guthrie remained a tireless hero in his crusade for reform.¹⁷⁴ Steffens also presented Oliver McClintock in a flattering way. McClintock, a prominent rug merchant in the city, had publicly questioned why the city awarded Flinn's asphalt company almost every asphalt contract. McClintock sued Flinn's company, but his lawsuit was ultimately dismissed by the judge. Steffens speculated whether the judge was bought by the Magee-Flinn Ring and decried the ring's underhanded practices.¹⁷⁵

Guthrie led the reform crusade, helped draft the bill that secured Greater Pittsburgh, and was elected mayor of Pittsburgh in 1906, cementing his importance in the history of Pittsburgh.¹⁷⁶ A corporate lawyer by profession, Guthrie represented and established connections with some of the leading businessmen of the day. Guthrie's church helped to sway his reformist sentiments. Calvary Episcopal Church—long the sanctuary of many well-to-do Pittsburghers—was led during Guthrie's time by the Reverend Dr. George Hodges. Rev. Hodges explicitly denounced the Pittsburgh machine, preaching that it helped sinful places such as houses of prostitution and gambling dens to flourish.¹⁷⁷ Indeed, some businesses backed by

¹⁷³ Schuler, *The Steel Bar*, 216; Edward K. Muller, "Lubove's Pittsburgh," *Pennsylvania History* 68, no. 3 (July 2001): 336, 353.

¹⁷⁴ Gallogly, "A Higher Public Spirit and a Better Social Order," 50.

¹⁷⁵ Schuler, *The Steel Bar*, 207.

¹⁷⁶ Guthrie's father was a federal employee. Through him, Guthrie made connections with elite residents of Pittsburgh. Gugliotta, "'Hell With the Lid Taken Off,'" 284-85.

¹⁷⁷ Schuler, *The Steel Bar*, 207. Hodges was also responsible for Kingsley House, the first settlement house in Pittsburgh. Gugliotta, "'Hell With the Lid Taken Off,'" 283.

the machine in Pittsburgh included brothels and saloons.¹⁷⁸ Guthrie was swayed by Hodges's denouncements of the ring and the activities it supported. Guthrie believed that "[a]s the Christian owes his duty to God, no less does he owe his duty to the government and the community in which he lives."¹⁷⁹ And Guthrie was not the only reformer to be a part of "that damned Calvary crowd," as members of the political machine referred to them. Pittsburgh Chamber of Commerce president H.D.W. English and prominent lawyer George R. Wallace were two other reform-minded individuals who attended Calvary.¹⁸⁰ During the 1890s, English was a reformer, President of the influential Chamber of Commerce, and a member of Calvary, which shows that elites in Pittsburgh were not unified in the 1890s. Magee and Flinn did certainly have some support among elites in the Chamber of Commerce for their annexation of Allegheny, as evidenced by the committee that the Chamber created to further the pursuit of annexation. But many clearly had tepid feelings about supporting the machine or outright felt that their actions were not moral and should be changed.

Politically, Guthrie was a bit of an outcast—at least initially—as he belonged to the Democratic Party in a city dominated by the machine Republicans.¹⁸¹ Guthrie first ran for mayor

¹⁷⁸ Gallogly, "A Higher Public Spirit and a Better Social Order," 49. These businesses operated without fear of the police in some cases.

¹⁷⁹ Schuler, *The Steel Bar*, 207. Calvary Episcopal was not the only church in Pittsburgh that advocated in favor of reforming the government and improving the lives of citizens. McClintock attended the Second Presbyterian Church located in Downtown Pittsburgh. His work with the Civic Club of Allegheny County connected him with other churches that espoused a reformist ideology throughout the city, such as the First Unitarian Church in Oakland. In addition, the Christ Methodist Episcopal Church formed the Society for Aid to the Poor, an organization that McClintock worked with to advance reforms for the impoverished in Pittsburgh. Magee, however, was determined not to have the reformers corner the church market and put in appearances at Shadyside Presbyterian Church, another church frequently attended by elites.

¹⁸⁰ Schuler, *The Steel Bar*, 208. English continued to be both a religious man and someone intent on reforming the government. These two ideals mixed in December of 1907, when he preached a lay sermon at the Smithfield Methodist Episcopal Church entitled "Christian Contentment and Good Government." This sermon is a good encapsulation of the drive for better government in this era as well as the religious motivations driving English and some other reformers.

¹⁸¹ Schuler, *The Steel Bar*, 205. The Democratic Party ran many political machines at this time, making the Republican machine something of an anomaly.

in 1896, losing a narrow election to Republican businessman Henry P. Ford.¹⁸² Many blamed this loss on ballot-stuffing and illegal activities committed by the Magee-Flinn ring.¹⁸³ Despite Guthrie's 1896 defeat, the tide was turning in favor of reform and away from machine rule. He embodied a Progressive Era mindset about municipal reform and governmental efficiency shared by many of his compatriots in the Chamber of Commerce. Largely business and professional elites, many Chamber members believed that government should, in essence, be run like a corporation.¹⁸⁴ Across the country, businessmen became prominent political players.¹⁸⁵ Elite unification also became crucial at this time because of the increased power of the lower classes. Historian William Wiecek writes that "[e]lites bemoaned what they feared was their loss of dominance and mastery of the lower orders, made all the more threatening by the apparent organization of workers into unions and their growing influence in municipal and state government."¹⁸⁶

In Pittsburgh, despite lower classes gaining some power, elites still dominated the reform process. Reform in Pittsburgh began in earnest in the early twentieth century. In Pittsburgh and across the country, businessmen wanted the government to become more bureaucratic and to be run more like the corporations of the time.¹⁸⁷ In the minds of Guthrie and his fellow reformers, businessmen should be the ones running the government.¹⁸⁸ Guthrie and others of his reform ilk

¹⁸² Schuler, *The Steel Bar*, 209.

¹⁸³ Schuler, *The Steel Bar*, 209-210.

¹⁸⁴ Wiebe, *The Search for Order*, 212.

¹⁸⁵ Wiebe, *The Search for Order*, 182. "No private company," Guthrie believed, would tolerate the excesses and corruption of the Pittsburgh Ring because tolerating that would be inefficient and impractical for the business. Therefore, the influence of the Ring should be scrubbed from the public sphere. Schuler, *The Steel Bar*, 208.

¹⁸⁶ William Wiecek, *The Lost World of Classical Legal Thought: Law and Ideology, 1886-1937* (New York: Oxford University Press, 1998), 84.

¹⁸⁷ Lubove, *Twentieth Century Pittsburgh*, 22; Wiebe, *The Search for Order*, 153-154, 212. Some of Lubove's most important contributions to this area of Pittsburgh history came as he examined elite voluntary organizations like the Chamber of Commerce and their impact on reform in the cities. Muller, "Lubove's Pittsburgh," 341.

¹⁸⁸ Lubove, *Twentieth Century Pittsburgh*, 21.

embraced some of the most significant goals of reform in Pittsburgh, such as more sanitary water and flood control.¹⁸⁹ Throughout the country, businessmen and civic leaders began recognizing the importance of a more healthful and orderly urban environment.¹⁹⁰

Guthrie's election as mayor in 1906 came as a direct repudiation of Pittsburgh's machine past.¹⁹¹ Just prior to the election, a large-scale rally was held in the city, with many of the speakers stumping for Guthrie's election. Not electing him would send Pittsburgh sliding back toward machine rule, a situation that many of the speakers claimed had harmed taxpayers.¹⁹² As mayor, Guthrie had the ability to enact reforms because of earlier political fights. In 1901, the state legislature granted the City of Pittsburgh a new charter, which strengthened the power of the mayor. Reformers contended that the mayor needed to be able to efficiently manage city government. Businesses were a model for the new charter, highlighting again how this drive for efficiency permeated the Progressive Era government in Pittsburgh and elsewhere.¹⁹³ This attitude became ingrained among elites during the Progressive Era, where businessmen began trying to achieve the maximum amount of efficiency for the smallest amount of effort. Efficiency, in this era, had become a process by which to approach rapid changes in society.¹⁹⁴

Along with Guthrie, David T. Watson merits mentioning in this story of reform. Like Guthrie, Watson was a former corporate lawyer who had cultivated a successful practice and

¹⁸⁹ Schuler, *The Steel Bar*, 208-216. Flood control was important in Pittsburgh given the frequency of floods from the three rivers. Roland Smith covers the history of flood control in Pittsburgh in two articles that span from 1908-1960. Smith, "The Politics of Pittsburgh Flood Control, 1908-1936," *Pennsylvania History* 42, no. 1 (January 1975): 5-24; Roland M. Smith, "The Politics of Pittsburgh Flood Control, 1936-1960," *Pennsylvania History* 44, no. 1 (1977): 3-21.

¹⁹⁰ Bauman and Muller, *Before Renaissance*, 37.

¹⁹¹ Beyond simply being a repudiation of the machine past, Guthrie's allies created an "anti-graft campaign," the Voters' League. Through their investigative work, eighteen councilmen and a few bankers went to prison for corruption. Gugliotta, "'Hell With the Lid Taken Off,'" 284.

¹⁹² "Put End to Power of Old Gang, Say Speakers," *Pittsburgh Post*, February 7, 1906.

¹⁹³ Heidi Li Feldman, "Cities, Government, Law, and Civil Society," *Florida State University Law Review* 45 (2018): 621-622.

¹⁹⁴ Wiebe, *The Search for Order*, 146-147, 154.

built a positive reputation among the elite in Pittsburgh.¹⁹⁵ His important and successful clients over the years included Henry Clay Frick, Andrew Carnegie, Henry Phipps, and W.H. Vanderbilt.¹⁹⁶ Watson was involved in numerous important lawsuits in the Pittsburgh business community, including representing Henry Clay Frick regarding the transferring of his interest in Carnegie Steel.¹⁹⁷ Watson—although a Democrat—did not participate in the reform movements like Guthrie. During the last quarter of the nineteenth century, he largely operated without rocking the proverbial boat, steering clear of becoming indebted to the machine but not engaging with the reformers and their movements as much as Guthrie did. Almost all in the city viewed Watson as a brilliant lawyer, and those who supported annexation viewed him as an indispensable asset to the cause.¹⁹⁸

As the reformers gained more power, those in the Chamber of Commerce still viewed annexation as an attractive option for Allegheny. To achieve their goal of annexing Allegheny, members of the Chamber sought to pick up important political allies at the state level. In 1902, Samuel Pennypacker defeated Robert Pattison in the Pennsylvania gubernatorial race.¹⁹⁹ This proved to be significant for the annexation effort because—despite being a Republican—

¹⁹⁵ In 1917, Watson founded the “D.T. Watson Home for Crippled Children,” which provided disabled children a specialized place for their care. The legacy of that institution has continued to modern times. M. Ferguson Tinsley, “Watson Institute Continues Tradition of Helping Disabled From New Building,” *Pittsburgh Post-Gazette*, September 18, 2002, <http://old.post-gazette.com/neighbor/north/20020918nwatson0918p4.asp>.

¹⁹⁶ “Watson, D.T. (David Thompson),” The Frick Collection, accessed February 18, 2023, <https://research.frick.org/directory/detail/2905>.

¹⁹⁷ Schuler, *The Steel Bar*, 179.

¹⁹⁸ Schuler, *The Steel Bar*, 213.

¹⁹⁹ Dahlinger, “Old Allegheny,” 222. Prior to his election as Governor of Pennsylvania, Pennypacker was a judge on the Court of Common Pleas of Philadelphia. Although he achieved the Republican nomination and election with the help of some political bosses, Pennypacker proved to not be a machine politician. In keeping with the nationwide trend toward increased environmental protection during the Progressive Era, Pennypacker supported conservation efforts. In addition, he helped to shepherd through the state legislature the Child Labor Act of 1905. Pennypacker also advocated for the modernization and increased efficiency of the police force. Soon after the creation of the Pennsylvania State Police, many lauded the group, including President Theodore Roosevelt. “Governor Samuel Whitaker Pennypacker,” Pennsylvania Historical & Museum Commission, accessed March 26, 2023, <http://www.phmc.state.pa.us/portal/communities/governors/1876-1951/samuel-pennypacker.html>.

Pennypacker and George Guthrie enjoyed a close friendship.²⁰⁰ With Pennypacker in charge, the annexationists would have a sympathetic voice and welcoming presence in Harrisburg. His support would be crucial just a few years later.

The Chamber worked all angles, consulting with outside attorneys regarding the best course of action going forward. In 1902, outside attorneys advised the Chamber that an entirely new bill should be drafted, separate from what was considered in the 1890s and had been thrown out by the Pennsylvania Supreme Court. Shortly after this, the Chamber made a further appropriation to secure legal advice on the matter.²⁰¹

The Pittsburgh newspapers assisted the Chamber in spreading the gospel of annexation. One pro-annexation newspaper referred to Allegheny officeholders as “the ring.” Doing so invited an unfavorable comparison to Pittsburgh’s declining political machine and provoked the distaste of its audience. This shows how far the Magee-Flinn ring had fallen in a relatively short period of time. The *Pittsburgh Gazette Times* outlined other reasons to support annexation, including the old refrain that Pittsburgh had lower taxes. Allegheny, the paper continued, would be doing itself a disservice by not joining Pittsburgh and would only be subjecting its citizens to higher taxes. The paper also sounded the “free bridges” chorus that boosters used to try and convince Allegheny of the utility of the annexation.²⁰²

Allegheny was not asleep while the Chamber schemed. City leaders and prominent citizens worked tirelessly to combat any hope of future annexation by Pittsburgh. An ex-Mayor of Allegheny, William Kennedy, led a group looking to put a bill before the state legislature. The bill stated that annexation would be determined solely by a vote in communities that

²⁰⁰ Rooney and Peterson, *Allegheny City*, 133.

²⁰¹ Pittsburgh Chamber of Commerce, *50 Years of the Chamber*, 67.

²⁰² “Allegheny City Hall Violently Against Union,” *Pittsburgh Gazette Times*, April 12, 1902.

Pittsburgh desired to annex. These communities included Allegheny, Braddock, Swissvale, Duquesne, Millvale, and West Liberty.²⁰³

Any opposition from Allegheny, however, would have to defeat the determined machinations of the Pittsburgh Chamber of Commerce. On October 17, 1904, the “Greater Pittsburgh Committee” of the Chamber announced its official formation but also declared its intention to wait until after the forthcoming elections to begin in earnest the annexation push.²⁰⁴ In the new year, it did just that. In February 1905, the Chamber of Commerce dispatched a delegation to Harrisburg to pressure state legislators to support efforts to annex Allegheny.²⁰⁵ Allegheny did not sit idly by while this happened. A group of civic and business leaders from Allegheny packed the same train with a similar goal of rallying state legislators to their side.²⁰⁶ Although the *Pittsburgh Press* dismissed these leaders and painted the picture that they were out of touch with most Allegheny residents who favored joining Pittsburgh, this would prove to be a dubious proposition.²⁰⁷

Many members of the Chamber of Commerce continued their unrelenting pressure, prioritizing the advancement of the Greater Pittsburgh cause.²⁰⁸ As an organization that represented business interests, Allegheny would—the Chamber believed—dramatically increase the economic wellbeing of Pittsburgh and its citizens by adding people, land, and manufacturing jobs to the city. The Chamber viewed New York as a model and believed that annexing

²⁰³ “Allegheny City Hall Violently Against Union,” *Pittsburgh Gazette Times*, April 12, 1902.

²⁰⁴ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

²⁰⁵ “Will Discuss Annexation: Chamber of Commerce Delegation to Visit Harrisburg Tuesday,” *Pittsburgh Press*, February 3, 1905.

²⁰⁶ “To Senator Wilbert is Due Much Credit,” *Pittsburgh Post*, November 19, 1907.

²⁰⁷ “Will Discuss Annexation: Chamber of Commerce Delegation to Visit Harrisburg Tuesday,” *Pittsburgh Press*, February 3, 1905.

²⁰⁸ Bauman and Muller, *Before Renaissance*, 52-53.

Allegheny would enable Pittsburgh to increase its economic status.²⁰⁹ To accomplish the annexation, the Chamber mobilized aggressively, encouraging members to distribute copies of the bill to businessmen in Pittsburgh and Allegheny. While there had been a relative lack of mobilization during the 1890s due to internal divisions in the Chamber over the ring, the Chamber mobilized fully and in a unified fashion this time.

The Chamber also endeavored to create a more efficient urban entity through annexation.²¹⁰ One of the arguments that most closely aligned with the Progressive Era impulse for efficiency and reform was the promise of free bridges. Prior to the consolidation of Pittsburgh and Allegheny, the myriad bridges that connected the two cities charged tolls. This argument for annexation had been popular for years, as ex-Allegheny mayor William Kennedy had argued in 1902 that free bridges alone should be a reason for every Allegheny resident to support annexation.²¹¹ Annexation promised to eliminate the bridge tolls -- for personal travel and transporting goods alike.²¹² Free bridges would, the boosters hoped, make travel and the administration of the government more efficient.

Despite these and other arguments, not everyone in Allegheny had come around to the idea that joining Pittsburgh would be positive. Allegheny's Republican mayor-elect, Charles Frederick Kirschler, held firmly anti-annexationist beliefs. One of his strategies to prevent annexation involved trying to pick off prominent Republicans in Pittsburgh who still smarted over the demise of the Republican political machine and the rise of such a staunch reformer (and

²⁰⁹ "Plan to Boom Greater City," *Pittsburgh Press*, May 3, 1906.

²¹⁰ Bauman and Muller, *Before Renaissance*, 52.

²¹¹ "Allegheny City Hall Violently Opposed," *Pittsburgh Gazette Times*, April 12, 1902.

²¹² "Antis Ready for Action," *Pittsburgh Press*, May 2, 1906. Those opposed to annexation argued that the goal of free bridges could be achieved without annexation. The bridges did not become free right after annexation. However, the Chamber of Commerce kept pushing for them. "Free Bridges and Subway," *Pittsburgh Press*, October 9, 1908. Eventually, in 1910, approximately three years after the annexation was finalized by the U.S. Supreme Court decision, Pittsburgh began the process of making all the bridges free. "To Free Bridges at Once," *Pittsburgh Post*, November 26, 1910.

Democrat) as Guthrie. Kirschler tried to convince Republicans that annexing Allegheny would extend Guthrie's influence, a mirror of the concern from the previous decade regarding extending the Magee-Flinn ring's influence. It was a desperate attempt to capitalize on any lingering ill-will toward those who helped to topple the machine.²¹³ But his attempt failed. The Chamber of Commerce, regardless of political party, was too unified in wanting to complete the annexation to become involved with such petty political squabbling.

The unity of the Chamber did not prevent many citizens of Allegheny from arguing against joining Pittsburgh. A pamphlet addressed merely to every "fellow citizen" of Allegheny delineated the reasons why Allegheny should not join Pittsburgh. The authors, a group of prominent Allegheny citizens and businessmen, emphasized that the taxes of many citizens of Allegheny would double or even triple under annexation.²¹⁴ The citizens of Allegheny City, they felt, were already "overburdened" and would assuredly be more so if they were consolidated with Pittsburgh.²¹⁵ Their taxes would be increased "without any benefit to them" and—worse still—make them responsible for paying off Pittsburgh's indebtedness.²¹⁶ The authors also put forward an argument about the type of government needed. Pittsburgh, they reasoned, was made up of those who lived in urban environments, while Allegheny had more rural parts to it. Therefore, they argued, the government would not operate to its desired efficiency if a city government governed a more rural people.²¹⁷

²¹³ "Sure to Fight Greater City," *Pittsburgh Press*, February 25, 1906. Judging by the results of the election and the lopsided results in Pittsburgh, Kirschler's gambit certainly did not seem to work.

²¹⁴ *Consolidation, an address to the citizens of Allegheny*, 5.

²¹⁵ *Consolidation, an address to the citizens of Allegheny*, 6.

²¹⁶ "Burden on Taxpayers," *Pittsburgh Post*, April 25, 1905.

²¹⁷ *Consolidation, an address to the citizens of Allegheny*, 7.

The pro-annexation forces encountered a temporary setback in June 1905.²¹⁸ In April, the Pennsylvania legislature had approved the Cook Bill.²¹⁹ In June, the Pennsylvania Supreme Court declared the Cook Bill to be unconstitutional.²²⁰ The Court reasoned that the Cook Bill was unconstitutional because it was a local law. The language in the bill could only apply to Allegheny and was not generally applicable to areas across the entire commonwealth. Such a law was prohibited by article 5, section 7, subdivision 2 of the Pennsylvania Constitution.²²¹ This left the Goehring Bill the only way for the pro-annexation forces to proceed. Some residents of Allegheny liked the Goehring Bill more because it—as of this time—allowed Allegheny to have its own vote on annexation and not factor in Pittsburgh’s annexationist ambitions.²²²

The Chamber’s earlier cultivation of political allies, most importantly Governor Pennypacker, turned out to be crucial. In early 1905, Pennypacker gave his support to George H. Anderson, the vice president of the Chamber of Commerce, when he met with the governor and state legislators in Harrisburg on the annexation issue.²²³ After intense lobbying by Chamber stalwarts, a new bill was introduced.²²⁴ The following January, that bill was refined by Guthrie and Watson acting on behalf of the Chamber of Commerce. The new bill was, as described by the *Pittsburgh Post*, a “legal masterpiece.” The bill’s careful drafting helped address problems that had given pause to jurists who considered previous annexation bills, including the one in the 1890s. One of the primary objections to the bill as it was drafted was in language that made the ability to annex so open-ended that some—especially those on the courts—believed that there

²¹⁸ “Supreme Court Declares Cook Greater Pittsburgh Bill is Unconstitutional,” *Pittsburgh Gazette*, June 23, 1905.

²¹⁹ “Greater City Gets Setback,” *Pittsburgh Gazette*, June 23, 1905.

²²⁰ “Supreme Court Declares Cook Greater Pittsburgh Bill is Unconstitutional,” *Pittsburgh Gazette*, June 23, 1905.

²²¹ “Greater City Gets Setback,” *Pittsburgh Gazette*, June 23, 1905.

²²² “Supreme Court Declares Cook Greater Pittsburgh Bill is Unconstitutional,” *Pittsburgh Gazette*, June 23, 1905.

²²³ “Legislators Discuss Act,” *Pittsburgh Post*, January 15, 1905.

²²⁴ Pittsburgh Chamber of Commerce, *Fifty Years of the Chamber*, 67-68.

could be no stopping a city from annexing, in essence, the entire Commonwealth through one of these bills. Watson and Guthrie drafted the bill and trimmed down the language to set defined limits for what territory could be annexed. This was one of the ways that Guthrie and Watson's excellent drafting assuaged the concerns of some.²²⁵

The pro-annexation groups kept lobbying the state government. George Guthrie's friendship with Governor Pennypacker proved crucial. In November 1905, Pennypacker, after being lobbied by boosters, decreed that the legislature would meet on January 15, 1906 to consider the Pittsburgh-Allegheny annexation. On January 8, 1906, Governor Pennypacker issued a second proclamation. The legislature then met a week later to consider a bill concerning the potential annexation.²²⁶ Some jockeying occurred between the Pennsylvania State House and the Pennsylvania State Senate regarding whether Allegheny would have a separate vote on annexation. The Pittsburgh boosters worked to influence lawmakers, including from other parts of the state such as Delaware and Montour Counties. The boosters explained the Greater Pittsburgh cause and how essential it was to the success of the overall project that Allegheny not receive a separate vote. Pro-annexation businessmen not in Harrisburg sent telegrams to show lawmakers their support for the project.²²⁷

On February 7, 1906, the legislature passed the bill. In the state senate, the bill, which did not allow a separate vote for Allegheny, passed unanimously, and in the state house, it passed by a margin of 143-43. Governor Pennypacker signed it "with no little enthusiasm" and "a smile quite beyond description."²²⁸ The newspapers in Pittsburgh cheerfully greeted the news that "the

²²⁵ "Greater City Bill Today," *Pittsburgh Post*, January 16, 1906.

²²⁶ "Judge Has Decided for Greater Pittsburgh," *Pittsburgh Press*, April 25, 1906. The full name of the bill passed was "An act to enable cities that now are or hereafter may be contiguous or in close proximity to be united with any intervening land, other than boroughs, in one municipality, etc." Judge McClung then stated: "The act, so far as we now have to deal with it, simply carries out the purpose designated in the title."

²²⁷ "Wilbert Yields Credit, Cook Bill Will Pass," *Pittsburgh Post*, February 6, 1906.

²²⁸ "Gov. Pennypacker Signs Bill and Now It Is Law," *Pittsburgh Post*, February 8, 1906.

quaint old governor” had signed the bill.²²⁹ The *Pittsburgh Post* predicted that, in only a few short years, Pittsburgh would rank fourth in population in the country behind New York, Chicago, and Philadelphia.²³⁰ The paper hoped for speedy work by the city council in Pittsburgh and completion of the Greater Pittsburgh project by May.²³¹ The city council did act quickly and voted to recommend the ordinance that the mayor would use to petition the court of quarter sessions to set a date for the election. The *Pittsburgh Post* expressed enthusiasm and hope for the success of the vote, as the paper stated that past opponents of annexation were already coming around in support.²³²

The Pittsburgh newspapers commented on the political rings of Pittsburgh and Allegheny, showcasing how that part of the political life of the city still generated interest. The *Pittsburgh Post* contended that the Allegheny Republican machine was “already fearful” of the consequences of annexation, as they would then be without much influence. The paper warned that the ring would try to inflict “serious delays” on the project.²³³ The paper’s disdain toward Allegheny’s ring shows its typical disdain of all those in Allegheny who opposed consolidating the two cities. However, the seemingly contemptuous attitude toward Allegheny’s ring highlights a desire of the newspaper elites in Pittsburgh and its backers in the annexation movement to move beyond its own ring. Only a few days prior, the newspaper had portrayed the remnants of the Pittsburgh ring as underhanded individuals only out for themselves. In a seething column, the paper claimed that after championing the annexation of Allegheny in the

²²⁹ “Gov. Pennypacker Signs Bill and Now It Is Law,” *Pittsburgh Post*, February 8, 1906. The newspaper also noted that Governor Pennypacker seemed particularly delighted that this project had come to pass despite the vehement protestations of William Stone, Pennypacker’s immediate predecessor as governor. Stone would figure prominently in the future of the case as one of the main lawyers for Allegheny.

²³⁰ “Council to Act To-Day on Greater Pittsburgh,” *Pittsburgh Post*, February 9, 1906.

²³¹ “Gov. Pennypacker Signs Bill and Now it is Law,” *Pittsburgh Post*, February 8, 1906.

²³² “Greater City Moves Onward,” *Pittsburgh Post*, February 11, 1906.

²³³ “Pittsburgh Soon on Both Sides of the River,” *Pittsburgh Post*, February 8, 1906.

1890s, the remaining Flinn organization was secretly working against annexation in Harrisburg. The paper claimed that the Flinn organization tried to stop passage of the bill drafted by Guthrie because he was a reformer and had been one of the most vigorous opponents of the ring. The paper sought to portray those opposing annexation as stuck in the past and not supporting the current Progressive Era goals of governmental reform and efficiency. Pittsburgh shows an interesting trend in this regard. In the 1890s, the ring had control over the annexation process and spearheaded the movement. Only a decade later, however, many viewed them as self-interested pariahs.²³⁴ The reformers seized control of the drive to annex Allegheny and were doing their best to use that to keep the ring out of power everywhere in the Pittsburgh region. As shown through the two movements to annex Allegheny, the Progressive Era reform movement had taken full control in Pittsburgh.²³⁵

Pittsburgh had a long way to go before annexation would be finalized, however. Prominent leaders in Allegheny wanted to stop the annexation from ever happening. In March 1906, the proponents and detractors of the bill argued before Judge Samuel A. McClung of the Allegheny County Court of Quarter Sessions. William Stone, the ex-Governor of Pennsylvania, argued for Allegheny. His key position was that the bill pushed through the state legislature was unconstitutional for multiple reasons. Firstly, he stated that its passage was not within the parameters of the special legislative session called by Governor Pennypacker. Stone also repeated the charge levied against the Cook Bill, namely that it was special legislation that could only impact Pittsburgh and Allegheny.²³⁶ In April 1906, Judge McClung ruled that the

²³⁴ "Pittsburgh Soon on Both Sides of the River," *Pittsburgh Post*, February 8, 1906.

²³⁵ "Wilbert Yields Credit, Cook Bill Will Pass," *Pittsburgh Post*, February 6, 1906.

²³⁶ "Stone Attacks Greater City," *Pittsburgh Press*, March 15, 1906. The act of the legislature would be declared unconstitutional if only Pittsburgh and Allegheny fell under its provisions. "Fate of Greater Pittsburgh Now in the Hands of Judge McClung," *Pittsburgh Weekly Gazette*, March 16, 1906.

procedures followed by the legislature were proper and that an election should be ordered.²³⁷

The election could go forward -- with more than a passing interest for many money-minded and elite residents of the two cities.

Tuesday June 12, 1906 would be a crucial day for both Pittsburgh and Allegheny; citizens of the two cities would go to the polls to vote on whether Allegheny would become part of Pittsburgh after approximately a half-century of effort by Pittsburgh to annex Allegheny. Before the election, city boosters and newspapers put forward arguments in favor of annexation. The *Pittsburgh Gazette Times* contended that Allegheny would not be worse off if it joined Pittsburgh and, therefore, its citizens should vote to join. Again, the editorial emphasized public services, as it cautioned that only Pittsburgh could finance the necessary improvements that a growing city such as Allegheny would assuredly need.²³⁸ The *Pittsburgh Post* also took care to highlight some embarrassing blunders on the part of Mayor Kirschler in Allegheny, namely that his ads opposing annexation were not printed by union shops. The paper contrasted Kirschler's actions with those of John A. Beck, a prominent manufacturer and supporter of Greater Pittsburgh. Beck gave his employees a full paid holiday on the day of the election with the idea that they would support annexation.²³⁹ Even Andrew Carnegie weighed in on the Greater City around this time, cabling his support of the Greater Pittsburgh movement on May 28th. Carnegie also trotted out one of the favored booster arguments that this consolidation would enable

²³⁷ "Judge Has Decided for Greater Pittsburgh," *Pittsburgh Press*, April 25, 1906; Pittsburgh Chamber of Commerce, *Fifty Years of the Chamber*, 69. Judge McClung noted that Article 3, Section 25 of the Pennsylvania Constitution outlined the proper procedures for calling a special session of the state legislature. Anything discussed must be in the proclamation of the Governor. "Judge Has Decided for Greater Pittsburgh," *Pittsburgh Press*, April 25, 1906.

²³⁸ "One Way to View It," *Pittsburgh Gazette Times*, May 30, 1906. Based on the Allegheny City Council records, Allegheny's investment in its city becomes clear. The city took much pride in its municipal services. The records of almost each meeting contain an appropriation for construction or repair on, for example, sewers and roads. Minutes of the Allegheny (Pa). Select and Common Council, 1840-1907, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

²³⁹ "Kirschler Draws Wrath of Labor," *Pittsburgh Post*, June 11, 1906.

Pittsburgh to take its rightful place as one of the nationwide leaders in “population...territory...industry, and trade.”²⁴⁰ Carnegie believed that annexation would help the “merchants and manufacturers” of Pittsburgh and Allegheny and urged everyone to vote for consolidation and do “everything reasonable” to ensure it occurred.²⁴¹

In addition to the work of the newspapers and one of the most prominent citizens, the Chamber of Commerce did what it could to promote the vote, holding a special meeting the Friday beforehand, which more than 200 members attended. One of the speakers (from another pro-annexation organization) told the Chamber that he believed annexation would carry by a good majority, but urged all the members to devote time, money, and energy over the coming days to ensure that it did.²⁴² A large rally in favor of annexation also took place in Allegheny. One elected official who spoke at the rally noted that city employees of Allegheny would retain a similar position in the unified city government “so long as they are efficient.”²⁴³ This quotation captures that governmental efficiency occupied a prime place in the minds of those officials who championed annexation. Regardless of the reason people attended the rally, the efforts of the Chamber, the newspapers, and other groups to promote the election proved effective.²⁴⁴

²⁴⁰ “Carnegie is in Favor of a Greater City,” *Pittsburgh Post*, May 29, 1906.

²⁴¹ “Chronology of Greater Pittsburgh,” *Pittsburgh Press*, November 18, 1907. Carnegie’s support was front page news in *The Pittsburgh Post*. The paper noted that he had cabled his support to Mayor Guthrie directly from London. This cable constituted the first time that Carnegie weighed in on annexation. During a previous visit to Pittsburgh, he had been intrigued by the facts surrounding the annexation dispute and wanted more information on what could happen. “Carnegie is in Favor of a Greater City,” *Pittsburgh Post*, May 29, 1906.

²⁴² Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Pittsburgh Chamber of Commerce, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania. The Chamber promoted civic pride in the outcome of the annexation election by promising that whichever ward voted the most heavily in favor of annexation would receive a banner commemorating the vote. Pittsburgh Chamber of Commerce, *50 Years of the Chamber*, 69. The banner provides yet one more example of the extensive nature of the Chamber’s involvement in promoting annexation as well as its unity in pushing for annexation. Prominent businessmen in Allegheny also assembled the day before the election to discuss plans for Election Day. “Kirschler Draws Wrath of Labor,” *Pittsburgh Post*, June 11, 1906.

²⁴³ “Demonstration on North Side for Annexation,” *Pittsburgh Gazette Times*, May 27, 1906.

²⁴⁴ “Demonstration on North Side for Annexation,” *Pittsburgh Gazette Times*, May 27, 1906.

The Chamber's efforts made the public so aware of the election that many individuals took to wagering on the result. One newspaper noted that "[s]everal thousand dollars has been wagered on the result of the Greater Pittsburgh election tomorrow."²⁴⁵ At a downtown café, one enthusiast made a particularly heavy bet of \$500 that the Greater Pittsburgh provision would carry by between 10,000 and 15,000 votes. Many other kinds of bets were frequently made as well: whether the margin would carry in Pittsburgh, whether would it carry in Allegheny, and, if it carried, by how many votes.²⁴⁶ The wagering highlighted the intense amount of interest that this event attracted among a large portion of citizens of Pittsburgh.

With a mobilized Chamber, election day went smoothly. Voters lined up across the wards of Pittsburgh and Allegheny. Colorful signs covered some of the voting places across Allegheny and Pittsburgh. At the Sixth Ward School House in Allegheny, a straightforward sign adorned the building: "Greater Pittsburg is a Fake."²⁴⁷ The *Pittsburgh Press* covered the events as they unfolded. Although the newspaper deemed the election "mostly quiet," it also expressed dismay that "gangs of repeaters" tried to vote twice in Allegheny.²⁴⁸ Being a staunch proponent of annexation, the paper highlighted other "crooked" measures allegedly undertaken by the anti-annexation crowd, such as paying \$5 per vote against consolidation.²⁴⁹

²⁴⁵ "Betting On Annexation," *Pittsburgh Post*, June 11, 1906. This was not the only time throughout this affair that money was placed on the result of an event. In June 1905, the Pennsylvania Supreme Court declared the Cook Bill concerning the annexation of Allegheny and Pittsburgh unconstitutional. The newspaper notes that, prior to the decision being handed down, "wagers were being made in the saloons" regarding the Court's decision. The fact that numerous people made wagers on whether the bill would be struck down highlights the involvement of many citizens in the unfolding annexation process. "Supreme Court Declares Cook Greater Pittsburgh Bill is Unconstitutional," *Pittsburgh Gazette*, June 23, 1905.

²⁴⁶ "Betting On Annexation," *Pittsburgh Post*, June 11, 1906

²⁴⁷ "Allegheny is Battleground," *Pittsburgh Press*, June 12, 1906.

²⁴⁸ The newspaper claimed that the individuals who voted twice were likely put up to do so by those in Allegheny opposing consolidation.

²⁴⁹ "Repeaters Hired by Antis Arrested—Fight to Get Honest Vote," *Pittsburgh Press*, June 12, 1906.

Despite these potentially exaggerated incidents, Pittsburgh and Allegheny did go to the polls, with each side hoping for victory. Because the vote total would count that of both cities, the *Pittsburgh Press* had expressed confidence in the outcome of the vote, boasting that a favorable outcome for Pittsburgh was a “foregone conclusion.” Many city boosters felt similarly.²⁵⁰ Mayor Kirschler predicted that, in Allegheny, the vote would be two-to-one against consolidation while the Allegheny boosters in favor of annexation believed he was mistaken and that it would be far closer to even.²⁵¹ In Pittsburgh, the results were indeed lopsided, with 31,117 votes in favor of consolidation and 5,323 opposed. In Allegheny City, the results were closer, but the general sentiment appeared clear: 6,747 voted in favor of consolidation, 12,307 voted against. Mayor Kirschler proved to be nearly correct. The special provision of the new bill proved crucial. Because the act of the legislature had allowed the votes to be combined, the total in favor of consolidation was 37,864 as against 17,713. Consolidation won by more than a 2-to-1 margin.²⁵²

The election results thrilled most residents of Pittsburgh. Two leading local newspapers trumpeted their belief that annexation would make Pittsburgh a more attractive area for investment. The *Pittsburgh Post* crowed: “Pittsburgh by the annexation of Allegheny alone will probably rank sixth among the cities of the United States” in total population and in total area.²⁵³ This, the *Pittsburgh Press* gushed, would bring increased prestige nationally and abroad, thereby making Pittsburgh a more likely recipient of national and foreign investment capital. The businessmen who had helped to orchestrate the takeover expressed their joy.²⁵⁴

²⁵⁰ “Vote is Solid in the City,” *Pittsburgh Press*, June 12, 1906.

²⁵¹ “Both Sides Claim Victory,” *Pittsburgh Press*, June 12, 1906.

²⁵² Dahlinger, “Old Allegheny City,” 75.

²⁵³ “Greater Pittsburgh Sixth in Population and in Area,” *Pittsburgh Post*, June 13, 1906.

²⁵⁴ “Pittsburgh Has Stride of a Giant,” *Pittsburgh Press*, June 13, 1906.

Not everyone in Pittsburgh expressed such joy as the papers and the businessmen. Although he would not speak to the press about his feelings, Pittsburgh City Controller John B. Larkin reportedly articulated his dismay about the annexation, believing that all sorts of disaster would befall Pittsburgh from increasing its size and population. His key concern was Pittsburgh assuming Allegheny's debt, which he believed would make his city government far less effectual and efficient.²⁵⁵

Opposition in Pittsburgh, however, paled next to that coming from Allegheny. Political leaders in Allegheny City who opposed annexation organized quickly and began drawing up plans to fight the consolidation in court, inspired in part by the overwhelming number of residents of Allegheny City who voted against consolidation.²⁵⁶ For its part, however, the Pittsburgh Chamber of Commerce vowed it would be prepared for any attempts to legally overturn the vote. As they had throughout the entire process, Chamber leaders pledged to take the lead in the likely upcoming court fight and expressed confidence of their ability to win.²⁵⁷ What would follow turned into a lengthy legal fight that ultimately reached the United States Supreme Court.

²⁵⁵ "Larkin Gloomy, Brown Smiles," *Pittsburgh Gazette Times*, March 12, 1907. In keeping with its pro-annexation mindset, the newspaper noted that Brown must be the "only" citizen of Pittsburgh dissatisfied with the consolidation. While clearly not true, it did highlight the near unanimity that prevailed in Pittsburgh.

²⁵⁶ "Pittsburgh Has Stride of a Giant," *Pittsburgh Press*, June 13, 1906.

²⁵⁷ "Fear No Contest in Court," *Pittsburgh Press*, June 14, 1906.

Chapter IV: The Legal Battle (1906-07)

“A long drawn legal battle is now on.”²⁵⁸ Or so the *Pittsburgh Press* gloomily prognosticated on June 17, 1906. The post-election joy had quickly subsided. Judge Frederick H. Collier of the Allegheny County Quarter Sessions Court had signed the decree of consolidation that joined Pittsburgh and Allegheny. However, those opposed to consolidation—the “antis,” as the local papers referred to them—sought out a temporary measure by seeking to delay consolidation of the two cities until a higher court had a chance to rule on the matter. The anti-annexation lawyers took an appeal before the prothonotary of the Superior Court, George Pearson. The lawyers then applied for a writ of supersedeas in the Allegheny County Quarter Sessions Court, which granted the measure.²⁵⁹ The annexation would be in abeyance until the Superior Court heard the matter. “Greater Pittsburgh” had only existed for slightly over two hours.²⁶⁰

The Chamber of Commerce assumed a lead role in fighting for Greater Pittsburgh in the courts. David T. Watson served as an adviser and defended the bill in the appeals process. The *Pittsburgh Post* highlighted the legal issue being examined. It would be the legislative act that Allegheny challenged, not the vote itself. Allegheny would not be contesting that the vote itself was illegal. Rather, Allegheny’s lawyers believed that the act that allowed the vote to be unconstitutional. Like the Chamber of Commerce, those at the newspaper expressed confidence that the annexation would stand, believing that it would take an “exceptionally clear case of unconstitutionality” to overturn the act.²⁶¹

²⁵⁸ “Greater City in Abeyance,” *Pittsburgh Press*, June 17, 1906.

²⁵⁹ “Annexation Now Halted for Months,” *Pittsburgh Post*, June 17, 1906. In Latin, the term supersedeas means “you shall desist.” In this case, it refers to a stay of enforcing the judgment. Consequently, Allegheny would not officially be annexed by Pittsburgh while the Allegheny lawyers appealed it. “Supersedeas,” Cornell Law School Legal Information Institute, accessed April 7, 2023, <https://www.law.cornell.edu/wex/supersedeas>.

²⁶⁰ “Greater City in Abeyance,” *Pittsburgh Press*, June 17, 1906.

²⁶¹ “Annexation Now Halted for Months,” *Pittsburgh Post*, June 17, 1906.

The Pennsylvania Superior Court heard the appeal and, in bowing to the importance of the case, moved it to the front of its docket.²⁶² Again radiating confidence, the *Pittsburgh Post* said that the Superior Court would render a quick decision in favor of Pittsburgh, one that would allow for annexation to be finalized by the beginning of 1907.²⁶³ The argument itself took place before the court in early October 1906. Attorneys for Allegheny argued that the state legislature's bill constituted local legislation, something that the state could not enact. William Stone, the former governor of Pennsylvania and an Allegheny resident, also cited the laws of other states, contending that, across the country, there had never been legislation like this bill.²⁶⁴

Pittsburgh's attorneys countered with the argument that the judiciary should not overstep its bounds and intrude on a legislative function. Watson also put forward an efficiency argument. The cities, Watson argued, were virtually inseparable since many who lived in Allegheny worked in Pittsburgh and vice versa. Therefore, since they were so closely linked both economically and physically, it would only make sense for all involved if they were combined.²⁶⁵ Throughout this process, the Chamber of Commerce stayed united in advocating for its dream of a Greater Pittsburgh.²⁶⁶

²⁶² "Greater City Hearing in Early October: Superior Court advances case to head of list," *Pittsburgh Post*, July 1, 1906. Established in 1895, the Pennsylvania Superior Court is currently one of two intermediate appellate courts in the Commonwealth. "The Superior Court of Pennsylvania," Unified Judicial System of Pennsylvania, accessed December 19, 2022, <https://www.pacourts.us/courts/superior-court>. In 1906, it was the only intermediate appellate court. The other current appellate court, the Commonwealth Court, which hears mostly cases involving the government and state agencies, would not come into existence until 1968. "The Commonwealth Court of Pennsylvania," The Unified Judicial System of Pennsylvania, accessed December 19, 2022, <https://www.pacourts.us/courts/commonwealth-court>.

²⁶³ "Greater City Hearing in Early October," *Pittsburgh Post*, July 1, 1906.

²⁶⁴ "D.T. Watson Declares Majority of 5-Mile Radius Want Annexation," *Pittsburgh Post*, October 3, 1906.

²⁶⁵ "D.T. Watson Declares Majority of 5-Mile Radius Want Annexation," *Pittsburgh Post*, October 3, 1906.

²⁶⁶ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

On November 19, 1906, the Superior Court rendered its decision, ruling the bill constitutional by a 6-2 margin.²⁶⁷ The court dismissed multiple prominent arguments advanced by the anti-consolidation lawyers. The court rejected Allegheny's claim that the state legislature's bill constituted special legislation designed for only one specific instance. Rather, the court believed that the legislation could be applicable across the commonwealth. In addition, Allegheny's lawyers argued that the governor did not specifically mention the Allegheny bill in his proclamation when he called a special session of the state legislature. This, too, the Superior Court dismissed. This defeat left the pro-consolidation forces feeling quite confident about the chances that the decision would be upheld by a higher court.²⁶⁸ From the day that the Superior Court handed its decision down, Allegheny's lawyers had ten days to appeal. If they did appeal, any individual justice on the Pennsylvania Supreme Court could decide to hear the case. The appeal would then be heard by the full Court.²⁶⁹

Celebrations greeted the decision as cheering and spontaneous demonstrations erupted in both Pittsburgh and Allegheny, with the *Pittsburgh Post* citing the cheering and hat-tossing that greeted the decision as evidence that annexation was secretly supported by those in Allegheny despite that city's overwhelming vote against annexation.²⁷⁰ Business and civic leaders highlighted the increased efficiency that this decision meant for Pittsburgh and Allegheny. They focused on free bridges. The leaders also triumphantly announced that the streetcar would only require one fare to travel from one end of Pittsburgh to the furthest reaches of Allegheny.²⁷¹

²⁶⁷ "Greater Pittsburgh Bill Wins Again; Foes Threaten to Carry Fight Higher," *Pittsburgh Post*, November 20, 1906. Interestingly, Judge John B. Henderson, one of the dissenters on the Superior Court, was the brother of an Allegheny lawyer, Harvey Henderson, who had been worked on the case to prevent annexation.

²⁶⁸ "Greater Pittsburgh Bill Wins Again; Foes Threaten to Carry Fight Higher," *Pittsburgh Post*, November 20, 1906.

²⁶⁹ "May Delay Annexation for Almost a Year," *Pittsburgh Post*, November 20, 1906.

²⁷⁰ "May Delay Annexation for Almost a Year," *Pittsburgh Post*, November 20, 1906.

²⁷¹ "Greater Pittsburgh Bill Wins Again; Foes Threaten to Carry Fight Higher," *Pittsburgh Post*, November 20, 1906.

The Allegheny lawyers, however, quickly tried to quiet the celebrations of the Pittsburgh boosters. Allegheny's lawyers vowed to keep fighting, arguing that they were championing the true feelings of their citizens. There was some question as to whether this decision would be the end of the line for the challenge to the Greater Pittsburgh vote, as one of the lead lawyers for Allegheny City—W.C. Gill—expressed his reservations about the funding available for a continued legal challenge. He believed that it would cost the taxpayers of Allegheny a great deal of money.²⁷² Later that day, however Gill filed a petition for an appeal to the Pennsylvania Supreme Court.²⁷³

The Pennsylvania Supreme Court took the case and heard the arguments of the anti-consolidation forces on January 7, 1907.²⁷⁴ The newspapers noted that the attorneys arguing this case were the preeminent attorneys in Pennsylvania. Stone and Watson, who handled the bulk of the argument, each gave a “masterful presentation.”²⁷⁵ Allegheny's lawyers put forward multiple contentions. They argued that the law authorizing consolidation violated due process and impaired the obligation of contracts. The lawyers also contended that the governor's proclamation convening the state legislature did not specifically mention the annexation bill that passed. Additionally, the lawyers stated that the legislation in question was special legislation because the language in it could only apply to Allegheny and Pittsburgh and not to anywhere else across the Commonwealth. The attorneys for Pittsburgh expressed their opposition to the contentions of Allegheny's lawyers. Pittsburgh's lawyers argued that the governor calling the assembly was presumptively constitutional. The Pittsburgh lawyers also contended this bill was

²⁷² “Superior Court Holds the Consolidation Act to be Unconstitutional,” *Pittsburgh Post*, November 20, 1906.

²⁷³ “Annexation Appeal Now on its Way,” *Pittsburgh Post*, November 21, 1906.

²⁷⁴ *Pittsburgh Post*, January 7, 1907. This column was written by the editors of the paper. In it, they blasted the leaders of Allegheny, referring to them as “selfish” for not dropping these lawsuits and agreeing to become part of Pittsburgh. They cited other boroughs who expressed a willingness to come into Pittsburgh, such as Montooth and Sheraden.

²⁷⁵ “Last Fight for the Greater City Now On,” *Pittsburgh Press*, January 7, 1907.

not local legislation and therefore did not violate Article III of the Pennsylvania Constitution.

The language of the bill was not restricted to just Pittsburgh and Allegheny. The state, the Pittsburgh attorneys argued, had broad powers to subdivide municipalities as it wished.²⁷⁶

On March 11, 1907, the Pennsylvania Supreme Court rendered its decision, upholding the decision of the Superior Court and giving the pro-annexation forces another victory. Justice J. Hay Brown wrote the opinion of the Court. He dismissed the arguments of Allegheny, carefully combing the Pennsylvania Constitution to support his reasoning that the governor properly called the special session of the legislature. Additionally, Justice Brown wrote that the legislation in question was general legislation, not the special legislation that Allegheny believed. He also countered Allegheny's notion that the consolidation law violated due process. This belief, Justice Brown reasoned, was inapt.²⁷⁷

Citizens in Pittsburgh reacted with jubilation at the Supreme Court's decision. Businessmen spontaneously poured into the streets, shaking hands with one another. Happy Pittsburgh residents also blew whistles. Steamboats sounded sirens in celebration and factory owners set off their factory's whistles.²⁷⁸ The elite of the city seemed especially pleased. Pittsburgh Chamber of Commerce President H.D.W. English seemed overjoyed, as was old city boss William Flinn.²⁷⁹ English stated that this ruling would assuredly lead to a greater amount of

²⁷⁶ "Last Fight for the Greater City Now On," *Pittsburgh Press*, January 7, 1907.

²⁷⁷ "Supreme Court Decision Makes Union of Cities Fact," *Pittsburgh Press*, March 11, 1907. Justice Brown became a member of the Pennsylvania Supreme Court in 1900. He served as the Court's Chief Justice from 1915 until his 1921 retirement. "Chief Justice Jacob Hay Brown," Unified Judicial System of Pennsylvania, accessed March 31, 2023, <https://www.pacourts.us/Storage/media/pdfs/20220510/152524-brown.pdf>. He received consideration for an appointment to the U.S. Supreme Court in 1892. The appointment instead went to George Shiras of Pittsburgh. When Judge Shiras considered retirement in 1902, Justice Brown, by this point a member of the Pennsylvania Supreme Court, again received consideration for the position. However, in 1903, William Day received the appointment from President Theodore Roosevelt. "Justice Shiras's Successor," *New York Times*, February 4, 1902.

²⁷⁸ "Decision Was Hailed with Delight Here," *Pittsburgh Press*, March 11, 1907.

²⁷⁹ "Ready to Act if Kirschler is Curbed in Appointments," *Pittsburgh Press*, March 12, 1907. If Flinn's joy was real, then that would have dispelled the rumors that he and his associates had tried to stop the annexation.

civic pride in the region as it was now “a truly great city.”²⁸⁰ The actual union of the cities was scheduled to take place on March 22, 1907.²⁸¹ English said that he and the Chamber intended to plan a massive citywide celebration of the annexation to coincide with the city’s Fourth of July festivities.²⁸²

Whether the union of the cities and the Chamber’s citywide party would take place depended on whether Allegheny wished to continue its fight. Stephen Stone, one of Allegheny’s lawyers and the son of ex-Pennsylvania governor and current Allegheny lawyer William Stone, stated that he and his colleagues had no special desire to take the lawsuit further than the Pennsylvania Supreme Court. One of Allegheny’s other lawyers, Harvey Henderson, echoed a similar sentiment. Despite these public sentiments by Stone and Henderson, rumors circulated that the anti-annexation forces would continue their lawsuit up to the U.S. Supreme Court. In addition, Mayor Kirschler allegedly floated the possibility that he would refuse to recognize Guthrie as his superior.²⁸³ Allegheny Director of Public Safety Samuel Grenet still fumed over the result, arguing that “the Greater Pittsburgh is a triumph of men with money. It’s not right.”²⁸⁴ Grenet’s statement captures one of the central reasons that this process had succeeded up to this point. The booster class in Pittsburgh, most especially the Pittsburgh Chamber of Commerce, consisted of men with money. Similarly, the owners of the successful newspapers in Pittsburgh qualified as “men with money.” Elite men with money and influence united in their

²⁸⁰ “Greater Pittsburgh Decision Upheld by Supreme Court; Consolidation to Come in Ten Days; No Appeal Likely,” *Pittsburgh Post*, March 12, 1907.

²⁸¹ “Supreme Court Decision Makes Union of Cities Fact,” *Pittsburgh Press*, March 11, 1907.

²⁸² “Decision Was Hailed with Delight Here,” *Pittsburgh Press*, March 11, 1907. English jokingly expressed skepticism that the city would wish to wait that long to celebrate this victory.

²⁸³ “Kirschler Says He Will Continue Greater City Fight,” *Pittsburgh Press*, March 13, 1907. The plan—as outlined in the bill that allowed annexation—was for the Allegheny Mayor—then Kirschler—to become the deputy mayor of the entire city of Pittsburgh, headed by George Guthrie.

²⁸⁴ “Ready to Act if Kirschler is Curbed in Appointments,” *Pittsburgh Press*, March 12, 1907. Grenet was considered a mayoral candidate for Allegheny if consolidation had been overturned by the U.S. Supreme Court. “Democrats on the Bench to be Affected,” *Pittsburgh Press*, August 25, 1907.

efforts to annex Allegheny. From the drafting process to lobbying to campaigning, the Chamber and other elites with money and resources had used those things to their advantage.

Once Allegheny decided to not accept the decision of the Pennsylvania Supreme Court as final, they crafted a strategy. In the days following the decision, the news focus shifted primarily to the massive flood that ravaged both Allegheny and Pittsburgh.²⁸⁵ Despite the deluge, the lawyers for Allegheny prepared for one last appeal to the United States Supreme Court. Kirschler, in hinting at the forthcoming appeal, stated that he was giving the people of Allegheny what they wanted. And that was not annexation.²⁸⁶ Allegheny began taking up a collection to raise funds for the appeals process to the Supreme Court and netted over \$7,000 by the 14th of March.²⁸⁷ A few days later, William Stone was began the appeals process.²⁸⁸ He petitioned the Pennsylvania Supreme Court for a writ of error.²⁸⁹ The Court denied this writ of error, meaning that Stone would have to appeal to the United States Supreme Court.²⁹⁰ He did. He secured a writ of error from Justice William Moody three days before the union of Pittsburgh and

²⁸⁵ *Pittsburgh Press*, March 14-20, 1907. Due to Allegheny's position directly on the banks of the Allegheny River, it was hit especially hard by the flooding, a not infrequent occurrence. This flood, though, damaged the cities more than most and provided the impetus for the Chamber to create a committee dedicated to improving the ability to control floods in Pittsburgh. Smith, "The Politics of Pittsburgh Flood Control, 5.

²⁸⁶ "Kirschler Says He Will Continue Greater City Fight," *Pittsburgh Press*, March 13, 1907.

²⁸⁷ "Big Fund in Allegheny to Fight Union," *Pittsburgh Press*, March 14, 1907.

²⁸⁸ "Stone Ready With Appeal," *Pittsburgh Press*, March 17, 1907. State Senator Elliot Rodgers of Allegheny, the nephew of Pittsburgh City Solicitor W.B. Rodgers, had advised Allegheny to not continue with the legal fight. He said that he welcomed Greater Pittsburgh even though he found the way the annexation happened to be objectionable and underhanded.

²⁸⁹ A writ of error is defined by the Legal Information Institute at Cornell Law School as follows: "A writ emanating from an appellate court, demanding that a lower court convey the record of a case to the appellate court so that the record may be reviewed for alleged errors of law committed during a juridical proceeding." "Writ of Error," Cornell Law School Legal Information Institute, accessed March 31, 2023, https://www.law.cornell.edu/wex/writ_of_error.

²⁹⁰ "Stone Loses in His First Attempt," *Pittsburgh Press*, March 18, 1907. The petition was filed in the names of the following citizens of Allegheny: John D. Hunter, Jr., Robert K. Cochran, John A. Sauer, and Herbert Heckleman.

Allegheny became official.²⁹¹ Pittsburgh then filed a motion to dismiss that writ of error.²⁹² Chief Justice Melville Fuller denied the motion, prompting angry-sounding headlines from the *Pittsburgh Press*, silence from George Guthrie, and “cheer after cheer” in Allegheny. The Court set an argument date for full presentation of the case to be heard in October 1907. The *Press* expressed disappointment that the official unification would have to wait at minimum for another six months.²⁹³

Before examining the argument before the Court in *Hunter*, it is essential to consider the legal history of how the Supreme Court arrived at this legal question. The United States Constitution is silent on the rights of local governments.²⁹⁴ The lineage of the ideas contained in *Hunter*, however, had a long history at the U.S. Supreme Court. The U.S. Supreme Court heard one of the first cases that would eventually have a bearing on *Hunter* in 1815 during Chief Justice John Marshall’s reign. In *Terrett v. Taylor*, the Court, in an opinion written by Justice Joseph Story, said that state legislatures may “change, modify, enlarge, or restrain” localities such as “counties, towns, [and] cities.”²⁹⁵ This early case began to fashion the belief that state legislatures could exercise control over localities. Four years later, the Court heard *Trustees of Dartmouth College v. Woodward*. According to former Harvard Law School professor and

²⁹¹ “Halts Union of the Cities,” *Pittsburgh Press*, March 19, 1907. The paper reported that Justice Moody seemed intrigued by the facts of the case when William Stone presented them to him. Given that the paper also reported that he had a prior acquaintanceship with Stone, it makes sense why Justice Moody decided to grant the writ of error and hear the case.

²⁹² “Rodgers to Appear for Greater City,” *Pittsburgh Press*, April 14, 1907. In addition to the formal writ that W.B. Rodgers and David T. Watson composed, George Guthrie also filed an affidavit stating that public improvements were being harmed by the lack of attention they were receiving because the annexation had not been finalized.

²⁹³ “Greater Pittsburgh is Delayed Again,” *Pittsburgh Press*, April 22, 1907.

²⁹⁴ Moore, “Dillon Rule and Home Rule.” Regarding the rights of state governments, the Ninth and Tenth Amendments to the Constitution reserve to states powers not delegated to the federal government. However, as the Court had noted in prior cases, the Constitution made no explicit mention of local governments. The Ninth Amendment states that the people of the United States hold other rights not enumerated in the U.S. Constitution. The Tenth Amendment to the U.S. Constitution says that the federal government has the powers listed in the Constitution and, if that power is not enumerated in the Constitution, then it belongs to the states. U.S. Constitution, amends. IX, X.

²⁹⁵ *Terrett v. Taylor*, 13 U.S. 43, 52 (1815).

current First Circuit Court of Appeals Judge David Barron, Chief Justice John Marshall “suggested that local governments possess only those legal rights that their state legislatures grant them.”²⁹⁶ Barron also wrote that Marshall concluded “local governments were the creatures of their state.”²⁹⁷ The Pennsylvania state legislature’s bill concerning the annexation vote gave power to the state and not the local government. Consequently, what Barron views as one of the primary takeaways from *Dartmouth College* mattered to Pittsburgh and Allegheny.

Dartmouth College did not, however, explicitly concern the ability of a locality to challenge a state with a violation of the U.S. Constitution, which Allegheny argued to the U.S. Supreme Court that Pennsylvania did. The first time the Court confronted that issue occurred in the 1845 case *Maryland v. Baltimore & Ohio Railroad Co.* That case concerned a state law that required railroad companies to pay \$1 million with the benefits flowing to counties. The state legislature repealed the statute. A county then tried to enforce the statute against a railroad company. The railroad company argued that the county could not enforce the statute because it had been repealed. The county countered that the legislature could not repeal the statute because doing that would violate Article I, Section 10 of the United States Constitution, the prohibition against the impairment of contracts. The Court ruled in favor of the railroad company, arguing that the county could not enforce the statute.²⁹⁸ Counties, the court contended, “are nothing more than certain portions of territory into which the state is divided for the more convenient exercise of the powers of government.”²⁹⁹ Law professor and municipal law scholar Kathleen Morris

²⁹⁶ David Barron, “The Promise of Cooley’s City: Traces of Local Constitutionalism,” *University of Pennsylvania Law Review* 47, no. 3 (January 1999): 496.

²⁹⁷ Barron, “The Promise of Cooley’s City,” 497.

²⁹⁸ Kathleen S. Morris, “The Case for Local Constitutional Enforcement,” *Harvard Civil Liberties-Civil Rights Law Review* 47, no. 1 (2012): 12-13.

²⁹⁹ *Maryland v. Baltimore & Ohio Railroad Co.*, 44 U.S. 534, 550 (1845). Some of the phrasing in this quotation is significant. It is easy to see why this idea written in 1845 would appeal to a Court in the Progressive Era. Having a “[m]ore convenient exercise” of state governmental power could easily be interpreted as advancing an efficiency argument. Being able to exercise power more conveniently would appeal to a group of individuals immersed in a

notes important ideas that came out of this ruling which would become the basis for the dominant conception of the state-local relationship. Most importantly, she writes that state governments have wide latitude in its interactions with local governments.³⁰⁰ A similar case arose in 1850 in *Town of East Hartford v. Hartford Bridge Co.* Much like Washington County, Maryland, “East Hartford argued...that the Connecticut legislature could not repeal a state statutory right without violating the Constitution’s Contract Clause.” The Court concluded that the state government and the state legislature could control a municipal subdivision.³⁰¹

Although not a United States Supreme Court case, one of the most important early decisions concerning the relationship between state and local governments came in the Iowa Supreme Court’s 1868 *Clinton v. Cedar Rapids & M.R.R. Co.*³⁰² The important rule that came out of this case is known as “Dillon’s Rule,” after John F. Dillon, the influential scholar and Justice of the Iowa Supreme Court who authored the decision. The Dillon Rule “is the principle that local government only exercises (1) powers expressly granted by the state (2) powers necessarily and fairly implied from the grant of power and (3) powers crucial to the existence of local government.”³⁰³ Local governments, Justice Dillon reasoned, are merely an extension of the state. Dillon seemed to be agreeing with the premise underlying the *Dartmouth College* decision authored by Chief Justice Marshall. Barron writes that “Dillon’s defense of state power seemed to follow naturally from Marshall’s earlier determination that local governments were

time when governments were adapting to a wide variety of technological and social changes. Thus, not having to worry about local governments having, in essence, a veto power over proposed reforms would be soothing for elite reformers.

³⁰⁰ Morris, “The Case for Local Constitutional Enforcement,” 32-33.

³⁰¹ Morris, “The Case for Local Constitutional Enforcement,” 13.

³⁰² Travis Moore, “Dillon Rule and Home Rule: Principles of Local Government,” Legislative Research Office, February 2020, https://nebraskalegislature.gov/pdf/reports/research/snapshot_localgov_2020.pdf.

³⁰³ Moore, “Dillon Rule and Home Rule.”

public entities established solely to carry out governmental duties.”³⁰⁴ An esteemed jurist and scholar, Dillon was an extremely influential figure in the development of municipal law and scholarly thought on the subject. Dillon’s treatise *Dillon on Municipal Corporations* foreshadowed his opinion in *Clinton*, as he argued about the limited rights of municipalities. He contended that there existed “textual constitutional limits on the taxing power of municipalities.”³⁰⁵ Any grants of power to municipalities should be narrowly construed. Therefore, states have much more power in any municipal-state interactions.³⁰⁶ This would be of significance in the dispute between Pittsburgh and Allegheny because of the bill that the state legislature passed. Without a clear showing of the unconstitutionality of the state legislature’s bill, Allegheny would not prevail. The state would have greater power than the municipality and, therefore, its actions would not be unconstitutional. Dillon’s work proved to be extremely influential in the *Hunter* case, as the Court quoted it in its unanimous opinion.³⁰⁷

The U.S Supreme Court did not encounter the issue of state control of municipalities in the decades following *Hartford Bridge* until the 1876 case of *Board of Commissioners of Tippecanoe County v. Lucas*. The case concerned an 1869 Indiana state statute which permitted counties to take stock in and make donations to railroad companies.³⁰⁸ Tippecanoe County questioned the Indiana state legislature’s redistribution of tax dollars. The county believed that the state legislature violated both the Takings Clause and the Contract Clause of the U.S.

³⁰⁴ Barron, “The Promise of Cooley’s City,” 506-507. Barron notes that, although Dillon seemed, on the surface, to simply agree with Chief Justice Marshall’s conception of state-local relationships, things look slightly different with a deeper examination. When examined more closely, Barron believes that Dillon restricted local power even more than Marshall did. This demonstrates one reason why Dillon’s writings carried so much importance in *Hunter* and why the *Hunter-Trenton* line of cases would restrict local power so much.

³⁰⁵ Wiecek, *The Lost World of Classical Legal Thought*, 95-96.

³⁰⁶ Josh Bendor, “Municipal Constitutional Rights: A New Approach,” *Yale Law & Policy Review* 31, no. 2 (Spring 2013): 395.

³⁰⁷ Barron, “The Promise of Cooley’s City,” 506.

³⁰⁸ *Board of Commissioners of Tippecanoe County v. Lucas*, 93 U.S. 108, 114 (1876).

Constitution.³⁰⁹ The Court did not agree with the county, stating that municipalities are “mere instrumentalities of the state, for the convenient administration of the government.”³¹⁰ While clearly a decision in favor of the states, the Court stated that local governments could bring (and potentially prevail in) a constitutional suit against the state.³¹¹ Although the opinion’s author, Justice Stephen Field, did not dwell too much on that point, he stated that there exists a line where a state does not have the right to dispose of the property of a municipality, much as exists for individuals. However, he said that the Court did not need to answer the question of where that line falls in this case.³¹² This case continued the expansion of the rights of state government and state legislatures over municipalities. The Court also referred to *Maryland v. Baltimore & Ohio Railroad Co.*, writing that the concepts of the state and the legislature were interchangeable. Thus, Morris writes, if the state as a sovereign entity has power to do something, the Court believed that the state legislature did as well.³¹³

After *Tippecanoe*, the Court stayed relatively silent for a few decades on cases involving disputes between local governments and the states. In the 1890s, however, as the annexation debates emerged from their dormant state and erupted in Pittsburgh, Cleveland, and Cincinnati, the Court again weighed in on conflicts between local entities and states. Around this time, Morris argues, the Court began solidifying its “doctrine of local governmental powerlessness.”³¹⁴

³⁰⁹ The Fifth Amendment of the United States Constitution states that “nor shall private property be taken for public use, without just compensation.” U.S. Constitution, amend. V. This is known as the “Takings Clause.”

³¹⁰ *Tippecanoe County*, 93 U.S. at 114.

³¹¹ Morris, “The Case for Local Constitutional Enforcement,” 13.

³¹² *Tippecanoe County*, 93 U.S. at 114.

³¹³ Morris, “The Case for Local Constitutional Enforcement,” 26.

³¹⁴ Morris, “The Case for Local Constitutional Enforcement,” 14. One potential theory for why the Court crafted this theory was to allow state legislatures maximum flexibility in relationships with municipalities. The flexibility of the states was of paramount importance to the Court. If the Court allowed the states maximum discretion to do with its municipalities what it wished, then the policy of the states would not be wedded to what it had been in the past. Bendor, “Municipal Constitutional Rights,” 403-405. The era in which this occurred certainly seems to match with larger-scale Progressive Era trends. The explosion of the population at this time left governments scrambling to solve problems that it was just beginning to understand. Although it is not proven, it is certainly conceivable that allowing the states flexibility over its municipalities was a recognition that “the world changes and policy should

Two years prior to *Hunter*, the Court heard *City of Worcester v. Worcester Consolidated Street Railway*. There, local entities challenged a state statute that “released a private railroad from contractual obligations to localities.”³¹⁵ The court ruled that municipal corporations are created by the state and, therefore, cannot challenge legislative acts under the Constitution. Also in 1905, in *Michigan ex rel. Kies v. Lowery*, a school board challenged a state law that provided for its reorganization. The Court dismissed the arguments that this law violated the Contract Clause, the Due Process Clause of the Fourteenth Amendment, and the Republican Form of Governments Clause.³¹⁶ In his opinion for a unanimous Court, Justice Joseph McKenna reasoned that, because state legislatures create school boards, they may operate them as they see fit, which includes the power to reorganize the boards.³¹⁷ This was the last case that addressed this sort of issue before *Hunter*.

The United States Supreme Court was an institution somewhat in transition around the time of the *Hunter* decision. In the early 1900s, the Supreme Court began expanding its power with the increasing use of the substantive due process doctrine.³¹⁸ Embracing substantive due process led to a period of “judicial activism.” The Supreme Court’s most notorious decision during this period was *Lochner v. New York*, a case which stemmed from a challenge to the

often change with it.” Bendor, “Municipal Constitutional Rights,” 406. Certainly, the world had been experiencing rapid changes during the time immediately prior to the *Hunter* decision, all wrapped around an ethos of efficiency. “The passion for stability,” Wiebe writes, had grown exponentially right around the turn of the twentieth century. Businessmen had expressed eagerness to apply this passion for stability to areas outside of business to confront the growing number of new problems occurring because of rapid urbanization. Wiebe, *The Search for Order*, 186.

³¹⁵ Morris, “The Case for Local Constitutional Enforcement,” 14.

³¹⁶ Article IV, Section 4 of the U.S. Constitution states: “The United States shall guarantee to every State in this Union a Republican Form of Government...” U.S. Constitution, Art. IV, sec. 4. The Court felt that this clause was completely inapt to the case at hand. The legislature, it felt, had the requisite power to “create and alter school districts and divide and apportion the property of such districts.” *Michigan ex rel. Kies v. Lowrey*, 199 U.S. 233, 239 (1905).

³¹⁷ *Michigan ex rel. Kies*, 199 U.S. at 239.

³¹⁸ The doctrine of substantive due process only slowly gained acceptance at the U.S. Supreme Court level. Wiecek, *The Lost World of Classical Legal Thought*, 125.

Bakeshop Act.³¹⁹ Infamously, the Court ruled that “liberty of contract” existed and people could not be deprived of their right to negotiate a contract for however many hours they wished to work. Decidedly, this case was a significant loss for reformers and a win for businessmen. In an acerbic dissent, Justice Oliver Wendell Holmes announced that “the Fourteenth Amendment does not enact Mr. Herbert Spencer’s *Social Statics*.” Holmes believed that the Court, through this decision, was attempting to enact economic policy.³²⁰

The lawyers for Pittsburgh and Allegheny would try to sway this Court. Allegheny hoped that this increased judicial activism would benefit its cause before the Court. Before 1898, the Court had only invalidated 125 state laws. However, in a “single generation” after 1898, the Court invalidated 400 state laws.³²¹ Consequently, Allegheny hoped that the Court, with its increased willingness in the past decade to overturn state laws, would overturn the bill that enabled Allegheny’s annexation. Pittsburgh, however, would be arguing with the wind of past cases at their backs, as the precedent favored them. In addition, decisions such as *Lochner* favored businessmen and elites. Given that the leaders of the Greater Pittsburgh movement classified as elites, they could hope that the Court would again favor wealthy interests with its decision. Above all, Pittsburgh hoped that the Court did not keep expanding its own power.

The legal principles that would decide the Pittsburgh-Allegheny dispute were not new. Almost a century prior, the Supreme Court had started considering issues related to the relationship of state and local governments in *Terrett v. Taylor* and *Dartmouth College v. Woodward*. Over time, and in the years immediately prior to 1907, the Court began crafting its

³¹⁹ Herbert Hovenkamp, *The Opening of American Law: Neoclassical Legal Thought, 1870-1970* (New York and London: Oxford University Press, 2015), 247.

³²⁰ Paul Kens, *Lochner v. New York: Economic Regulation on Trial* (Lawrence: University of Kansas Press, 1998), 135-136.

³²¹ Wiecek, *The Lost World of Classical Legal Thought*, 135.

doctrine that devalued the power of local governments and gave increased power to state governments. Beyond the important legal issues that would be decided in the case, the most significant annexation in Pittsburgh history would also proceed or be squashed. Pittsburgh's attempts to annex Allegheny had begun over a half century prior to 1907. Finally, these "weighty arguments" concerning annexation in this "new [legal] case" would be settled.³²²

In their brief, Allegheny's lawyers focused on both the future and the past. They painted a picture of a grim future in which any larger municipality could swallow up smaller ones almost at will. The Allegheny lawyers also examined Article I, Section 10 of the Constitution and concluded that it was in their favor. Allegheny's lawyers believed this because, in their conception, a contract existed between the citizens of Allegheny who brought the action in court and Allegheny. The contract, Allegheny's lawyers alleged, meant that the citizens of Allegheny could not be taxed except by Allegheny. Pittsburgh's lawyers firmly denied that any such contract existed. Allegheny stated that allowing a majority of the vote of two cities—the key clause in the successful bill—to determine whether the smaller municipality would be absorbed by the larger municipality was an illegal exercise that had no precedent. The lawyers for Allegheny repeatedly articulated the notion that this bill violated the due process of their citizens. The annexation bill would, the Allegheny lawyers believed, result in an increase of taxes for Allegheny residents, as well as potential property confiscation.³²³ Both concerns had appeared in the pamphlet urging Allegheny citizens to reject consolidation.³²⁴ The Allegheny lawyers believed that any law must be "just, fair, and reasonable," to comply with due process. This law

³²² "Pittsburgh Defends Legislature's Act, Allegheny Demands Separate Suffrage in Greater City Fight in U.S. Supreme Court," *Pittsburgh Post*, October 19, 1907.

³²³ "Pittsburgh Defends Legislature's Act; Allegheny Demands Separate Suffrage in Greater City Fight in U.S. Supreme Court," *Pittsburgh Post*, October 19, 1907.

³²⁴ *Consolidation, an address to the citizens of Allegheny*, 5-6.

did not because the Allegheny lawyers believed that the law's drafters ensured that Allegheny had its voice neutralized by Pittsburgh. The Pittsburgh lawyers countered that all Allegheny's ideas were absurd propositions. They continued that "no possibility" existed that such any action undertaken in this dispute deprived anyone of life, liberty, or property.³²⁵

Ultimately, Allegheny's brief maintained that no precedent existed for this decision and that laws everywhere else favored their opinion. Whenever annexation had been attempted before, Allegheny's lawyers argued, the vote of the place to be annexed had always been solely determinative. The brief cited the vote in favor of the earlier annexation of the East End as well as the earlier vote taken by Allegheny City. The East End had voted to join Pittsburgh, but Allegheny City had not. Not content with local analogies, the Allegheny lawyers went international, arguing that even Ireland had received a separate vote when it was annexed by England.³²⁶ In their brief to the Court, the Allegheny lawyers also focused on a case from Illinois that found an act of the Illinois state legislature to be unconstitutional because the state legislature imposed the tax without the consent of the residents. The lawyers tried one last Fourteenth Amendment argument, contending that the law denied equal protection of the laws to the residents of Allegheny because Allegheny's lawyers believed that it was the only city in Pennsylvania that could be annexed without the majority of the citizens approving the

³²⁵ "Pittsburgh Defends Legislature's Act; Allegheny Demands Separate Suffrage in Greater City Fight in U.S. Supreme Court," *Pittsburgh Post*, October 19, 1907.

³²⁶ "Briefs Ready in the Greater City Dispute," *Pittsburgh Gazette Times*, October 19, 1907. The Pittsburgh newspapers published in full many documents connected with these cases, including the briefs that lawyers filed in multiple courts. This again demonstrates the immense amount of interest that the issue of annexation and the *Hunter* case held for not only the newspapers and their owners, but also for many newspaper-consuming Pittsburghers. The newspapers would not have printed all this material if it did not deem it vital to the public and if the public did not wish to consume it. Consequently, the fact that the newspapers deemed most of or all the briefs publishable material shows the importance of annexation to many Pittsburghers.

annexation. This, the lawyers argued, meant that Allegheny's residents did not receive equal protection under the law.³²⁷

For their part, lawyers for Pittsburgh took aim in their brief at the due process claim raised by Allegheny, dismissing it out of hand, stating that in no way did this act of consolidation rob anyone of life, liberty, or property without due process of law. Rather, they argued that the state held the power in this situation. The question of when a merger of cities takes place should be decided by the state and what the state says should rule. The brief also cited previous cases written by two members of the Court, Justice Rufus Peckham and Justice David Brewer. Both cases stated that the Bill of Rights, specifically the Ninth and Tenth Amendments, apply only to the federal government and do not set limits on what state governments can do with local governments. Pittsburgh had greater legal authority on its side, due to past cases authored by members of the Court that would hear this decision. Furthermore, going back almost 100 years, previous cases generally gave broad authority to state governments. Allegheny would have a hard time winning.³²⁸ The *Pittsburgh Press* expressed confidence in a favorable outcome for Greater Pittsburgh. The lawyers for Allegheny had only a "slim thread" of a case in this instance, according to the *Pittsburgh Press*.³²⁹

The Supreme Court announced its decision November 18, 1907, less than one month after the case was argued, ruling in favor of Pittsburgh and letting the annexation stand.³³⁰

³²⁷ "Briefs Ready in the Greater City Dispute," *Pittsburgh Gazette Times*, October 19, 1907.

³²⁸ "Briefs Ready in the Greater City Dispute," *Pittsburgh Press*, October 19, 1907. The two cases written by Justice Peckham and Justice Brewer, respectively, were *Jack v. Kansas*, 199 U.S. 372 (1905) and *Brown v. New Jersey*, 175 U.S. 172 (1899). In *Brown v. New Jersey*, Justice Brewer wrote that states had a lot of leeway in setting the rules of court procedure in a state. Although not directly related to annexation, Justice Brewer did defer to the states in this case, showing why Pittsburgh attorneys especially may have viewed his decision hopefully as a harbinger of a favorable ruling. In *Jack v. Kansas*, Justice Peckham wrote that a state law of Kansas was valid, and the plaintiff did not have his 14th Amendment rights violated. *Jack v. Kansas*, 199 U.S. 372 (1905).

³²⁹ "It was the Robbery of a City, Claims Stone," *Pittsburgh Press*, October 26, 1907.

³³⁰ "It's Up to Court Now," *Pittsburgh Press*, October 29, 1907.

Justice William H. Moody wrote the unanimous opinion, which upheld the decision of the Pennsylvania Supreme Court.³³¹ No taking of property without due process of law had occurred, the justices decided. Allegheny had no property in its “private and proprietary capacity.”³³² While Allegheny had alleged its taxpayers were deprived of property due to increased taxation, the court dismissed that notion as well.³³³ In addition, the Court did not opine on the fairness of the law, stating that “[w]e have nothing to do with the policy, wisdom, justice, or fairness of the act under consideration.”³³⁴ Instead, those sorts of decisions should be left to the state legislature. Since the legislature had approved the act in question, the Court would leave the matter undisturbed.³³⁵ A state had, the Court contended, broad powers to govern its municipalities as it saw fit and could modify or take away almost any municipal powers that it wished.³³⁶ The Court cited a litany of cases where it had adjudged the “nature of municipal corporations, their rights and duties, and the rights of their citizens and creditors.”³³⁷ A takeaway from those cases was that power over the municipal corporations “rests in the absolute discretion of the state.”³³⁸ Regarding the Contract Clause claim made by Allegheny, Justice Moody stated simply when he

³³¹ Hunter, 207 U.S. at 161. Justice Moody had recently been appointed to the Supreme Court by President Theodore Roosevelt in December 1906. Previously, he had served as Roosevelt’s Secretary of the Navy from 1902-1904 and as Roosevelt’s attorney general from 1904-1906. Moody served a relatively short stint on the bench, retiring in November 1910. “William H. Moody, 1906-1910,” Supreme Court Historical Society, accessed April 8, 2023, <https://supremecourthistory.org/associate-justices/william-h-moody-1906-1910/>. As both Secretary of the Navy and Attorney General, “Moody sought to creatively reform both departments in the spirit of Progressivism.” Moody also prosecuted more monopolies under the Sherman Antitrust Act than any other U.S. Attorney General. “William H. Moody,” Miller Center, accessed April 8, 2023, <https://millercenter.org/president/roosevelt/essays/moody-1904-secretary-of-the-navy>.

³³² Allegheny’s lawyers had made an argument that Allegheny owned property in its “private and proprietary capacity.” The Court found this contention ill-supported by the facts. Hunter, 207 U.S. at 180.

³³³ “Highest Court Says Annexation is Legal,” *Pittsburgh Press*, November 18, 1907.

³³⁴ Hunter, 207 U.S. at 176.

³³⁵ Hunter, 207 U.S. at 176.

³³⁶ Brian P. Keenan, “Subdivisions, Standing, and the Supremacy Clause: Can a Political Subdivision Sue Its Parent Under Federal Law,” *Michigan Law Review* 103, no. 7 (June 2005): 1928.

³³⁷ Hunter, 207 U.S. at 163, 178.

³³⁸ Hunter, 207 U.S. at 178.

announced the decision, “It isn’t true.”³³⁹ In the opinion, Justice Moody furthered this statement, writing that, unlike what Allegheny alleged, no contract existed “between a municipality and its citizens and taxpayers that the latter shall be taxed only for the uses of that corporation and not for the uses of any like corporation with which it may be consolidated.”³⁴⁰ In addition, Justice Moody noted simply that nothing in the record showed any violation of the Fourteenth Amendment.³⁴¹ Allegheny’s legal arguments had been thoroughly defeated.

The Court gave much power to the state legislature to act as it saw fit. Although it had started making a habit of invalidating state laws in the decade prior to *Hunter*, it did not do so in this case. Rather, the Court stated that nothing in the U.S. Constitution protected Allegheny from the state legislature’s law.³⁴² The Court also nodded to the notion of efficiency that had been sweeping through the country. Local governments had been constructed, the Court reasoned, to ensure that power was divided “properly and efficiently” between the states and local governments. It seemed best to the Court to not disturb that balance of power and upset the existing efficient distribution of power. Consequently, here, the Court adopted and reflected the Progressive Era ideal of functional and efficient government. Although the Court had a chance to overturn another state law, (something that it had been doing with increasing frequency), it chose to respect both the extensive amount of existing precedent and the prevailing Progressive sentiment in favor of governmental efficiency.³⁴³

³³⁹ “Highest Court Says Annexation is Legal,” *Pittsburgh Press*, November 18, 1907. The paper notes that none of the lawyers who argued the case were in the courtroom to hear the decision. Senator Philander Knox of Pennsylvania attended, as did “other Pennsylvanians in Washington.” The announcement of the decision only took fifteen minutes.

³⁴⁰ *Hunter*, 207 U.S. at 161.

³⁴¹ *Hunter*, 207 U.S. at 180.

³⁴² *Hunter*, 207 U.S. at 179.

³⁴³ *Hunter*, 207 U.S. at 178.

The newspapers and civic and business elites immediately praised the Court's decision. The headline of the *Pittsburgh Press* trumpeted the victory. The paper welcomed the new citizens of Pittsburgh, crowing that Pittsburgh had now officially achieved its place in the upper echelon of cities. According to the papers, Pittsburgh's population now stood at approximately 521,000, which they said would make it the sixth largest city in the nation, up from 11th in the 1900 census.³⁴⁴ The Chamber of Commerce received plaudits for their extensive work to bring about Greater Pittsburgh. A "prominent merchant" in Pittsburgh noted that "the work of no organization can be compared with that of the Chamber of Commerce." The merchant finished his fulsome praise of the Chamber by saying that the successful consolidation would never have come to fruition without the Chamber's efforts.³⁴⁵

The Chamber itself also celebrated, having overcome the "incompetency, spite and jealousy" from naysayers that nearly derailed the project.³⁴⁶ Its members drafted a written commendation for Guthrie and Watson for their legal ingenuity in drafting the bill that led to eventual consolidation. Guthrie and Watson refused any sort of remuneration for their effort, a fact that the Chamber of Commerce lauded.³⁴⁷ Annexation succeeded partially because of these two esteemed lawyers and their drafting ability. Through their persistence, cultivation of political allies, expert legal draftsmanship, and Guthrie's leadership in the Pittsburgh reform movement, their cause achieved victories at all levels of the court system.

Pittsburgh had annexed Allegheny with finality. A goal multiple generations in the making had finally been achieved, in large because of the boosters and their efforts to champion

³⁴⁴ "Greater City News Cause of Rejoicing," *Pittsburgh Press*, November 18, 1907; "1900 Census: Volume I. Population, Part I," United States Census Bureau, accessed April 9, 2023, <https://www.census.gov/library/publications/1901/dec/vol-01-population.html>.

³⁴⁵ "Chamber of Commerce Did Much for Union," *Pittsburgh Post*, November 20, 1907.

³⁴⁶ "To Senator Wilbert is Due Much Credit," *Pittsburgh Post*, November 19, 1907.

³⁴⁷ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

the cause of annexation through government, organizations like the Chamber, and through newspapers. These groups with power had used that power to secure their goal of annexing Allegheny, a move that could only enhance their own power. The “triumph of men of money” had—at last—been realized.

Chapter V: Annexation Post-1907

Much as there were two stories leading up to the *Hunter* decision—those of annexation and constitutional questions involving the relationship between local and state government—two stories came out of the *Hunter* case. Beyond the legal legacy (which will be addressed in the next chapter), the legacy of annexation and metropolitan expansion in Pittsburgh following *Hunter* is worth examining. A wave of other annexations accompanied and followed Allegheny's in 1907, reflecting the desire of Mayor Guthrie and the boosters for a larger, more prosperous, and efficient city. After 1907 and 1908, fewer significant annexations occurred. However, Pittsburgh boosters certainly still pushed "Greater Pittsburgh" plans. Other smaller areas brought into the fold in 1908 and 1909 wanted what they perceived as the benefits of joining Pittsburgh (including the standby of better public services).³⁴⁸ Perhaps any businessmen in those newly annexed areas were also persuaded by the real estate brokers in Allegheny who crowed about the rise in property values in Allegheny since the annexation became final.³⁴⁹

But other governments and groups banded together to avoid being annexed. In 1907, when it looked probable that Pittsburgh would annex Allegheny, other local governments became concerned that they would also be taken into the city by force. The mayor of McKeesport, a Pittsburgh suburb, vehemently opposed such a possibility. He asserted that Downtown Pittsburgh would continue to be the "center of government" and was too far from

³⁴⁸ In 1907, Pittsburgh annexed Sheraden and Montooth. Later boroughs and townships joining Pittsburgh included the Borough of West Liberty, the Borough of Beechview as well as parts of Union and O'Hara Townships. While other areas would be annexed in the decades and years to come, no areas would ever be as big a "prize" as Allegheny. "The Growth of Pittsburgh," *The Brookline Connection*. For example, the impending vote on the Beechview annexation did not even make the front page of the *Pittsburgh Post*. While Allegheny's population was over 100,000, Beechview's was only a little over 1,000. Despite the small size of the annexation, the paper used typical booster language, referring to it as a "hustling borough." The paper also continued its pro-annexation bent, highlighting the benefits that boosters believed Beechview would receive, such as better police departments, fire departments, and schools. The typical anti-annexation arguments also surfaced, including fears about higher taxes. "Beechview Expectant on Eve of Annexation Fight," *Pittsburgh Post*, December 14, 1908.

³⁴⁹ "Realty and Annexation," *Pittsburgh Press*, February 23, 1908.

McKeesport for its residents to have a meaningful voice in the city's affairs. Similarly, a local government representative from Braddock argued that, while he took pride in Pittsburgh being a big city and having a large population, he did not think that the voices of those in Braddock should be "sacrificed" to make Pittsburgh even larger. An official from Carnegie—a southwestern suburb of Pittsburgh—repeated two recurring arguments of those opposing annexation. He alleged that the taxes of Carnegie residents would go up if Pittsburgh annexed Carnegie. Additionally, the official felt that Carnegie would lose some of its independence by becoming part of the city.³⁵⁰ Despite many areas actively avoiding annexation, some smaller areas decided to join Pittsburgh in the 1910s and 1920s.³⁵¹ Familiar reasons for supporting annexation emerged, including the promise of lower taxes and better public services. In the borough of Westwood, governmental efficiency also mattered, highlighting the longstanding importance of Progressive Era ideals of efficient government.³⁵² Westwood's willing annexation, however, would largely prove to be the exception and not the rule during this period as the leaders of some boroughs and townships went beyond venting to the newspapers. Instead, they acted.

³⁵⁰ "Howl Goes Up From Neighboring Towns," *Pittsburgh Gazette Times*, March 12, 1907.

³⁵¹ "The Growth of Pittsburgh," *The Brookline Connection*. One such borough was part of Chartiers Township, which, in December 1920, approved annexation by a vote of 815-439. The paper highlighted some of the traditional benchmarks that pro-annexation groups cited when discussing new territory. Firstly, the paper stated that this was a wise move by the citizens of this township, as it would increase their tax savings between \$10 and \$50 a year. In addition, the size and population of Pittsburgh expanded. The city gained over 5,000 people and twenty square miles, raising its profile that much more. "Chartiers Township Annexation Carries By Vote of 815-439," *Pittsburgh Gazette Times*, December 15, 1920.

³⁵² "Borough Moves for Annexation," *Pittsburgh Gazette Times*, June 29, 1923. Westwood was a small borough, with only 262 registered voters (175 of whom had signed a petition supporting annexation). According to the always pro-annexation *Pittsburgh Post*, Westwood voters also applauded their own decision beyond the fact that it would create a more efficient government. Westwood would also receive "vastly better public service at lower taxation than they were obliged to pay formerly for a limited service." The newspaper also cited the satisfaction of other boroughs who recently joined, such as Carrick and Knoxville. "Well, Why Not, Homestead?" *Pittsburgh Post*, January 20, 1927.

In 1910, the leaders of many municipalities officially combined forces to form the League of Boroughs and Townships of Allegheny, organized to prevent forcible annexations by Pittsburgh.³⁵³ George Guthrie's successor, William Magee, also allied with the Chamber of Commerce to put forward attempts to annex areas almost twenty miles removed from downtown.³⁵⁴ The League's advocacy helped to defeat a bill in the state legislature that aimed to consolidate forty townships and boroughs into Greater Pittsburgh.³⁵⁵ Called the "Allen Force Bill," the bill ensured that these townships and boroughs had no choice in the matter and would be absorbed with no vote.³⁵⁶ Much as the Chamber of Commerce frequently went to Harrisburg to lobby state legislators to its cause, those in the League did the same.³⁵⁷

Although the Allen Force Bill failed, proponents of the continuing Greater Pittsburgh movement tried other methods to broaden the footprint of Pittsburgh. In 1919, state legislators introduced a bill that sought to create a metropolitan "super government." The League helped to defeat both this measure and a similar measure in 1921.³⁵⁸ The lack of success in annexing new territory partially caused the relatively disappointing 1920 census returns for Pittsburgh. Detroit leapfrogged Pittsburgh in population and Cleveland vastly outdistanced Pittsburgh.³⁵⁹ Pittsburgh tried to rebound from this disappointment and annex other locales during the 1920s, including the South Hills suburbs of Dormont and Mt. Lebanon. Neither one succeeded.³⁶⁰

³⁵³ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 244.

³⁵⁴ Muller, "The Pittsburgh Survey and 'Greater Pittsburgh,'" in *Pittsburgh Surveyed*, 80. Although Magee was the nephew of famous ring boss Christopher Magee, he was more reform-minded than his uncle.

³⁵⁵ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 244. The bill was somewhat reminiscent of the 1854 Consolidation Act in Philadelphia, as that bill added over 100 square miles to the city.

³⁵⁶ Lubove, *Twentieth Century Pittsburgh*, 97-98.

³⁵⁷ "Army of Antis Going to Capital," *Pittsburgh Gazette Times*, January 29, 1911. The members of the boroughs opposed to annexation stated that they expected support from more rural members of the legislature who opposed an annexation bill currently before the legislature.

³⁵⁸ Lubove, *Twentieth Century Pittsburgh*, 98.

³⁵⁹ Lubove, *Twentieth Century Pittsburgh*, 96.

³⁶⁰ "The Growth of Pittsburgh," *The Brookline Connection*.

These setbacks did not stop the Chamber of Commerce, which continued its relentless promotion of “Greater Pittsburgh.” Once more, the Chamber took the lead on pushing for a “Greater Pittsburgh,” with the Chamber’s Metropolitan Plan Commission campaigning across the city to rally support.³⁶¹ In the 1920s, the Chamber focused on metropolitan government as the primary means to further its influence. The Chamber frequently hosted meetings at its headquarters with representatives from boroughs and townships considering annexation.³⁶² The Chamber argued that a Greater Pittsburgh coterminous with the entirety of Allegheny County would be the best situation for both local morale and economic growth.³⁶³ Government would be more efficient, and World War I had demonstrated the vital importance of bureaucratic efficiency to many of those in Pittsburgh’s government and business community.³⁶⁴ The Chamber helped to introduce in the state legislature several bills focusing on metropolitan government. Those bills all met with the now-typical resistance of those not wishing to be annexed. Pittsburgh, however, came up with a solution to still pursue its dreams of a Greater Pittsburgh. First, Pittsburgh agreed to withdraw one of its annexation bills. When this occurred, the group of municipalities opposed to annexation agreed to an organization named the Commission to Study Municipal Consolidation, which would examine the positive and negative consequences of annexation.³⁶⁵

Those in favor of annexation again concerned themselves with the population listed in census, as boosters still used the census to measure a city’s success and economic prospects. The

³⁶¹ “Will Discuss Charter Bill in McKeesport,” *Pittsburgh Post*, June 21, 1929.

³⁶² “Boroughs to Organize for Annexation Move,” *Pittsburgh Gazette Times*, June 2, 1923. Limits, however, existed to the activity that the Chamber of Commerce undertook in favor of annexation. They refused to participate in a Sunday meeting, labelling it an act of “Sabbath desecration.” “Commerce Chamber Scorns Meetings on Sunday to Discuss Annexation Question,” *Pittsburgh Post*, January 24, 1921.

³⁶³ Lubove, *Twentieth Century Pittsburgh*, 27-28.

³⁶⁴ Bauman and Muller, *Before Renaissance*, 108.

³⁶⁵ Lubove, *Twentieth Century Pittsburgh*, 98.

Chamber felt the need to use annexation during this period because Pittsburgh's population growth had lagged the population growth of Cleveland and Detroit. While Pittsburgh's economy rebounded from a slowdown during World War I, after the war a combination of strikes and post-war labor shortages made the Chamber nervous about the prospects of long-term economic success. The proponents of annexation also cited population figures, noting that Pittsburgh's population was about 620,000, and Allegheny County's was over 1 million. If the ultimate consolidation that the proponents dreamed of became a reality, Pittsburgh would become the fourth-most populous city in the United States, behind only New York, Chicago, and Philadelphia.³⁶⁶ Consequently, in 1925, it launched a fresh campaign to bring in more territories and population.³⁶⁷ However, the Chamber would again be met with opposition in its plans, as many opponents of consolidation still wanted to retain their local identities and had not come around to the Chamber's efforts to win them over.³⁶⁸

Throughout its efforts to secure more territory for Pittsburgh, the Chamber kept up the offensive but also seemed willing to engage in a compromise solution that it believed would still benefit the city. The Metropolitan Charter Plan called for "a weak, federated consolidation of city and county."³⁶⁹ According to the Chamber, the home rule of the boroughs and townships that many valued would be stringently protected.³⁷⁰ A few months prior, the Chamber had unanimously passed a resolution that supported the resolution and, much as during the Allegheny annexation battle, urged its members to work to ensure that it passed.³⁷¹ The Chamber's new president James Rae was hopeful that, in the metropolitan charter election, the citizens would

³⁶⁶ "For a Greater Pittsburgh," *Pittsburgh Gazette Times*, March 22, 1925.

³⁶⁷ Bauman and Muller, *Before Renaissance*, 109.

³⁶⁸ "For a Greater Pittsburgh," *Pittsburgh Gazette Times*, March 22, 1925.

³⁶⁹ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 244.

³⁷⁰ "Metropolitan City Plan," *Pittsburgh Post-Gazette*, June 24, 1929.

³⁷¹ "Fifth Avenue Widening Plan Given Endorsement," *Pittsburgh Post-Gazette*, February 22, 1929.

approve the plan. If they did, Rae believed that Pittsburgh would “become known to the outside world as the important population center that we are.”³⁷² The Chamber’s membership united in this effort, as they drafted a bulletin highlighting that the members had unanimously endorsed the Metropolitan Charter plan. The Chamber leadership encouraged everyone to vote for the plan, to campaign for the plan, and to participate in “every possible way in securing the largest possible vote” for the plan.³⁷³ The Chamber was not the only booster organization to rally for the charter. The Pittsburgh Allied Board of Trade hosted a large dinner and rally that intended to provide motivation to ensure the project made it successfully over the finish line.³⁷⁴

The day before the election, the Chamber made its final push, taking out an entire page of the *Pittsburgh Post-Gazette* to advocate for supporting the Metropolitan Charter Plan. The Chamber declared that “there has been nothing more momentous in our history than the election on the Metropolitan Charter on Tuesday June 25th.”³⁷⁵ Using subheadings, the Chamber, with lawyerlike precision, delineated the five primary reasons that all businessmen and other citizens should support the Metropolitan Charter, focusing most heavily on increasing economic prosperity and industrial expansion.³⁷⁶ The Chamber admitted that there were not many more

³⁷² “Aims to Aid Small Industry; Make City Good Place to Live,” *Pittsburgh Press*, May 19, 1929. Rae hoped that the election would end up providing a boost to the industrial and manufacturing sectors in Pittsburgh. The Chamber hoped that its members would be able to persuade their families and business associates to support the Metropolitan Charter Plan. “Metropolitan City Plan,” *Pittsburgh Post-Gazette*, June 24, 1929.

³⁷³ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

³⁷⁴ “Charter Rally Will Draw Many Tonight,” *Pittsburgh Press*, June 12, 1929. The Chamber approved this dinner and bought anywhere from one to three tables at it, hoping that good relations would continue between the organizations. Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

³⁷⁵ “Metropolitan City Plan,” *Pittsburgh Post-Gazette*, June 24, 1929.

³⁷⁶ “Metropolitan City Plan,” *Pittsburgh Post-Gazette*, June 24, 1929. The five reasons that the Chamber put forth in the paper were “A Means of Industrial Expansion,” “Whole County Will Benefit,” “A Great Civic Enterprise,” “Work as Well as Vote,” and “A Good Business Proposition.” Voting for the Metropolitan Charter Plan would make “Pittsburgh one of the great cities of the world.” In the same paper, a group of local businessmen (many from banks, steel companies, and coal companies) took out part of a page, arguing that everyone’s taxes would be lowered if the citizenry supported the Metropolitan Charter Plan. The Metropolitan Plan Commission also took care to highlight that local governments would retain some amount of autonomy. In a full-page advertisement in the *Pittsburgh Post-Gazette*, they highlighted that “Forcible Annexation is Prevented!” if the bill passed.

territories willing to be annexed. Consequently, the Metropolitan Charter vote held a great deal of significance. All the directors of the Chamber affixed their signature to the end of the article.³⁷⁷ In an internal memo, the Chamber stated that Pittsburgh was approximately 10th in the nation in population, and the adoption of the Metropolitan Charter Plan would raise the population to fourth. Having the Metropolitan Charter Plan pass was essential to the city's success because "[s]trangers look first at those cities in the census columns."³⁷⁸ In a timeless tale, the Chamber then said that cities with greater population would gain more business than those ranked lower. The greater Pittsburgh's population was, the more prosperous its businesses would be.³⁷⁹ To not vote for the Charter Plan would be subjecting the citizenry to "a lower rank than what is rightly ours among the metropolitan centers of the country and the world."³⁸⁰

On June 25, 1929, the question of whether Pittsburgh would achieve what Rae desired would be answered, as the Metropolitan Charter came up for a vote before the citizens of Allegheny County. In contrast to the relatively heavy turnout during the Allegheny annexation, this election featured an extremely light turnout.³⁸¹ The Metropolitan Charter Plan was defeated, partially because of poor legal draftsmanship.³⁸² It won a total of 68 percent of the vote across Allegheny County. However, for the plan to carry, it required a two-thirds majority vote in 62 of the 123 municipal units in Allegheny County. The Metropolitan Charter reached that threshold

³⁷⁷ "Metropolitan City Plan," *Pittsburgh Post-Gazette*, June 24, 1929.

³⁷⁸ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

³⁷⁹ Greater Pittsburgh Chamber of Commerce Records, 1874-1976, Detre Library and Archives, Heinz History Center, Pittsburgh, Pennsylvania.

³⁸⁰ "Metropolitan City Plan," *Pittsburgh Post-Gazette*, June 24, 1929.

³⁸¹ "Greater City Plan's Fate is Near Decision," *Pittsburgh Press*, June 25, 1929.

³⁸² Lubove, *Twentieth Century Pittsburgh*, 100. A last-minute revision in the state legislature put in the requirement that 2/3 of the municipal units in Pittsburgh had to approve the Metropolitan Charter Plan. Despite the Chamber's extensive efforts, they could not prevent that. When Allegheny was being annexed, the Chamber left nothing to chance by hiring George Guthrie and David T. Watson, two of the best attorneys that Pittsburgh had to ensure that the bill was airtight.

in only 50 municipal units. Pittsburgh's effort to establish "the first metropolitan government in the United States" was thwarted.³⁸³ Mill towns largely opposed the strong municipal government while elites in suburban communities generally supported the idea. As urban historian Joel Tarr notes, "efficiency, economy, or metropolitan grandeur might have been the values of the business and professional communities, but they were not shared by working-class towns and semirural suburbs with a more localistic and parochial focus."³⁸⁴ Tarr's comment is crucial. It highlights an important idea about the concept of efficiency. About twenty years prior, elites had managed to convince almost everyone in Pittsburgh to support annexation of Allegheny for many reasons, including governmental efficiency. Now, elites could not convince working-class towns of the need for increased governmental efficiency. In some ways, while the notions of governmental efficiency had reigned supreme in 1907 and in subsequent annexations, that notion held less sway by 1929.

While many localities resisted and dreams of annexation died out, a few small boroughs and townships still wanted to become part of Greater Pittsburgh because they believed that being part of Pittsburgh and its superior resources would better serve their citizens. In 1928, part of Mifflin Township expressed its desire to be annexed. Due to a law requiring that annexed territory be contiguous, Mifflin had to wait until Pittsburgh annexed the neighborhood of Hays in 1929.³⁸⁵ However, Mifflin and Hays were exceptions. By 1930, most dreams of a larger Pittsburgh had eroded.³⁸⁶ The denouement of annexation and the dying dream of ever-larger

³⁸³ Lubove, *Twentieth Century Pittsburgh*, 100, note 41. Nobody ever completely understood how the language had been changed to make it so onerous for the plan to succeed. Some claimed deliberate sabotage, but the fact remains that the bill still passed the state house and state senate with this language in it.

³⁸⁴ Tarr, "Infrastructure and City Building in the Nineteenth and Twentieth Centuries," in *City at the Point*, 244.

³⁸⁵ "Mifflin Township Annexation," *Pittsburgh Press*, May 7, 1928.

³⁸⁶ Muller and Tarr, *Making Industrial Pittsburgh Modern*, 298. While Pittsburgh annexed several areas in the early 1930s and some other areas from the late 1940s to mid 1950s, these annexations were quite small in terms of population and area. These areas included parts of Penn Township, Overbrook Borough, and parts of Baldwin, Mifflin, and Reserve Townships. In the late 1940s, Pittsburgh annexed parts of Baldwin Township and Ross

cities occurred in many cities. American cities were in the “twilight” of an aggressive annexation binge.³⁸⁷ Many Pittsburgh residents were beginning to move beyond the borders of the city proper due to increased automobile ownership. The business leaders of Pittsburgh turned their focus away from a focus on annexation to planning, as the surge in ownership of automobiles necessitated more roads and better-quality roads.³⁸⁸

The annexation of Allegheny represented something of a high point for the city of Pittsburgh.³⁸⁹ The result reversed decades of failed attempts. The Chamber and other pro-annexation forces finally won out because of clever legal draftsmanship and the reform government that emerged after the collapse of the Pittsburgh political machine. At the time, with a unified, mobilized business class that had just achieved an important victory, the future looked bright for the city and all its new citizens. The combination of the two cities had led to what would become its all-time high ranking of eighth-largest city in the United States in the 1910 census. Pittsburgh, although it remained a successful metropolis for many subsequent years, never quite achieved the biggest dreams of the businessmen who had lobbied so intently for multiple expansions over the decades. It never quite rose to the level of the very top cities in the

Township. In the 1950s, they annexed other parts of Baldwin Township and part of Robinson Township. “The History of Pittsburgh Annexations,” Positively Pittsburgh, accessed April 8, 2023, <https://positivelypittsburgh.com/the-history-of-pittsburgh-annexations/#:~:text=Pittsburgh%20growth%20developed%20momentum%20in,five%20other%20municipalities%E2%80%9494followed%20suit>.

³⁸⁷ Jindrich, “Suburbs in the City,” 148.

³⁸⁸ Tarr, “Infrastructure and City Building in the Nineteenth and Twentieth Centuries,” in *City at the Point*, 245. Of course, as with previous annexation attempts in past decades, the depression beginning in 1929 gave cities much else to be focused on besides growing its population and economy. With the depression and then World War II, annexationist sentiment in Pittsburgh largely dissipated and, unlike after previous depressions, never fully rebounded. This bears some similarities to what happened in Boston after the depression in the 1870s, as the annexationists never again mounted a vigorous campaign.

³⁸⁹ “Population of the 100 Largest Urban Places: 1910,” United States Census Bureau, accessed April 22, 2023, <https://www2.census.gov/library/working-papers/1998/demographics/pop-twps0027/tab14.txt>.

nation in terms of population or economic success. As with many American cities, as the twentieth century wore on, Pittsburgh's population declined due to a myriad of factors.³⁹⁰

As Pittsburgh moves further into the twenty-first century, however, there are still reminders of its past involving annexation, especially with the possibility of annexing the Borough of Wilkinsburg. An inner ring suburb of Pittsburgh, Wilkinsburg has a current population of approximately 15,000.³⁹¹ Once one of the most prosperous areas in the Pittsburgh region, Wilkinsburg has fallen on hard times in recent decades, partially due to steel mill closures and the further development of new suburban areas.³⁹² However, throughout all the economic and social changes that Wilkinsburg has undergone in recent decades, there has always been a discussion regarding its potential to be absorbed into the city of Pittsburgh.³⁹³ The most

³⁹⁰ Historians have a variety of reasons for Pittsburgh's population decline. Roy Lubove notes that Pittsburgh's economy did not sufficiently diversify (as the Chamber of Commerce had frequently advocated). By about World War II, Lubove contends that Pittsburgh had become a case of a "mature industrial area" experiencing a decline in population. Lubove, *Twentieth Century Pittsburgh*, 62. Edward Muller and Joel Tarr emphasize the Great Depression and the deleterious impact that it had on Pittsburgh. Many corporations began leaving Pittsburgh as it emerged from the Great Depression and World War II with "an aging and overspecialized industrial base, a battered housing stock, crumbling infrastructure, a shabby, congested downtown, and environmental contamination of air, water, and land." Muller and Tarr, *Making Industrial Pittsburgh Modern*, 3.

³⁹¹ Jesse Bunch, Wilkinsburg Residents Divided on Merger with Pittsburgh City Council" *Pittsburgh Post-Gazette*, May 19, 2022, "<https://www.post-gazette.com/news/politics-local/2022/05/19/wilkinsburg-residents-clash-on-merger-with-pittsburgh-city-council-hearing-annexation/stories/202205190152>. The most obvious dissimilarity between Wilkinsburg now and Allegheny in the early 1900s is the relative prosperity of the two areas. While Allegheny was one of the most populous and prosperous regions in the Pittsburgh area, Wilkinsburg is, unfortunately, going through some difficult economic times.

³⁹² "About Wilkinsburg," Wilkinsburg Borough, accessed November 26, 2022, <https://www.wilkinsburgpa.gov/about-wilkinsburg/history/>.

³⁹³ Leaders of Pittsburgh have periodically tried for a century and a half to make Wilkinsburg a part of "Greater Pittsburgh." Technically, Wilkinsburg was once part of Pittsburgh, as Pittsburgh annexed it in 1873. Residents of Wilkinsburg, however, led by longtime local leader James Kelly, fought the annexation. After several years, the Pennsylvania Supreme Court reversed the decision. Wilkinsburg reverted to its independent status in 1876. "About Wilkinsburg," Wilkinsburg Borough. After the citywide annexation hiatus, Pittsburgh again tried to annex Wilkinsburg. Around the same time that Allegheny became part of Pittsburgh, boosters hoped that Wilkinsburg would also join. "Wilkinsburg Voters Want Annexation," *Pittsburgh Press*, November 20, 1907. It was, at the time, one of the most prosperous suburbs of Pittsburgh, and city leaders would have welcomed its presence. "Wilkinsburg, The Clean City," *Pittsburgh Post*, September 16, 1906. Those in Wilkinsburg who considered joining Pittsburgh did so partially because of the water supply of the two areas. Pittsburgh would soon have filtered water. Wilkinsburg felt pressure to establish a municipal water works or join Pittsburgh because its own water was thought to be subpar when compared to Pittsburgh's. "Wilkinsburg Gets Desperate Because of Bad Water Supply," *Pittsburgh Gazette Times*, February 28, 1907. The debate about whether to join Pittsburgh was a hotly contested one in Wilkinsburg itself, as the Men's Club of Wilkinsburg took up the question at one of its meetings. Three of its members formed a group supporting annexation, and three of its members formed a group opposing annexation.

recent effort championing Wilksburg joining Pittsburgh has been advocated by the Wilksburg Community Development Corporation (WCDC), an organization whose main effort is to develop and revitalize the Wilksburg community and economy.³⁹⁴

Many of the same arguments for the annexation of Wilksburg were made more than a century ago regarding Allegheny. For example, the WCDC states that joining Pittsburgh will foster more economic development in Wilksburg. The WCDC has rekindled the taxation argument, contending that becoming part of Pittsburgh would ensure that Wilksburg residents pay less in property taxes, alleviating the tax burden for the residents of a poorer borough.³⁹⁵ Economic and political debates about public services continue to play an important role, as some residents want Pittsburgh's improved public services because they are superior to Wilksburg's and would, ideally, better the lives of Wilksburg residents.³⁹⁶ Some who spoke in favor of annexation in May 2022 highlighted that Pittsburgh would receive a population boost, echoing one of the boosters' favorite arguments from a century ago.³⁹⁷ The idea of more people meaning

They debated the issue in front of the rest of the members. "To Debate on Annexation," *Pittsburgh Post*, December 5, 1907. Also complicating any potential annexation to Pittsburgh was the fact that Wilksburg did not have "a saloon or known gambling house in the city." This would, the newspaper felt, be a "stumbling block" in any potential annexation, as some Wilksburg residents might oppose becoming part of a city that had many saloons and gambling houses. "Wilksburg, The Clean City," *Pittsburgh Post*, September 16, 1906. Ultimately, however, Wilksburg did not end up joining Pittsburgh, as Wilksburg voted overwhelmingly against annexation. Pittsburgh did not employ the tactics that it did with Allegheny in trying to have Wilksburg annexed. "Wilksburg May Become City in Order to Avoid Annexation," *Pittsburgh Post*, February 19, 1909. Some in Wilksburg continued pushing to achieve annexation to Pittsburgh, speaking passionately about the issue, arguing that Wilksburg's surest means of achieving progress and success included being annexed by Pittsburgh. "Wilksburg Opens 3 Day Celebration," *Pittsburgh Post*, June 9, 1916.

³⁹⁴ Wilksburg Community Development Corporation, "Our Mission, Values, and Improvement," accessed December 18, 2022, <https://wilksburgcdc.org/>.

³⁹⁵ Kiley Kosciński, "Judge Dismisses Wilksburg Annexation Petition, Rules Advocates Must Follow a Different Procedure," WESA, October 28, 2022, <https://www.wesa.fm/courts-justice/2022-10-14/petition-against-wilksburg-annexation-argues-the-law-guiding-the-process-was-repealed-this-summer>. Others fall back on the age-old argument regarding taxation, contending that Wilksburg has property taxes that are too high, more than double those of Pittsburgh.

³⁹⁶ Julia Zenkevich, "Pittsburgh, Wilksburg Residents Push Back Against Annexation at Public Hearing," WESA, April 1, 2022, <https://www.wesa.fm/politics-government/2022-04-01/pittsburgh-wilksburg-residents-push-back-against-annexation-at-public-hearing>.

³⁹⁷ Bunch, "Wilksburg Residents Divided."

more prosperity is still alive. While the somewhat more abstract notion of governmental efficiency has not been explicitly mentioned in this debate, it still comes through, especially in discussions about public services. Those who believe that Wilkesburg would run smoother if it had access to the public services of Pittsburgh are making a somewhat modified form of the efficiency argument that numerous boosters trotted out. Government services would run more efficiently if they were concentrated in the hands of the larger city.

It is not just a matter of the proponents of annexation resurrecting arguments from the Allegheny and Metropolitan Charter debates. Some of the arguments put forth by those resisting annexation are also akin to the ones raised by those in Allegheny more than a century ago. One Wilkesburg resident succinctly indicated that “Wilkesburgers enjoy being independent.” Others called Pittsburgh trying to annex Wilkesburg a hostile takeover. While other arguments such as gentrification and its downsides are unique to the twenty-first century, it is interesting to note the parallels between the 1800s, early 1900s, and 2020s.³⁹⁸

Much as the judiciary was active in the Allegheny dispute, it has figured in the Wilkesburg dispute. Recently, a judge ruled against the third petition put forward by the WCDC to annex Wilkesburg -- in effect curtailing the organization’s effort to put the question on the ballot for voters. The WCDC stated that they were following a 1903 law stating that Wilkesburg could be annexed with the support of its residents and five Pittsburgh City Council members. But the judge denied that ruling, claiming that the 1903 law relied upon was not followed and was repealed in everything but name.³⁹⁹ Consequently, the probability of

³⁹⁸ Koscinski, “Judge Dismisses Wilkesburg Annexation Petition.”

³⁹⁹ Koscinski, “Judge Dismisses Wilkesburg Annexation Petition.” The 1903 law was repealed, Judge Joseph James of the Allegheny County Court of Common Pleas noted, because a 1968 constitutional amendment had essentially overruled the 1903 act. The amendment had directed the state legislature to promulgate a uniform policy for consolidation with other areas. However, the legislature never did. In 1994, a law passed highlighting three different ways to affect a consolidation. Pittsburgh was, however, not included in that law. The attorney for those objecting to consolidation also argued that a 2022 act had repealed the 1903 law if nothing else had. Thus, the only

consolidation seems remote. The WCDC is currently reviewing its options regarding next steps.⁴⁰⁰ This fight in the 2020s shows that Pittsburgh is still reckoning with annexation and the issues that surround it.

way in which Wilkinsburg could be annexed would be if it received the majority of votes in both communities, as is outlined in Article IX, Section 8 of the Pennsylvania Constitution. Many viewed this as significantly complicating any future efforts to achieve annexation. It is uncertain both if Pittsburgh voters would wish to annex Wilkinsburg and if Wilkinsburg voters would wish to be absorbed by Pittsburgh. Megan Guza, “Wilkinsburg Annexation Process Halted after Judge Rules Current Avenue Invalid,” *Pittsburgh Post-Gazette*, November 1, 2022, <https://www.post-gazette.com/news/politics-local/2022/10/31/wilkinsburg-merger-petition-judge-ruling-procedure-annexation-with-pittsburgh-1903-law-ballot-initiative/stories/202210310062>; “Voters favor Allegheny County charter change, Wilkinsburg study commission, Democrat for city council,” *Pittsburgh Post-Gazette*, November 9, 2022, <https://www.post-gazette.com/news/election2022/2022/11/09/pittsburgh-city-council-voters-wilkinsburg-amendment-allegheny-county/stories/202211090067>.

⁴⁰⁰ Julia Zenkevich, “Allegheny County Voters Reject Resign-to-Run Rule, Approve Wilkinsburg Government Commission Study,” WESA, November 9, 2022, <https://www.wesa.fm/politics-government/2022-11-09/alleggheny-county-resign-run-wilkinsburg>.

Chapter VI: The Legal Legacy of *Hunter*

The influence of the *Hunter* case was not confined to just the resolution of a dispute about annexation in Western Pennsylvania. It achieved lasting importance due to its interpretation of the balance of power between state and local governments. *Hunter* became “the guiding principle of local governments across the country.”⁴⁰¹ It has been over a century since *Hunter* has been decided, and the case has been invoked in multiple disputes, not just those involving annexation. For example, the applicability of *Hunter* has been discussed in an important case involving voting rights, *Gomillion v. Lightfoot*, which will be discussed further.

In the decade after *Hunter*, the Court stayed relatively silent on issues involving localities bringing suits under the Constitution. *Hunter* had seemingly concretized this area of law. However, in the early 1920s, a dispute arose in New Jersey surrounding a statute governing water rights.⁴⁰² The Court agreed to hear the companion cases of *Trenton v. New Jersey* and *Newark v. New Jersey*. A water company had received a grant from New Jersey to draw water from the Delaware River, and Trenton purchased from that water company the ability to draw water. Thereafter, the state said that those drawing water from the river had to pay a fee if they took above a certain amount of water.

Trenton alleged that the statute violated its rights under the Takings Clause, the Contract Clause, and the Due Process Clause of the Fourteenth Amendment. Newark asserted that New Jersey violated the Equal Protection Clause of the Fourteenth Amendment. New Jersey emerged victorious in both cases.⁴⁰³ Justice Pierce Butler in *Trenton* cited *Hunter*, concluding that

⁴⁰¹ Moore, “Dillon Rule and Home Rule.”

⁴⁰² Keenan, “Subdivisions, Standing, and the Supremacy Clause,” 1901. The water company had received a grant from the state of New Jersey to draw water from the river. Thereafter, the state said that those drawing water from the river had to pay a fee if they took above a certain amount of water.

⁴⁰³ Morris, “The Case for Local Constitutional Enforcement,” 16. The Equal Protection Clause of the Fourteenth Amendment states: “No State shall...deny to any person within its jurisdiction the equal protection of the laws.” U.S. Constitution, amend. XIV, sec. 1.

“municipalities have no inherent right of self-government which is beyond the legislative control of the state.”⁴⁰⁴ He also noted that states may delegate the powers that it wishes to a municipality and, similarly, may withdraw those powers when it wishes. The Court, in many ways, even expanded the notions from *Hunter*, writing “[h]owever great or small [a locality’s] sphere of action, it remains the creature of the state exercising and holding powers and privileges subject to the sovereign will.”⁴⁰⁵

In the 1933 case *Williams v. Mayor of Baltimore*, Justice Benjamin Cardozo wrote for the Court and further expanded *Hunter*. Cardozo used exceptionally broad language to dismiss a city’s challenge of a state statute that excused a railroad from paying a tax. Cardozo believed such a claim to be inapt. He stated: “A municipal corporation, created by a state for the better ordering of government, has no privileges or immunities under the Federal Constitution which it may invoke in opposition to the will of its creator.”⁴⁰⁶ Cardozo also concluded that the lower court erred in ruling that the Maryland state statute denied the city equal protection of the laws under the Fourteenth Amendment because the city could not collect taxes from the railroad.⁴⁰⁷ Justice Cardozo’s decision and reaffirmation of *Trenton* and *Hunter* highlights the broad acceptance of that principle by the Court in this era. A staunch conservative and member of the “Four Horsemen” in Justice Butler and one of the Court’s more liberal members in Justice Cardozo each wrote an opinion in support of states having a large amount of latitude over their localities.⁴⁰⁸ Cardozo’s *Williams* opinion represented the “high water mark” for the *Hunter*-

⁴⁰⁴ *Trenton v. New Jersey*, 262 U.S. 182, 187 (1923). The cases have been referred to in scholarship as the *Hunter-Trenton* line of cases. Keenan, “Subdivisions, Standing, and the Supremacy Clause,” 1901, note 9.

⁴⁰⁵ *Trenton*, 262 U.S. at 187.

⁴⁰⁶ *Williams v. Mayor & City Council of Baltimore*, 289 U.S. 36, 40 (1933).

⁴⁰⁷ Morris, “The Case for Local Constitutional Enforcement,” 16; *Williams*, 289 U.S. at 39-40.

⁴⁰⁸ Wiecek, *The Lost World of Classical Legal Thought*, 219; “The Hughes Court, 1930-1941,” Supreme Court Historical Society, accessed April 8, 2023, <https://supremecourthistory.org/history-of-the-courts/hughes-court-1930-1941/>. The “Four Horsemen” were a group of conservative justices during the 1920s and 1930s. Called the Four Horsemen as an allusion to the figures in the Book of Revelation, the justices who comprised that group were Pierce

Trenton line of cases that advocated limited power for local governments.⁴⁰⁹ The seemingly unchecked language of *Hunter*, *Trenton*, and *Williams* would remain the status quo on the Court for multiple decades. But not forever, as increased consciousness over civil rights and the potential for state governments to abuse the *Hunter-Trenton* doctrine became apparent a few decades later.

To dilute the influence of Black voters, Alabama passed a 1957 law that excluded almost all Black neighborhoods from the city of Tuskegee, creating a bizarre-looking twenty-eight-sided city. Charles Gomillion, a professor at the Tuskegee Institute, sued the mayor and other city officials. Gomillion lost at the district court and court of appeals and appealed to the U.S. Supreme Court, which heard his case. The Court decreed that the rights of a state are not unlimited over their municipalities, narrowing the reasoning of the *Hunter-Trenton* line of cases. The state did not, the Court noted, hold the power to draw the lines of its municipalities in “every conceivable way.”⁴¹⁰

In an opinion written by Justice Felix Frankfurter, the Court ruled that the state of Alabama violated the Fifteenth Amendment when it drew state boundary lines to exclude a wide swath of African American residents from a city.⁴¹¹ Writing for eight of the nine justices, Justice

Butler, James McReynolds, George Sutherland, and Willis Van Devanter. All four justices vigorously opposed the New Deal programs of President Franklin D. Roosevelt and struck down many of them. This triggered President Roosevelt to consider packing the Court. The more liberal “Three Musketeers” consisted of Justices Louis Brandeis, Harlon Stone, and Benjamin Cardozo. They opposed many of the ideas of these conservative judges.
⁴⁰⁹ Morris, “The Case for Local Constitutional Enforcement,” 16-17. Additionally, the Court has not used the *Hunter-Trenton* line to bar a suit by a local government if the local government believes that the state has committed a violation of the U.S. Constitution. Instead, Morris notes, the Court has reached the merits of these disputes and has not categorically dismissed a case just because it is a local government bringing a constitutional claim against a state. Morris is, however, somewhat perplexed by the rationale of the Court in many instances, as it “has invoked *Hunter* in some disputes and ignored it in others.” Sometimes, even when the Court discusses the relatively powerless nature of local governments that *Hunter* articulated, it does not explicitly mention or discuss *Hunter*.

⁴¹⁰ Gomillion v. Lightfoot, 364 U.S. 339, 344 (1960).

⁴¹¹ The Fifteenth Amendment to the U.S. Constitution states: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” U.S. Constitution, amend. XV, sec. 1.

Frankfurter took care to distinguish the case from the *Hunter* opinion, which Frankfurter noted that the state insisted applied to this set of facts. Alabama believed that *Hunter* decreed that the state had an absolute power to shape municipal boundaries however it saw fit. Respondents believed the state had an absolute power “to establish, destroy, or reorganize by contraction or expansion its political subdivisions, to-wit, cities, counties, and other local units.”⁴¹² Frankfurter disagreed. The state’s contention, Frankfurter reasoned, distorted the meaning of *Hunter*, which stood for the proposition that “that there is no implied contract between a city and its residents that their taxes will be spent solely for the benefit of that city, and (2) that a citizen of one municipality is not deprived of property without due process of law by being subjected to increased tax burdens as a result of the consolidation of his city with another.”⁴¹³ Frankfurter went on to note that *Trenton* was inapt, despite the state’s frequent use of it, as *Trenton* stood for the “principle that no constitutionally protected contractual obligation arises between a State and its subordinate governmental entities solely as a result of their relationship.”⁴¹⁴

Gomillion, Frankfurter believed, represented something different because Alabama had violated a right guaranteed by the Fifteenth Amendment. Frankfurter concluded that states do not have the right to control their municipalities in any way they want and to go completely unchecked in their control of those municipalities. Although states have discretion to pass laws controlling municipalities, anything passed must be within the scope of the U.S. Constitution and not infringe on the rights contained therein. Frankfurter noted that past cases concerning municipalities had run afoul of the Constitution, such as several where a state attempted to

⁴¹² *Gomillion*, 364 U.S. at 342. The decision was unanimous for *Gomillion* and against Alabama. Justice Whittaker wrote for himself, contending that the law should have been invalidated under the Equal Protection Clause of the Fourteenth Amendment and not the Fifteenth Amendment. Justice Whittaker noted that Alabama clearly tried to keep African American citizens out of the city limits. This action, he believed, violated the Fourteenth Amendment, much as *Brown v. Board of Education* did. *Gomillion*, 364 U.S. at 349.

⁴¹³ *Gomillion*, 364 U.S. at 342-343.

⁴¹⁴ *Gomillion*, 364 U.S. at 343.

abolish a municipality or alter its boundaries and not give the municipality's creditors any recourse for the debts owed to them.⁴¹⁵ Although the *Gomillion* Court believed that limits exist to what states can accomplish in controlling their municipalities, states can still annex boroughs and townships in numerous ways.⁴¹⁶

Despite *Gomillion* decreeing that the latitude given to state governments to control municipalities could not be unchecked, courts have still given states wide latitude in how they handle municipalities. This principle would be borne out in the 1973 case of *Wilkerson v. Coralville*. Residents of Summit Hills, Iowa claimed that Coralville, Iowa had unlawfully discriminated against them in violation of the equal protection clause of the Fourteenth Amendment. Summit Hills wished to be annexed by Coralville because it felt that Coralville could provide some of the utilities that Summit Hills lacked as a relatively impoverished community. However, Coralville annexed a lot of territory around Summit Hills but not the town itself. Summit Hills sued. The Eighth Circuit unanimously concluded: "Whether Coralville, in the exercise of its powers relating to the annexation of territory, should be permitted to encircle and exclude an impoverished area is a matter of legislative policy for the State of Iowa."⁴¹⁷ Much as in *Hunter*, the Court gave a lot of deference to the state legislature and concluded that this was an issue that was best solved by the legislature in Iowa, not by the judicial system. No constitutional rights had been violated.⁴¹⁸

⁴¹⁵ *Gomillion*, 364 U.S. at 344.

⁴¹⁶ "The Right to Vote in Municipal Annexations," *Harvard Law Review* 88, no. 7 (May 1975): 1580-1581. These ways include legislation, special legislation, judicial or administrative decision, as well as other "elective or semi-elective methods." New Jersey's statute regarding annexation is one of the more complex statutes, as it requires a petition from the area to be annexed, consent of that area's governing body, and the annexing area's governing body to approve the vote by a 2/3 margin.

⁴¹⁷ *Wilkerson v. City of Coralville*, 478 F.2d 709, 711 (8th Cir. 1973).

⁴¹⁸ *Wilkerson*, 478 F.2d at 711-712.

The Alabama Supreme Court considered a more divided case a few years later that concerned annexation. In *City of Birmingham v. Community Fire District*, Birmingham, Alabama held an annexation election that proposed to annex territory north of the city. The proposed annexation lost at the ballot box. However, the election was contested, and a court overturned the result. Birmingham was then charged with “gerrymandering” the proposed district to ensure that annexation was successful. Allegedly, Birmingham purposefully did not include in the final area to be annexed areas where large numbers of opponents to annexation lived. The Alabama Supreme Court ruled against Birmingham, arguing that its actions constituted discrimination. A majority of the justices mentioned how the applicability of *Hunter* had been narrowed by *Gomillion v. Lightfoot*.⁴¹⁹ The dissent disagreed, viewing *Hunter* as apt to the case at hand. The dissent stated that neither Alabama nor federal law would permit unequal treatment or violation of a person’s rights without due process of law. This case was, the dissent argued, a political question and one that should be left to the state which, based on *Hunter*, would have had more power.⁴²⁰

Although *Hunter* has been narrowed, its doctrine is not gone, even if the case itself is not explicitly cited in a decision.⁴²¹ In the twenty-first century, the Supreme Court has shown signs that it is returning to the old ways of *Hunter*. In *Ysursa v. Pocatello Education Association*, the Court “held that a state could prohibit local governments from allowing employees to choose to contribute to a union’s political action committee through automatic payroll deductions.”⁴²² *Ysursa* quoted *Trenton*, holding to the belief that municipalities are instrumentalities of the state,

⁴¹⁹ *City of Birmingham v. Community Fire District*, 336 So. 2d 502, 507 (Ala. 1976).

⁴²⁰ *City of Birmingham*, 336 So. 2d at 509-510.

⁴²¹ Morris, “The Case for Local Constitutional Enforcement,” 17.

⁴²² Josh Bendor, “Municipal Constitutional Rights: A New Approach,” *Yale Law & Policy Review* 31, no. 2 (Spring 2013): 391.

and states can add or withdraw privileges to them as it sees fit.⁴²³ One scholar is harshly critical of the Court's analysis in *Ysursa*, writing that it seems to forget the "constitutional rights revolution" that occurred between *Hunter* and this case. Importantly, however, what this case shows is that, even into the twenty-first century, courts are still grappling with a decision that was set forward over a century ago about a dispute between two cities.⁴²⁴

Hunter had influence well beyond settling a singular dispute in Western Pennsylvania about annexation; it left a legacy in the field of municipal law. Although narrowed by *Gomillion*, the primary rule put in place by the *Hunter* decision still stands. The rule is that local governments are instrumentalities of the state and, in most circumstances, cannot invoke the U.S. Constitution against the state in which they are contained. Some legal scholars, however, have called for overturning this principle.⁴²⁵ Kathleen Morris argues that *Hunter* is "unpopular with scholars." She also contends that many scholars believe the doctrine has not been applied consistently, is "muddled," and handcuffs local governments in their ability to provide sound and efficient government for their residents.⁴²⁶ Even today, the debate about governmental efficiency has not gone away. Certainly, at the time, the rule that local governments are mere instrumentalities of the state government would be popular, viewed as furthering the Progressive Era mindset of efficient government. It kept in place the principle that gave states wide deference to control local governments. It did not throw into chaos relatively longstanding ideas about the division of power between the states and local governments. Those entities could

⁴²³ *Ysursa v. Pocatello Education Association*, 555 U.S. 353 (2009).

⁴²⁴ Bendor, "Municipal Constitutional Rights," 391. The *Gomillion* case, Bendor believes, is an example of the "constitutional rights revolution." The justices in the majority in *Ysursa*, Bendor argues, did not exhibit enough probing analysis and instead resorted to "sweeping dicta."

⁴²⁵ Morris, "The Case for Local Constitutional Enforcement," 1. Bendor is also quite harsh on the legacy of *Hunter*, arguing that the doctrine is purposeless, inconsistently applied, and overbroad. Bendor, "Municipal Constitutional Rights," 393.

⁴²⁶ Morris, "The Case for Local Constitutional Enforcement," 5.

continue functioning as they had without a complex reassessment of their power structures. Coming at the end of an era heavily dominated by machine politics and local ward bosses, this made sense to many observers. While arguably unfair because it reduced the impact of the votes of those in Allegheny, it is easy to see how this reflected a broader mindset at the time.⁴²⁷

The power dynamics are also evident in these legal opinions. It took until the *Gomillion* Court in 1960 for a less powerful party to achieve success at the U.S. Supreme Court level in a case regarding issues in the *Hunter* line. Previously, the state of New Jersey and a water company prevailed in *Trenton*. Maryland and a railroad company prevailed in *Williams*. In *Gomillion*, however, the African American plaintiff prevailed at a time of widespread discrimination against African Americans. Given that this case was argued during the Warren Court, it makes sense that they would choose to protect a less powerful interest. Consequently, part of the *Hunter* legacy also demonstrates the importance of what interests the Supreme Court wishes to favor.

What began as a tale in pre-Civil War America about business and civic leaders wishing to increase the size and prestige of their city morphed into a constitutional rule that continues to hold prominent importance in the relationship between state and local governments. The Pittsburgh-Allegheny annexation battle helped to create a rule that would govern any subsequent annexation battle and a host of other state-local disputes. Examining the legal legacy of *Hunter* further shows the significance of the decision in that case. Not only was it the end of a long and important story regarding annexation, but it became a consequential opinion.⁴²⁸

⁴²⁷ Morris, “The Case for Local Constitutional Enforcement,” 1, 32.

⁴²⁸ Numerous federal and state cases in the twenty-first century have cited *Hunter* and discussed its facts and holding. For example, the Arkansas Supreme Court heard an annexation-related case in 2017. The majority used *Hunter* to justify its ruling. In showing that *Hunter* and its holding still leads to debate, a solo dissenter on the Arkansas Supreme Court contended that the majority had misapplied the principles of *Hunter*. *Pritchett v. City of Hot Springs*, 514 S.W. 3d 447 (Ark. 2017).

Conclusion

Hunter culminated the decades-long Pittsburgh-Allegheny consolidation battle, officially uniting the cities after over a half-century of squabbling. Since the 1840s, boosters of Pittsburgh had viewed annexation as one of the most viable strategies to expand the population and size of the city. Chief among the desired prizes was always Allegheny. Pittsburgh leaders and boosters finally achieved success in 1907. A desire for increased economic opportunity, increased population, and prestige influenced many in Pittsburgh and elsewhere to back annexation. Boosters succeeded because they were unified and because of excellent lawyering by the drafters of the annexation bill, George Guthrie and David T. Watson. Led by the Pittsburgh Chamber of Commerce, the city's elite businessmen and civic leaders mounted a wide-ranging campaign to annex Allegheny, a more unified effort than had been seen in the previous decade. When Pittsburgh again tried to expand through the Metropolitan Charter Plan in the 1920s, the businessmen again unified, but voters defeated the Plan because of subpar legal draftsmanship. Both during the Pittsburgh-Allegheny annexation battle and the Metropolitan Charter Plan debate, governmental efficiency played a key role in driving the actions of the civic and business elite. A national reform impulse generated by the Progressive Era led many to try to improve the city and the region of Pittsburgh and make its government more efficient. This idea had a long lifespan and informed the rationale put forward by elites for the Metropolitan Charter Plan in the 1920s.

Studying the annexation of Allegheny by Pittsburgh is not just useful because it provides an examination of the city boosters and their reform efforts in one city. It is also useful because of the important legal consequences of the *Hunter* decision. This ruling confirmed that state governments have extensive latitude in controlling their municipalities. The question of how

much freedom to give state governments (and in what areas) continued to occupy courts following the decision and still does to this day. While some modern scholars dispute the wisdom of some of the main contentions of *Hunter*, the case is still good law and is an important precedent in the field of municipal law. It is still cited in opinions at both the state and federal levels, demonstrating that the issues raised in *Hunter* and by annexation are still with us today. Perhaps even beyond significant legal legacy of *Hunter*, one of its most important consequences was to finally close a consequential chapter in Pittsburgh's history.

None of what occurred in Pittsburgh happened in a vacuum. The city's situation during the latter half of the nineteenth century and early part of the twentieth century is representative to varying degrees of many important national trends regarding annexation. Examining other cities shows that city boosters used annexation among both Pittsburgh's regional rivals and across the country. Boosters in other cities also believed that annexation was effective and easily grew cities. Across the cities, boosters believed in a similar gospel. More people in a city would mean greater economic success, prestige, and personal profits. To be sure, differences existed among cities in when they annexed other areas and how successful they were in accomplishing that annexation. It petered out sooner in some cities than others. But, through important national events and movements, including economic depressions and the Progressive Era, we see that boosters viewed annexation as important across geographic boundaries. While there has been material written on urban boosters throughout the country, there has not been much written on these boosters in Pittsburgh. Furthermore, both nationally and locally, there should be more scholarship looking at how annexation was used by boosters as a tool for increased growth. My brief examination of annexation in other cities shows that there is a lot of material to examine.⁴²⁹

⁴²⁹ McCarthy, "The Philadelphia Consolidation of 1854," 548. McCarthy cites, as examples, Los Angeles, Houston, and Dallas and their "aggressive annexation policies." Some of these Sunbelt cities provide more opportunity to

The dynamics of power are present throughout the entirety of this story. Flinn and Magee failed to annex Allegheny partially because many people expressed concerns over those two and their ring acquiring more territory and more power. Despite this loss, business elites in Pittsburgh drafted a bill in the next decade that would ensure Allegheny had to join Pittsburgh. This victory was a victory of the elites in Pittsburgh who drove the annexation process and used their superior legal knowledge to write the bill in a way that benefited them. The U.S. Supreme Court then ruled in favor of the Pittsburgh elites and allowed the bill authorizing the annexation to stand. Although the Court, during the time of *Hunter*, frequently overturned state laws, it did not overturn this one, as allowing it to stand accomplished two important goals. It allowed for the continued efficiency of state-local relations and gave a victory to the powerful local elite business and civic leaders in Pittsburgh.

This annexation debate is an important local story, as it has a significant bearing on Pittsburgh's history and how Pittsburgh came to be as it currently is. Pittsburgh would be a much different city if the U.S. Supreme Court had overturned the law passed by the Pennsylvania state legislature. A modern Allegheny City could conceivably have existed the way that St. Bernard and Norwood do in Cincinnati: surrounded physically by the city proper but having a separate government and separate services. However, this story about Pittsburgh is not about hypotheticals; in fact, it is not just a Pittsburgh story. A more national examination of annexation highlights Pittsburgh in comparison with other cities both in the Progressive Era and

examine annexation in a twentieth-century American setting. For example, Houston, Phoenix, and other Sunbelt cities are larger and have more square miles than cities like Chicago, which basically stopped annexing over 100 years ago. Whet Moser, "Annexation, the Midwest, and the Rise of the Sun Belt," *Chicago Magazine*, March 26, 2012, <https://www.chicagomag.com/city-life/march-2012/annexation-the-midwest-and-the-rise-of-the-sun-belt/>. Andrew Needham briefly addresses annexation in Phoenix and the aggressive strategy that the city used to expand. Andrew Needham, *Power Lines: Phoenix and the Making of the Modern Southwest* (Princeton: Princeton University Press, 2016), 88, 91.

before. From this examination similar patterns emerge with some of Pittsburgh's regional rivals, suggesting a rivalry and the need to keep up with one's regional rivals.

Annexation and its use by boosters should be studied by more historians. It is an action that many boosters tried to undertake throughout the country over a long period of time. It was a relatively easy way to expand population. Beyond annexation in general, the annexation of Allegheny by Pittsburgh and the *Hunter* case are both understudied pieces of history. They tell important stories of how the city of Pittsburgh, the law, and the country came to be as they are.

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