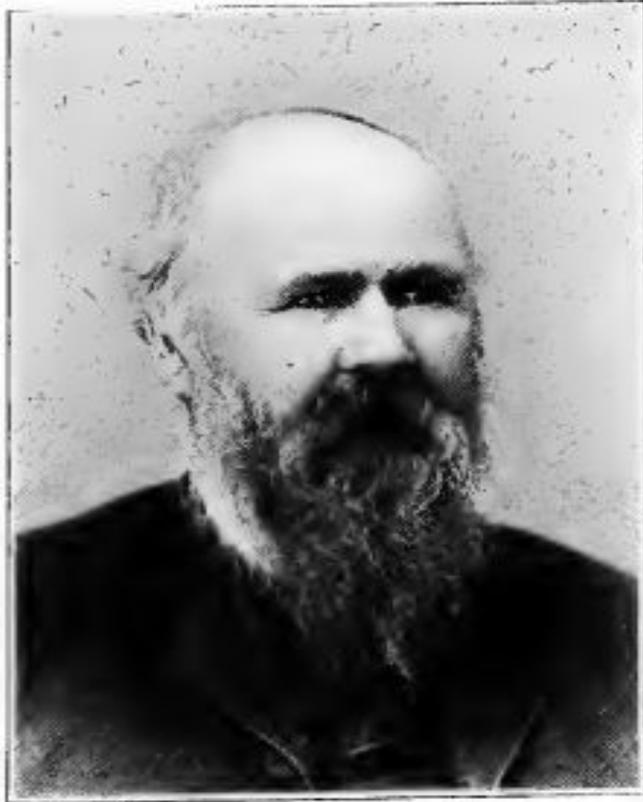


ORRIN O. PITCHER

(May 30, 1830 - March 20, 1902)

oo0oo

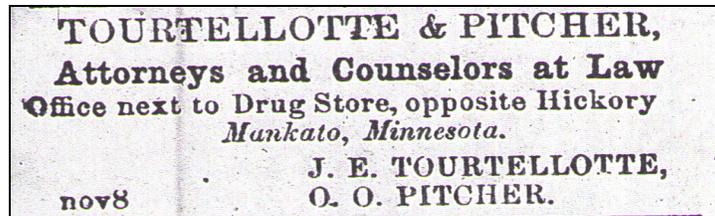


HON. ORRIN ORMSBY PITCHER.

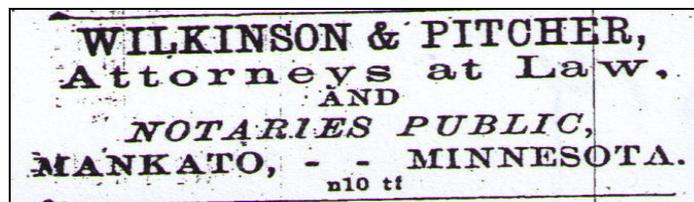
oo0oo

Orrin Ormsby Pitcher arrived in Mankato, the seat of Blue Earth County, in 1857, four years after the county was formed.¹ Two years later, after reading law in the office of future senator Morton Wilkinson, he was admitted to the bar and began to taking a “leading part in the affairs of the village.”

He entered into a partnership with John E. Tourtellotte and their business card appeared in the local newspaper in the early 1860s:²



The following decade he rejoined Morton Wilkinson and their business card was also published in the local newspapers:³



He was elected county attorney twice, serving four years.⁴ He later served one term in the state House of Representatives, twelve years on the city council, and years and years on numerous other local boards.

His entry in *History of the Minnesota Valley*, published in 1882, stated:

O. O. Pitcher was born May 30, 1830, in Cattaraugus county, New York. He spent some time in that state, Illinois and Minnesota, attending school and teaching; came to Mankato in 1857, studied law and in 1859 was admitted to the bar. For four years he served as prosecuting attorney; is now alderman of the city; since 1875 has been resident director of the State Normal

¹ 1853 Laws, ch. 11, §§ 8, 14, at 32, 33, 34 (March 5, 1853).

² *Mankato-Semi-Weekly Review*, April 16, 1861, front page (enlarged).

³ *Mankato Record*, October 10, 1874 (enlarged).

⁴ County attorneys had two year terms. Stat., ch 7. § 66, at 164 (1850); re-codified Stat., ch. 8, §180, at 100 (1863).

school and in 1868-'9 he was a member of the state legislature. Married in 1859, Mary Warren. Their children are Plumer W., Grace and Fannie. ⁵

In November 1881, the twenty-second legislature authorized a Municipal Court for Mankato.⁶ It was shrewdly drafted: it took effect January 2, 1882, but also required a “general city election be holden” on the first Tuesday in April 1882, to elect the judge and a special judge of the court. That three month gap between the effective date and the election was considered a “vacancy” in the office which only the governor could fill. On January 13, 1882, Governor Pillsbury appointed Pitcher municipal court judge and Clark W. Gilmore, special municipal judge. ⁷ The drafters likely thought that the appointees’ incumbency would give them an advantage in the April election. But that was not to be. In the Republican nominating convention for city offices, Gilmore challenged Pitcher, and won the endorsement. This was not a new phenomena: throughout the nineteenth century, the Republican Party, the state’s dominate party, was rent by challenges to incumbent jurists, some occupied low level posts, such as a municipal court, others served on the district court, and a few on the Supreme Court. In the April election, Gilmore was defeated handily by Democrat Jerome Porter, leading the *Mankato Free Press* to express dismay at the party’s maltreatment of Pitcher. ⁸

⁵ Edward D. Neil, *History of the Minnesota Valley* 565 (1882).

⁶ Special Laws 1881 (Special Session), Chapter 224, at p. 236 (November 22, 1881). Excerpts are posted in the Appendix A, at 7-10 below

⁷ Thomas Hughes, *History of Blue Earth County and Biographies of Its Leading Citizens* 194 (Middle West Pub. Co, 1909) (At a special session of the Legislature in 1881 a Municipal Court was established at Mankato and on January 13, 1882, O. O. Pitcher was appointed its first Judge and John B. Hodapp was its first Recorder.”); *The Mankato Review*, January 17, 1882, at 4 (“In addition to the appointment of Mr. O. O. Pitcher, as municipal judge, C. W. Gilmore, has been designated as special judge, to discharge the duties in case of the sickness or absence of the municipal judge.”).

⁸ *Mankato Free Press* (weekly), April 7, 1882, at 3 (“The total number of votes cast [in the city election] was 1052. . . . For Judge of the Municipal court, J. E. Porter received 723 and C. W. Gilmore 279.”).

In an editorial headlined “The Result,” the newspaper criticized the party:

That the Republican Convention made some unfortunate mistakes in its nominations is proved by the count. . . The contest is over, and perhaps it would be as well to leave these things unsaid; but now is the time, while matters are fresh, to admonish the Republicans of Mankato that if they would succeed in electing men to office who affiliate with them politically, and whose qualifications are such as will commend them to the voting population, they, as the result plainly shows, must pay more attention to the primaries. . .

In 1893, Pitcher received the Republican Party's endorsement for Special Judge of the Municipal Court, but lost to Democrat Byron Hughes.⁹

The Judge died of a heart condition on Thursday, March 20, 1902, at the age of seventy-one. The next day, the *Free Press* carried his obituary:

DIED SUDDENLY

O. O. Pitcher Receives His
Final Summons.

Was One of the Best Known Resi-
dents of Mankato. Received Hon-
ors From the People.

O. O. pitcher died at his residence at 417 South Second street at 10:20 o'clock last night. While his death was not unexpected, it came suddenly, and was due to angina pectoris from which he had been a sufferer more or less for sixteen years past. During the past three months the attacks of his trouble came on more frequently than they had before that time, and Mr. Pitcher was a great sufferer, the pain being excessive. A week ago Wednesday he was taken with a cold or grip, and this intensified his trouble. He did not again leave his house. Yesterday he was up

That there maybe no misapprehension of our position we desire to state clearly out views, and in doing so shall deal with the situation as we see it, and with no desire to do any of the candidates an injustice, but simply to point our some of the weak points.

In the first place, while being no champion of Mr. Pitcher, we are nevertheless of the opinion that he should have received at the hands of the Republican Convention the nomination for Municipal Judge. Why? Not because there is anything derogatory to the character or standing of Mr. Gilmore; nothing of the sort. But Mr. Pitcher is a gentleman who instituted the court, during his brief incumbency gave universal satisfaction, is a gentleman well qualified for the position, and if nominated could have been elected. The convention erred in throwing him over.

Id, at 2.

⁹ The endorsed slate and the sample ballot were published in the *Mankato Free Press*, Thursday, March 30, 1893, at 2. The results of the election for Special Judge published in the paper give only Hughes' total (1,032) not Pitcher's. *Mankato Free Press*, Wednesday, April 5, 1893, at 3.

and around and ate a hearty supper for him, spending the early evening reading, playing solitary and smoking. He was accustomed to having one to five attacks a day, and one of unusual severity came on at 7:30 o'clock

Drs. Steel and Andrews attended the sick man, but were unable to prevent the fatal outcome, although all possible was done for the sufferer. Mr. Pitcher was conscious to the last and conversed with his physicians. Suddenly he threw up his hands and all was over.

Orin Ormsby Pitcher was the son of Orin Pitcher and wife, formerly Amanda Woodruff. He was born at or near Jamestown, Chautauqua county, New York, May 30th, 1830, and when nineteen years old moved with his parents to Warrensville, Ill. Later the family moved to Janesville, Iowa. Mr. Pitcher was a student, of Mr. Holt, whose daughter was for several years of music and reading in the normal school. He attended Shurtleff college, Alton Ill., for three years.

Mr. Pitcher came to Mankato in 1857, soon after leaving college, and at once took a leading part in the affairs of the village. A year after his arrival he entered the law office of Morton Wilkinson and Cramer Burt, and as soon as he was admitted to practice he formed a partnership with Col. J. E. Tourtellotte, the firm name being Tourtellotte & Pitcher. He practiced law until the municipal court was established, when the governor of the state appointed him the first municipal judge.

During the early sixties Mr. Pitcher served two terms as county attorney, and in the latter part of the sixties he represented the county in the legislature two terms. He was a member of the first fire company, served on the council several years and on the school board for many years. He was resident director of the state norm school for several years, and was the first president of the board of public works. He belonged to the Masonic order and was a Knight Templar.

Mr. Pitcher was united in marriage in 1859 with Miss Mary Warren, who survives him, as well as three children, P. W. Pitcher, Mrs. Grace Fox and Miss Fannie Pitcher, all of this city.

The deceased, during his life time, accumulated a comfortable property, and besides this leaves a \$2,000 paid policy in the Northwestern Mutual Milwaukee. When his health began to fail he retired from active business pursuits, and led a quiet life, as void of excitement as possible. He was a regular attendant at the Episcopal church as long as he was able to, although not a member.

Mr. Pitcher was a familiar figure on our street, and he will be missed. He always took an active and intellectual interest in local as well as national affairs, and was a constant reader. He helped shape a good deal of municipal legislation, besides being practically the author of one of the city charters. In politics he was a consistent advocate of the principles of the Republican party, and was elected several times on that ticket.

The deceased was broad in his views, a man of strong character and sterling integrity. He leaves a record of which any citizen might well be proud. He did his full share toward the development of the city and its interests, was a friend of education, and in the broad sense was a friend of the people. His death will be sincerely regretted, but his memory will long survive and will be a fitting monument to his life's work.¹⁰

The following year, a "summing up" of the Judge appeared in a history of Mankato:

PITCHER, Hon. Orrin Ormsby — The first municipal judge of Mankato was born May 30, 1830, at Jamestown, New York. When nineteen years old he accompanied his parents, Orrin and Miranda (Woodruff) Pitcher, to Warrenville, Illinois. He attended Shurtleff College at Alton, Illinois, for three years and then, in 1857, came to

¹⁰ *Mankato Free Press*, Friday, March 21, 1902, at 3 (funeral arrangements omitted). The Judge's funeral on Sunday, March 23, was attended by the county bar association:

The Masonic lodge turned out with sixty members, and the Blue Earth county territorial old settlers' association and Blue Earth county bar association attended in a body.

Mankato Free Press, Monday, March 24, 1902, at 2.

Mankato; studied law in the office of Wilkinson and Burt, and in 1859, was admitted to the bar. He at once took an active and prominent part in all the public affairs of the community. His uprightness and integrity won for him the confidence of the people and he was frequently honored by them with positions of trust. For four years he was County Attorney of Blue Earth County. He was a member of the City Council of Mankato for twelve years. He served as resident director of the State Normal School for seven years and in 1868-9 was a member of the Legislature.

When the Mankato Municipal Court was established he was appointed its first judge. He was on the commission which appraised the lands of the Winnebago Agency. He also drafted mainly, one or two of the early city charters of Mankato. He served as president of the Board of Public Works, and was a member of the Board of Education for a number of years. He was a prominent member of the Masonic Lodge.

Mr. Pitcher was married in 1859 to Miss Mary Warren, who had come to Mankato with her parents, Mr. and Mrs. Thos. D. Their union was blessed with three children: Plummer W., Mrs. Grace Fox and Fannie. Judge Pitcher died March 20th, 1902. ¹¹ □

< M X M >

¹¹ *Mankato, Its First Fifty Years* 291-92 (1903) (the photo on the first page is from this book).

APPENDIX

A.

Excerpts from the special legislation establishing the Mankato Municipal Court in 1881

Special Laws 1881 (Special Session), Chapter 224, at p. 236
(November 22, 1881)

AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE CITY OF MANKATO,
BLUE EARTH COUNTY, MINNESOTA.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There is hereby established in the city of Mankato, in the county of Blue Earth, a municipal court for the transaction of all business which may lawfully come before it. Said court shall be a court of record, and shall have a clerk and a seal, and shall have jurisdiction to hear, try and determine civil actions at law, where the amounts in controversy does not exceed five hundred (\$500) dollars. It shall also have exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases arising or triable within the city of Mankato, heretofore cognizable before a justice of the peace. It shall not have jurisdiction of actions for divorce, nor of any action where the relief asked for in the complaint is purely equitable in its nature; nor cases involving the title to real estate; nor for false imprisonment, libel, slander, malicious prosecution, criminal conversations or seduction, or upon a promise to marry; nor for an action against an executor or administrator as such, and when in any cause pending in said court a counter claim in excess of five hundred (\$500) dollars over plaintiff's claim, or an equitable defense or ground for equitable relief is interposed, or whenever it shall appear from the pleadings or upon the trial of any cause that the title to real estate is involved, the said court shall immediately cause an entry of the fact to be made of record, and cease all further proceedings in the cause, and order the clerk to certify and return to the district court in and for the county of Blue Earth, a transcript of all entries made in the record relating to the cause, together with all process and papers relating to the cause, and the cleric shall within ten (10) days after being so ordered make such certificate and return; and thereupon said district court shall proceed in the cause to final judgment and execution the same as if said cause had been commenced in said district court as near as may be, and the costs shall abide the event of the action; *Provided*, The clerk of said

municipal court shall not make said certificate or return, until the costs chargeable by the clerk in favor of the city have been paid.

Sec. 2. The qualified electors of the city of Mankato shall at the general city election to be holden on the first (1st) Tuesday in April. in the year one thousand eight hundred and eighty-two (1882), and on the day of the general city election every third year thereafter, elect a suitable person with the qualifications hereinafter mentioned, to the office of judge of said municipal court, to be called "municipal judge," who shall hold his office for the term of three (3) years, and until his successor shall be elected and qualified, in case of any vacancy in the office of municipal judge, the governor of the state of Minnesota shall appoint some qualified person to said office until the next annual city election, occurring more than thirty (30) days after the vacancy shall have happened, when a judge shall be elected for a full term of three (3) years.

Sec. 3. The judge of the municipal court shall be a resident of the city of Mankato, and a qualified elector therein, a person learned in the law and duly admitted to practice as an attorney in this state. Before entering upon the duties of his office he shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of the city recorder & said city. He shall have the general powers of judges of courts of record, and may administer oaths and take and certify acknowledgments in all cases, and as a conservator of the peace shall have all power and authority which is by law vested in the justices of the peace or any other judicial officer. There shall be one (1) special judge of said municipal court whose manner of election, term of office, powers, duties and qualifications, shall be the same as those of municipal judge, except as otherwise provided in this act, and his successor shall be elected and vacancies in his office filled in like manner. At the request of the municipal judge or in case of the absence, sickness or disqualification of the municipal judge, the said special judge shall act as judge of said court. When the special judge so acts at the request of the municipal judge, the said special judge and the municipal judge may each have and exercise the powers of said court. The said special judge shall not act on the trial or examination of any case except as above provided, and such special judge acting as judge of said court, shall receive compensation from the city at the rate of three (\$3) dollars per day, and when said special judge shall act for any other cause than the sickness or disqualification of said municipal judge, three (\$3) dollars per day for each day that said special judge shall so act, shall be deducted from the salary of said municipal judge. This section shall not incapacitate such special

judge from acting as attorney in said court, but when such judge is acting as judge of said court, he shall take no action in such case, save to adjourn the same.

Nothing in this act shall be so construed as to disqualify or prevent, the municipal judge from practicing as an attorney or counsellor in any court of this state, except in said municipal court.

In all actions or proceedings in the district court of Blue Earth county, wherein the judge of said court may titter a trial of said' actions or proceedings, the same may be referred to the said municipal judge to hear, try and determine or report the evidence thereon as way be ordered or agreed upon, and said judge so act lug as referee shall be entitled to the same fee for said services as other referees, and such fees when paid, shall be and constitute a part of his salary of one thousand (\$1000) dollars. Re may accept said reference with all the powers of a referee.

Sec. 4. The city recorder of the city of Mankato shall be ex-officio clerk of said court. Such clerk before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States, and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office; and shall execute to the city of Mankato. a penal bond in the sum of one thousand (\$1000) dollars with two (2) sureties, approved by the mayor of said city of Mankato, conditioned that he will account to and pay over to the said city, on the first (1st) Monday of every month all fines, penalties, fees and other moneys belonging to or to go to said city, which may have come into his hand during the month next proceeding, and that he will at all times pay over to all other persons on demand, all moneys to which they may be entitled, which have come into his hands in virtue or by reason of his said office. Such oath and bond shall be filed in the office of the city treasurer of said city.

Sec. 5. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law, and its judgments and its other determinations, and it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state, applicable to courts of record, except that it shall not have jurisdiction to issue writs of habeas corpus, quo warrant, ne exeat. mandamus, prohibition nor injunction. All process shall be attested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "clerk of the municipal court," and the forms of process may be prescribed by the court by rule or otherwise; and any form so

prescribed shall be valid and sufficient, and such form may be changed by the court from time to time in the absence of such prescribed forms of process in use, either in courts of record of this state, or by justices of the peace, may be changed and adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service to any police officer of the city of Mankato, or to the sheriff or any constable of said Blue Earth county.

Sec. 6. The municipal Court shall be held in the city of Mankato, at some suitable place to be provided therefor by the city council. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court every morning, (Sundays and legal holidays excepted,) and proceed to hear and dispose of in a summary manner, all causes which shall be brought before him by the police officers of the city or otherwise, either with or without process, for violations of the criminal laws of this state, committed within the county of Blue Earth, or of the ordinances, laws, regulations or by laws of said city. The clerk of said court shall keep a record of all its proceedings, and enter all orders, judgments and sentences under the supervision of the judge, and issue commitments and executions as well as all other process.

...

Sec 29. This act shall take effect on the first (1st) Monday of January, in the year of our Lord one thousand eight hundred and eighty-two (1882).

Approved November 22, 1881

< M >

B.

**Related Articles
on Lawyers and Judges of
Blue Earth County**

“The Blue Earth County Court House” (MLHP, 2010).

**“Memorials to Judges of the Sixth Judicial District”
(MLHP, 2014).**

“James Brown (1821-1889)” (MLHP, 2014).

“Jean Anton Flittie (1866-1927)” (MLHP, 2014).

“William B. Davies (1848-1918)” (MLHP, 2014).

“William C. Durkee (1842-1882)” (MLHP, 2014).

“Jerome E. Porter (1843-1910)” (MLHP, 2013).

“Lewis Porter (1829-1876)” (MLHP, 2014).

“Horace W. Roberts (1877-1957)” (MLHP, 2014).

“Ira P. Shissler (1844-1903)” (MLHP, 2013).

“Benjamin C. Taylor (1871-1919)” (MLHP, 2014).

oo0oo

Posted MLHP: June 17, 2013;
Revised June 25, 2014.