

Substitute Patrolman James R. Gallagher | Cincinnati Police Department

Age: 43

Served: Possibly 1 year

Possibly March 1875 to March 26, 1876

OFFICER

We know little about the lineage of James. Official documents differ. He was born about 1833 in Harrisburg, Kentucky or 1831 in Harrodsburg, Mercer County, Kentucky. His parents were probably John and Martha Gallagher and Martha may have been born in England. He had at least two siblings.

We also do not know when James came to Cincinnati, except that he was a member of the Methodist Church at the Old Morris Chapel in 1852 at the age of 19 or 21. When St. Paul's Methodist Church was built, he switched patronage and was a regular attendee at services there.

In 1859 James was living at 202 West Fifth Street and working as a carriage painter and it is likely he had been a carriage painter for several years. By 1861, he was the foreman at the southwest corner of Second and Elm Streets. In 1862, he moved to 227 Central Avenue.

While he registered for the civil war draft, we have no record of him serving in the military.

In 1866, he moved to 213 Central Avenue. In 1871 he moved to the

Longworth Street House on the northwest corner of Longworth Street and Central Avenue and continued working as a foreman in a coach painting shop until 1875. It is clear that he was single and fairly poor.

Near the end of 1875 or the beginning of 1876, Jim was appointed Substitute Patrolman for the Cincinnati Police Department. In this era, a Substitute Patrolman was called up whenever and wherever needed until he was appointed Patrolman, which usually took about a year, give or take several months.

Though he had not been called to service in the latter half of March 1876, he had all of the authority and accruements of a regular off-duty Patrolman. Based on what we know of his familiarity with other officers, we believe he had been appointed about a year earlier. He was described as a kind-hearted and inoffensive man and a first-class workman. He was universally respected wherever he was known.

MURDERER

For purposes of this narrative, we will use his name as James Dunbar. Some law enforcement officials believed they had established his origins as John Tute of England. But no data about him was ever positively ascertained and he used the names of John or James F. Dunbar, L. H. Smith, Bowman, Dunumaway, and probably others. He claimed to be an engine builder, but the only occupations that had been established were burglar, safe cracker, counterfeiter, and murderer.

Contemporary newspapers asserted that he had been arrested in Wichita, Kansas for burglary and counterfeiting. Bail was posted, he was released, and he never apparently returned to Kansas.

Dunbar first appeared in New Orleans about 1852 using the name, L. H. Smith. He was arrested in 1853 for what was thought by New Orleans police to be his first burglary. He was sentenced in 1854 to seven years in the Louisiana Penitentiary in Baton Rouge, and at the end of the second year of his confinement he escaped in 1856.

Where he was for 13 years is unknown. There is little doubt that he was committing other crimes under other names, possibly in other states.

He was arrested in 1869, again in New Orleans, for burglary with Red Lindsay, and for killing a man by garroting him. The arresting officer died during the trial and the murder charge was dismissed for want of a prosecuting witness. Dunbar served one year for the burglary and was released, but New Orleans Chief of Detectives Captain Leonard Malone, having a gift for facial recognition, rearrested him in 1872 for the prison escape. He was remanded back to the penitentiary for the remaining five years of his sentence. The Louisiana governor soon pardoned him for "good behavior."

Dunbar returned to New Orleans again and began burglarizing again. He formed the celebrated New Orleans gang with Munson Alexander, James L. Bowman, and Retrieh. When New Orleans Police caught up to them, they killed Alexander in a gun battle and took Dunbar into custody. But Dunbar was acquitted.

We imagine that a significant amount of angst had developed with New Orleans law enforcement and Dunbar perceived that his continued presence in the city might be uncomfortable, if not dangerous. So, he traveled north.

Later that year, he was in Cincinnati in connection with a Buffalo Bill presentation where he played Comanche Bill. While at the Mint Saloon, he brandished a bowie knife and attempted to

take command of the bar, at which time he was laid out with a bottle of mineral water. At the Moon Saloon, he scared a bartender boy and broke a glass. Patrolman Meehan arrested him, but the complainant dropped the charges when he paid for the damages.

By 1876, he was frequenting the area around the Fifth Street horse market. He was obviously still a burglar and still had counterfeit money, but also seemingly all his 'earnings' went to the purchase of liquor. At the end of February 1876, he purchased a revolver at Valentine's pawnbrokers shop on Central Avenue.

On March 25, 1876, Dunbar ate dinner at Harding's restaurant, after which he claimed he had no money. His server believed he was already drunk at the time. Dunbar left the revolver as surety and came back later to retrieve it and paid for his meal. About 9 p.m., he was in front of Substitute Patrolman Gallagher's residence on Longworth Street.

INCIDENT

On the night of March 25, 1876, at about 9 p.m., Miss Kate Grove of Court Street, an employee of A.P.C. Bonte & Co., and James Gleason, who worked at J.L. Keck & Co. on Spring Grove, were conversing in front of the Longworth Street House a few feet from Central Avenue. Gleason was just about to introduce Miss Grove to another young man, James Wells, when the drunken Dunbar, calling himself "Comanche Bill," while making whooping sounds like an Indian war cry, tried to push his way through the threesome. Gleason easily pushed him aside.

Dunbar turned toward Gleason and said, "You're a smart duck, aint you." Wells told him to be on his way. Dunbar pulled the

revolver and told Wells, "I'll lay you out, with your toes turned up, first thing you know." He took two shots at the trio and missed, the second shot of which hit a streetlamp. As the trio escaped around the corner of the building, Dunbar took another shot at the lamp.

Though off duty, Patrolman Gallagher, ran down the stairs and after the third shot yelled, "Here! What's the matter with you?" Dunbar replied, "I'll show you what's the matter with me, you son of a bitch," and shot the officer twice; once in the abdomen, penetrating the stomach and lodging in a vertebra, and once through his thigh. Patrolman Gallagher pulled his revolver and returned fire, striking Dunbar once in the hand as he ran down Longworth Street toward John.

Eighteen-year-old Frank Noell, who may or may not have known Dunbar had fired all six shots, gave chase, and caught Dunbar before he went fifty yards. Officers N. B. Elder and Smallwood came up and took Dunbar into custody. Dunbar dropped his revolver and said, "Well, what's the matter?"

Patrolman Gallagher rapidly walked around the corner into Robert Burford's tailor store. He faltered and had to be steadied and said, "I believe I'm hit somewhere." Burford opened his clothes and found them bloodied on the side. He sent for Dr. Phillip Williams. When Dr. Williams arrived, he inspected the wound and said to Burford, "Jim's a dead man." Coroner, Dr. Maley, was summoned. They determined that the bullet had penetrated the abdomen in the region of the spleen, about $1\frac{1}{2}$ inches below the umbilicus, 4 or 5 inches to the left of the median. It was obvious that Patrolman Gallagher was hemorrhaging internally, and the wound would be fatal. They knew that probing for the bullet would be useless and only make Patrolman Gallagher more miserable. He was in terrible agony.

By the time Police Chief Snelbaker arrived, Patrolman Gallagher could not see well enough to recognize him. They brought Dunbar to him to be identified, but Patrolman Gallagher admitted that his sight was such that he could not make a positive identification, only that he was the correct size. Dunbar was led away declaring that he had not shot the man.

In severe pain and unable to keep down any opiates, about 3 a.m. on the 26th, Patrolman Gallagher asked his doctor to be candid with him about his condition. The doctor advised him that he was surprised he had lived as long as he had. Patrolman Gallagher informed the doctor he had no relatives or private property in the city, but that he would like to have his brother respond.

Police Chief Snelbaker telegraphed his brother, Louisville Detective Jack Gallagher, but it turned out that he was in New Orleans on business.

DEATH

After 15 excruciating hours, Patrolman Gallagher died on March 26, 1876, at 12:05 p.m. A postmortem showed the bullet entering the left side of the abdomen, cut through the bowels to the right, then curled back to the left and lodged near the left hip joint.

Patrolman Gallagher was survived by his mother, Martha Gallagher, and siblings, Louisville Detective John S. "Jack" Gallagher and Susan M. Gallagher.

Because Patrolman Gallagher was too poor to purchase a pew at St. Paul's Methodist Church, his funeral was not welcome there. Reverend Abbott of the Bible Chapel on Longworth Street stepped up and sponsored the funeral on March 30, 1876 at 2 p.m. All

night policemen were ordered to the First District Station at 1:30 p.m. to form a battalion to attend the funeral and cortege. Richard Witt of Dunn and Witt purchased a grave for Patrolman Gallagher, and he was buried in Spring Grove Cemetery at 3:30 p.m.

INVESTIGATION

At the Ninth Street Stationhouse, Dunbar was searched. He had on his person \$40 to \$50, including one counterfeit \$10 bill. He gave officers the name of James F. Dunbar and refused to give them his address. He was determined to be about 45 years old.

Investigators determined that Dunbar was staying in a room at 351 Central Avenue. Colonel Snelbaker and Officer Logan searched his room and found tools that could be used in burglary and a list of prominent citizens whose homes had recently been burglarized.

On March 27, 1876, Chief Snelbaker wired the New Orleans Police Chief for more information about Dunbar, having already ascertained that he went by the name of Smith and Bowman in New Orleans and was partnered with Alexander when he was killed. His reply came from Leonard Malone, Chief of Detectives, stipulating his criminal record between 1852 and 1874.

Coroner Maley held an inquest on March 31, 1876. After the testimony of the witnesses, the coroner's jury found "that the deceased came to his death from a pistol ball fired from a pistol in the hands of James F. Dunbar."

On June 8, 1876, a complete set of burglary tools, almost certainly belonging to Dunbar, were found in a privy on the premises of a boarding house where he stayed. They were assessed

by Cincinnati detectives as the most perfect burglary tools ever seen in Cincinnati.

JUSTICE

Dunbar was arraigned at Police Court on March 27th and waived examination. Judge Lindemann bound him over to the Grand Jury and held him without bond. On June 15, 1876, the Hamilton County Grand Jury returned an indictment against James Dunbar for Murder of the First Degree.

Jury selection got underway on February 13, 1877 with Prosecutors Baker and Irwin and defense attorneys Blackburn and Shay. It took until February 14, 1877 at 4:30 p.m. to empanel the jury. Opening statements began on the 15th. Blackburn's defense tactic was that Dunbar was so drunk as to put him in a condition of absolute insanity and in that condition shot in self-defense. By then, Chief Snelbaker had been relieved of his position and was operating the Vine Street Opera House. His testimony in the case was very much in line with Blackburn's defense.

The case went to the jury at noon on February 20, 1877 and they failed to come to a decision before leaving for the night. At 9:50 a.m. the next morning they came in with a finding of Guilty of Manslaughter. On March 28, 1877, Judge Avery passed sentence giving Dunbar nine years, acknowledging that he had already been in jail for one year. On April 28, 1877, Deputy Sheriff Joe Moses transported him to the Ohio State Penitentiary. One year, seven months, and ten days later, on December 8, 1879, Governor Bishop pardoned him.

EPILOGUE

Dr. Phil Williams remitted half his compensation in caring for Patrolman Gallagher and, if his estate proved nil, he indicated he would remit the other half.

Six Cincinnati law enforcement officers were murdered in the six years between 1874 and 1880. The murderers in three were all known but either not found or acquitted. Of the three others, they averaged only 5.6 years in prison. It should be noted that this trial occurred in an era of corruption where, unless the criminal was a descendant of slavery, no one was convicted of murder. During the year 1876, of 201 indictments, only 152 were convicted (a dismal 76%) and five were convicted of Manslaughter and sentenced to 1, 3, 5, 9, and 10 years. One, "John Moore, colored," was convicted of 2nd Degree Murder and sentenced to life imprisonment. Indeed, John Zilar, who admitted pushing Patrolman Kemper off a balcony killing him and was in jail awaiting trial with Dunbar, was not convicted. The injustice continued until thousands of Cincinnatians rebelled and burned down the Hamilton County Courthouse in 1884 and the Ohio State legislature terminated the Cincinnati Police Force in 1886 and put control of a new Police Department under a nonpartisan Board of Police Commissioners.

Dunbar came back to Cincinnati and worked for one year for Snelbaker at the Opera House, then left town. One year later, he was in a Rhode Island jail, once again for multiple burglaries. On January 9, 1882, he was convicted and sentenced to yet another seven years in prison. Later in the year, he savagely assaulted two other inmates with a broad-faced hammer, nearly killing one. For that, he was sentenced to an additional two years. Dunbar died in prison of Tuberculosis on January 11, 1887.

If you know of any information, archives, artifacts, or images regarding this officer or incident, please contact the Greater Cincinnati Police Historical Society at Memorial@Police-Museum.org.

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