

MUCH-SUED-FOR DOG SUBJECT OF LONG OPINION

**"Celt" Healy or "King" Ross
Gets New Trial.**

TWO FAMILIES WANT HIM

**Healys Say He Saved Master Healy—
Mrs. Ross Declares He's Hers, Any-
way—Dog Impartial.**

He is a red Irish setter, well feathered, and answers to either name, Celt or King, because he is only a dog and can't help what people call him, but he is the innocent cause of more litigation than any other dog of which history has record and, unlike any other of his kind, he is really not certain whom he should worship as master. If he could read as he runs he might realize that he has caused one City Magistrate to be accused of unfairness, a Municipal Justice of errors in his charge to the jury, and that on an appeal to the Appellate Term of the Supreme Court he has been the subject of 184 typewritten pages of testimony and an opinion granting a new trial.

John E. Connelly of 15 Wall Street drew up the appeal against the verdict of a jury returning the dog to Mrs. Mahala Ross of West End Avenue and Eighty-first Street. His client was P. J. Healy of 317 West Eightieth Street, who alleged that he had bought Celt in San Francisco as a pup, and that he most prized him because he had saved the life of his little boy. On bringing Celt to New York Mr. Healy had put upon him a collar bearing his name and address. Some time later Celt disappeared. Mrs. Healy saw the maid of Mrs. Ross out walking with a dog which she believed was hers. She called "Celt!" He went joyfully home with her and rushed about the house, refusing to be satisfied until he had found his old friend the little boy whom he had rescued in California.

This behavior on the part of Celt had great weight with Justices Freedman, Bischof, and Fitzgerald, Justice Freedman dwelling on it in granting a new trial.

Mrs. Ross, who found the dog, testified that she believed him to be her dog King, even if he did wear the Healy collar. When she learned from her maid that Mrs. Healy had taken the dog from her she brought suit for his recovery, the case being tried before Magistrate Ommen, who decided that Mrs. Ross was the owner. He threatened on that occasion to place Mr. Healy in jail for contempt of court. The case then came before Justice Seaman in the Twelfth District Municipal Court. There Mrs. Ross testified that her dog King was eight years old. Mr. Healy said that his dog Celt was five years old. Dog fanciers and experts swore that the dog in court was under eight, the majority declaring that the animal was five years old. Magistrate Ommen appeared as a witness for Mrs. Ross, a proceeding that was called to the attention of the Justices of the Appellate Term of the Supreme Court.

It took a day to take the testimony, the dog wandering from one to the other of the parties in action and showing no partiality in bestowing his attentions. He seemed intensely bored with the proceedings, taking no interest in them other than to make the friendly acquaintance of other Irish setters brought to court by the experts. A jury decided that the dog belonged to Mrs. Ross. Pending an appeal by Mr. Healy, the dog was placed in custody of a man who boards dogs of high degree. He grew weary of the trust and gave the dog back to Mrs. Ross.

In writing his decision granting the appeal to the Appellate Term for a new trial Justice Freedman, after occupying several pages of typewritten discussion of the case, says in conclusion:

"It is quite clear that had the jury carefully weighed the evidence and given due regard to the probabilities to be reasonably deducted therefrom, the verdict would have been for the defendant. The interests of justice certainly demand that a new trial be had."

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