

## CHAPMAN IS EXONERATED

### POLICE BOARD DISMISSES THE CHARGES AGAINST HIM.

Commissioners Sustain His Action in Raiding the Seeley Dinner—Col. James Declares He Exceeded Police Authority.

The Police Commissioners decided yesterday at the board meeting that Capt. Chapman was justified in forcing his way into Sherry's on Dec. 20 last while the dinner given by Herbert Barnum Seeley in honor of his brother, Clinton Seeley, was in progress, and dismissed by unanimous vote the charges preferred against him.

Prior to the meeting of the board Col. E. C. James, counsel for Mr. Seeley, and W. F. S. Hart, who represented Capt. Chapman, presented briefs. Mr. Hart's brief was very short. He cited the rule which instructs the police "to observe and inspect places of business having excise or other licenses," and asked that the charges be dismissed and his client commended for the faithful performance of his duty. Col. James's brief held that the Police Captain had acted without justification and that, no matter what violation of law he might have discovered, it would not have justified an intrusion on the liberty and privacy that are the rights of every citizen.

The brief says, among other things:

"As I understand the case, Capt. Chapman's defense is founded solely upon the general power conferred upon the police force by Section 282 of the Consolidation act. That section, in terms, authorizes the members of the police force to 'prevent crime,' to 'detect and arrest offenders,' to 'carefully observe and inspect' (among others) 'places of business having excise or other licenses to carry on any business,' to 'repress and restrain all unlawful or disorderly conduct or practices therein,' to 'enforce and prevent the violation of all laws and ordinances in force in said city,' &c.

#### Legal Powers of the Police.

"But these general provisions do not change or subvert the common law, or the other provisions of the Consolidation act, which protect private apartments from invasion and citizens from arrest, without warrants. They certainly do not give the police the right forcibly to enter, without warrant or invitation, the private rooms, or the rooms for the time being in private occupation, of the guests of a hotel, any more than of a family in a dwelling house. They must be construed with reference to those rights of privacy which are fundamental in our law, and to those other provisions of the Consolidation act and of other statutes which regulate and limit the exercise of these general powers. Otherwise, private rooms, both in hotels and dwellings, may be entered by the police at any hour of the day or night, without warrant, upon the suspicion of wrong-doing or upon mistake of a malicious rumor, and the citizens so insulted and abused would have no redress.

"Section 282 says that the police may arrest 'with or without warrant.' But this must mean 'with' warrant, when the law requires a warrant and 'without' warrant when the law does not require a warrant, otherwise the word 'with' in the statute would have no meaning, and 'without' would cover every case. If Section 282 gave the right to any policeman at any time without warrant, or even without complaint, to enter any such place, why the carefully limited power conferred by another section with express provisions for a written report and a written authorization?

"The specific information which Capt. Chapman alleges he acted upon was not in writing, and was not sworn to, and was not given by a person who was even known to him. It was the mere say statement of a stranger. Now, where did he get the right to dispense with the written complaint and the written authorization from the Chief of Police required by that section and forcibly enter Mr. Sherry's house and forcibly intrude himself and his wardmen into the private rooms of his guests?

#### Protection for Social Gatherings.

"I have thus briefly sketched the legal argument which appears to me to establish the charge of wrongful entry against Capt. Chapman. As to his conduct after he entered, in forcing his way into the dressing room and berating and insulting the defenseless women he found there until one of them was in tears, and then apologizing to Mr. Seeley and his guests at the dining table and expressing his approval and his regret that he could not remain to enjoy the rest of the entertainment, it is unnecessary for me to say anything. The facts speak for themselves.

"If Capt. Chapman's conduct in this case can be justified then every church fair or festival, where articles are sold on shares, if it be held where there is a Raines law license, may be raided by the police for alleged violation of the lottery laws; every private dinner party followed by cards or other games of chance may be raided by the police for alleged violation of the gaming laws; every ball, concert, or opera to which ladies go in fashionable evening attire may be raided by the police for alleged violation of the laws against exposure of the person.

"In such cases, according to this new interpretation of Section 282 of the Consolidation act, now claimed by defendant's counsel, no affidavit or warrant would be required. Even the motive of the informant would not be asked. It would be of no consequence whether the story was inspired by malice or business rivalry, or anxiety to preserve the morals of the ladies and gentlemen attending the fair, dinner, or ball. All that will be necessary will be the story of the unknown talebearer.

#### Russian Police Methods Threatened.

"If such intrusions by the police are to receive the approval of your honorable board, we may soon be subjected to such a surveillance as will rival the police of the Czar. If private rooms or private parties in the hotels, or cafés, or clubs can be invaded, it will be but a little time before private houses will be raided under similar pretexts. Once break down the barriers which law or custom has set to protect the liberty and privacy of the citizen, and liberty and privacy will soon be things of the past.

"It matters not that, upon such an unwarranted intrusion into a private gathering, a Police Captain discovers something sensational, improper, or even criminal. The right to enter without warrant is not to be determined by the chance result. If, on the occasion in question, Capt. Chapman would not have been justified in his entry, had he found everything strictly proper, he cannot be justified because he found that which he at first regarded as improper.

In either case he had no right or business to be there. The private social gatherings of our citizens cannot be made the target of policemen's mistakes; or a chance result the justification for an unwarranted trespass.

"But so far as the charges made by Chief Conlin against Capt. Chapman are concerned it is immaterial whether the accused gentlemen are innocent or guilty of the matters alleged. Their guilt of some misdemeanor can no more justify his raid than their innocence can make him guilty. The one has no relation to the other. The responsibility rests on your honorable board to decide whether a police captain can, without affidavit or warrant, but merely upon the hearsay statement that some misdemeanor is there enacting invade the private rooms of a gentleman or lady in a hotel, or of a party of gentlemen or ladies, and berate them with accusations of improper conduct.

"The consequences of an unwise or honest erroneous decision of this question will be more full of injustice and evil to the citizens of New York than the discovery and punishment of all their festive antics, or social peccadilloes, can be of good. It may be that Capt. Chapman acted from a mistaken sense of duty. It may be that he was prompted by entirely good motives. It is not my purpose or the desire of those whom I represent to do him any injustice. This case gets its importance solely from the fact that rights of privacy heretofore cherished and deemed inviolate have been outraged without legal process, and in disregard of statutory safeguards.

Commissioner Grant, who tried the Chapman case, was not present at the reading of the briefs. When he appeared later he said he did not want to hear them, as he had made up his mind to vote for a dismissal of the charges.

When Commissioner Andrews referred to the point raised by Col. James, that if the charges were dismissed all barriers to privacy would be removed, Col. Grant responded: "And a good thing, too, to remove barriers from such exhibitions as occurred at the Seeley dinner." Commissioner Roosevelt and Commissioner Parker agreed that Capt. Chapman had acted properly, and Commissioner Roosevelt said he was sorry Capt. Chapman had exchanged photographs with one of the women witnesses in the case, but he added, referring presumably to his action at the dinner: "If he erred at all, he erred on the right side."

## NEW LIFE BOATS INSPECTED.

### Two Different Kinds Shown on the Trave and Britannic.

The members of the United States Board of Supervising Inspectors of Steam Vessels, who have been sitting in Washington, came to New York Monday, in company with Inspector General Dumont, and inspected two patent life boats, one exhibited on the North German Lloyd steamship Trave, and the other on the White Star Line steamship Britannic.

That on the Trave is the Basswitz life boat, named after its German inventor. It is an unsinking, self-righting, collapsible boat, built of canvas and a material made of compressed reindeer hair. It is 27 feet long, 6 feet beam, and holds 23 persons. The Inspectors seemed very favorably impressed with the boat.

While the Inspectors were aboard the Trave, Capt. Thalenhorst invited them to the bridge, to show them how quickly the boats could be launched. The crew was at work, in various parts of the vessel, when the alarm calling the men to the boats was sounded throughout the ship. Inside of four and a half minutes the boats were swung out ready for lowering into the water.

On the Britannic the Inspectors examined a Berthon boat. This is an English patent collapsible boat of metal and canvas, and was condemned last August by the United States Inspectors. Changes have been made to meet the criticism then made, bearing principally upon the time taken to open it, and the improved boat was exhibited. The board's decision will be made known later.

## INTERESTS OF THE INSANE.

### A Proposed Bill Governing the Commitment of Supposed Lunatics.

The Society of Medical Jurisprudence met Tuesday night to receive the report of a special committee appointed to confer with the Neurological and County Medical Societies in reference to legislation relating to the commitment of the insane. The report favored a law which provides that upon the sworn statement of two duly qualified medical examiners in lunacy an insane person may temporarily be confined in a proper institution or be confided to the care of friends.

"No person," says the proposed bill, "shall be held in confinement more than five days unless the time be extended by a court of record. The supposed lunatic shall be notified of his right to employ counsel, and his friends shall be similarly informed. Failing the appearance of counsel, the District Attorney shall take the matter in charge and look out for the interests of the supposed insane person."

There was considerable discussion as to the Constitutionality of the proposed law, but the report was adopted and the bill will be sent to Albany.

### Schools for Jersey City.

Mayor Wanser and the Jersey City Board of Education held a conference Monday in relation to school legislation to be asked for. It was decided to ask the Legislature to pass an act enabling the city to erect five new buildings and issue bonds for the cost. One of the new buildings is to replace School No. 1, in York Street. The present school debt is only \$200,000, while the school property is valued at \$1,200,000.

### Bridge Structure Strong Enough.

In connection with the statement that the three experts employed to report on the practicability of running surface and elevated cars over the bridge had decided to favor the proposition, Bridge Superintendent C. C. Martin last night significantly stated that the bridge structure is strong enough to stand the increased strain. Nearly a year ago, when the subject was broached, Mr. Martin said the bridge could not stand the strain.

### Brooklyn Union League Reception.

The opening of the art exhibition, at the Union League Club, Brooklyn, last evening was celebrated by a reception given by the members to their President, William Berri, and Mrs. Berri. Nearly all members in the city and their wives and daughters were present. The reception was followed by dancing.

### Membership Certificates Sold.

Ten membership certificates in the Produce Exchange were sold yesterday by Richard V. Harnett. Six brought \$185 each and four \$200 each. At a sale Jan. 6 a certificate was sold for \$235.