

Without reference to the broad provisions of our own Code, I think it indisputable, that the members of the Police Force, in their simple capacity of peace Officers, as at common law, have the right to enter any house, whether public or private, by day or ^{by} night, in order to prevent the commission of a felony or apprehend a felon, and in order to prevent or suppress any affray, disorder or other breach of the peace within their view, knowledge or hearing. They have the further right to pursue into any house, and there arrest, the guilty participants in a riot, tumult or affray, who may be endeavoring to escape. The notion that they are forbidden by the law to do these things, except upon the invitation or consent of the parties by whom the houses they enter are occupied, is wholly without rational or legal countenance. It is not only their right, but it is their absolute duty, to enter upon any premises whatsoever, for the purposes which I have enumerated, and they have the further right, and it is equally their duty, in such cases, to break open outer or inner doors, for the purpose of forcing an entrance where it is denied or obstructed. If the rule were otherwise, disorderly houses, the keeping of which is in itself a crime, would shelter the very disorders which are the chief element in their criminality, and the sanctity of men's dwellings would be an excuse for making them sanctuaries of violence and wrong.

What I have said, in regard to houses generally, is especially applicable to inns, drinking shops and places of public entertainment and amusement. From their very nature, such places are open to all comers, and it would be absurd to suppose that only the officers of the law are to be shut out from them. But, independently of this, the purposes to which they are dedicated, the crowds which resort to them and the excitements they are apt to foster, render them peculiarly and properly liable to the official visitations of those to whom the preservation of the public tranquillity is entrusted. Upon this point, as upon the others which I have mentioned, the English and American decisions entirely agree.

There is likewise, a manifest disposition, in the tribunals of both countries, to enlarge, in favor of policemen, under the modern system, the powers and privileges exercised by sheriffs and constables at common law. The functions of police officers and the purposes of their organizations are, in the main, preventive and preservative; looking rather to the protection of