

placed against him. Prior to this, he had been given an intoximeter test which, on later analysis, showed a 0.243 percent of blood alcohol by weight.

The above-described events were concluded within 40 minutes from the time the appellant first drove into the parking lot. The officers then placed the appellant in formal arrest. At the time they had no warrant for his arrest. At 2:00 a.m. formal charges of driving a motor vehicle while under the influence of intoxicating liquor were placed against appellant before a local justice of the peace. Thereafter, the appellant was delivered to the county jail. In due course, he was tried and convicted in the Superior Court from whence comes this appeal.

Appellant challenges the right of the State to use the evidence collected within 2 hours of his original detention citing *Rickards v. State*, 6 Terry 573, 77 A. 2d 199, for the exclusion of illegally obtained evidence at the subsequent trial. His attack is threefold. First, it is argued that the Bridge police, having only the powers of constables, have no power to arrest on view for violation of the Motor Vehicle Code, a Bridge policeman may exercise such power only on the Bridge or its approaches, which appellant defines as excluding the Basin Road overpass, and, third, that 11 *Del. C.*, § 1902, the so-called Uniform Arrest Act, is unconstitutional as authorizing detention without probable cause. On the basis of these arguments, he urges us to rule that his detention was illegal, thus paving the way for the application of the rule of *Rickards v. State*.

By 17 *Del. C.*, Ch. 4, the Delaware Interstate Highway Division of the State Highway Department was created and charged with the duty of operating the existing Delaware Memorial Bridge. By § 409 the Division is authorized to establish regulations respecting the use of the Delaware Memorial Bridge and, to that end, is authorized by § 411 to employ such guards as are deemed advisable for the proper operation of the Bridge. It is enacted that such guards shall have the powers of a constable in the performance of their duties. The guards, thus authorized, now constitute the uniformed police force maintained by the Delaware Interstate Highway Division.

Appellant argues that the Bridge police have only the powers of arrest of a constable which are limited by 10 *Del. C.*, § 2723 to the power to arrest only for breaches of the peace committed in the constable's presence. He argues further that since 21 *Del. C.*, § 701, authorizing certain officers to make arrests for violations of the Motor Vehicle Code, was amended by 48 *Laws*, Ch. 195 to omit constables from the listed officers having power to arrest for traffic violations, it follows that the Bridge police have no authority to make an arrest for a traffic violation.

We doubt that this technical argument is sound for the reason that the very nature of their employment requires the Bridge police to enforce the traffic laws on the Bridge, and we think they might well fit within the class described in 21 *Del. C.*, § 701 as "other police officers." We are not required to so hold, however, for there is another and complete answer to the argument.

By 11 *Del. C.*, Ch. 19, the so-called Uniform Arrest Law, a peace officer, defined as "any public officer authorized by law to make arrests in a criminal case" is authorized by § 1902 to detain for investigation for a period of not in excess of 2 hours any person reasonably suspected of having committed a crime, and at the end of that time either release him or arrest him and charge him with a crime. It is specifically enacted that such detention shall not be an arrest.

We think it axiomatic that constables, and thus Bridge police, are peace officers within the meaning of § 1902 since they have the authority to make arrests in a criminal case. Irrespective, therefore, of the right of the Bridge police to make arrests pursuant to 21 *Del. C.*, § 701, they have the right to detain and arrest under 11 *Del. C.*, § 1902.

However, appellant argues that assuming 11 *Del. C.*, § 1902 authorizes the Bridge police to detain and arrest, still that authority may be exercised only within the limited area over which the Delaware Interstate Highway Division has control, viz., the Bridge proper and, possibly, its approaches. Since the point at which the appellant was originally detained is admittedly outside of that limited area, it is argued that the detention was illegal.

As a general rule, in the absence of statutory or constitutional authority, peace officers, including constables, cannot act outside of the territorial limits of the body from which they derive their authority. 80 *C.J.S.*, *Sheriffs and Con-*