

*stables*, § 36(b); *Lawson v. Buzines*, 3 Harr. 416. We note, however, that the authority conferred by 11 *Del. C.*, § 1902 is not limited territorially by its terms, and that by 10 *Del. C.*, § 2721 the jurisdiction of constables extends throughout the county of their appointment. We think, therefore, that the Bridge police, as peace officers, are authorized by statute to make arrests and to detain suspects at least within the confines of New Castle County.

Next, appellant argues that 11 *Del. C.*, § 1902 is unconstitutional because it permits a peace officer to stop any person who he has "reasonable ground to suspect" has committed a crime, as distinguished from detaining upon "reasonable ground to believe", which appellant says is the constitutional requirement for lawful detention and arrest without a warrant. Appellant argues that arrests or detentions without warrant are constitutional only when made on "probable cause" and not on mere suspicion. He cites numerous Federal authorities in support. We may assume that he is correct in arguing that arrests without warrant may be made only upon probable cause.

We point out, however, that 11 *Del. C.*, § 1902 purports to govern, not arrests for crime which are governed by 11 *Del. C.*, § 1906, but detentions of persons in the course of the investigating of crime. Such police practice has long been recognized as valid by the courts when kept within reasonable bounds. Cf. *U.S. v. Bonanno*, 180 F. Supp. 71, and *People v. Henneman*, 367 Ill. 151, 10 N.E. 2d 649. This court, also, has upheld the investigatory power of the police to detain for questioning. *Wilson v. State*, 10 Terry 37, 50, 109 A.2d 381, 388.

We can find nothing in 11 *Del. C.*, § 1902 which infringes on the rights of a citizen to be free from detention except, as appellant says, "for probable cause". Indeed, we think appellant's attempt to draw a distinction between an admittedly valid detention upon "reasonable ground to believe" and the requirement of § 1902 of "reasonable ground to suspect" is a semantic quibble. We point out that in *Wilson v. State*, in referring to the arrest of the defendant, we said, "Nor can it be doubted that the arrest was legal, that is, upon reasonable suspicion of felony." In this context, the words "suspect" and "believe" are equivalents.

We hold, therefore, that 11 *Del. C.*, § 1902 is constitutional. We hold further that the recited facts concerning this detention more than satisfy the statutory requirement of grounds of belief or suspicion in the mind of the detaining officer. Not only did the appellant commit a violation of the Motor Vehicle Laws (crossing the grass plot) in the presence of the officers, but upon talking to him the officers had more than reasonable grounds to believe he had committed another violation in their presence (driving under the influence of liquor). We think the officers could have exercised their authority at that time under 11 *Del. C.*, § 1906 and have placed the appellant under arrest.

We, accordingly, hold that there is no taint of illegality in the detention and charging of the appellant, and that, therefore, the rule of *Rickards v. State*, supra, did not require the suppression of the evidence in question.

Appellant argues, also, for the suppression of the results of the analysis of the percentage of alcohol in his blood made from the intoximeter test. The basis for the argument is the failure of the State to produce for appellant's inspection one component of the apparatus used in the test. That component is described as the ascarite tube.

An intoximeter consists of three main parts, (1) a balloon with mouthpiece; (2) a fritted glass impregnated with sulphuric acid and potassium permanganate, and (3) a chemical train consisting of two connected glass tubes containing certain chemicals. The first tube, into which the breath is first passed, contains magnesium perchlorate which absorbs the moisture and alcohol from the breath. Thereafter, the breath passes into the second, or ascarite, tube which absorbs the carbon dioxide from the breath.

The process of analysis requires the chemist by distillation to determine the amount of alcohol absorbed in the first tube. The chemical contents of the first tube are all used up in the distillation process. The quantity of breath in which the amount of alcohol was contained is determined by the chemist from the differential in weight of the ascarite tube before and after the taking of the intoximeter test. On the basis of these two items, it is then possible to compute the percentage of alcohol in the subject's blood.

It appears that it is not the practice of the State Chemist who makes the required analysis, to retain the ascarite tube used in a particular test for the reason