

**Opinion No. 14-1304**

August 31, 1914

**BY:** H. S. CLANCY, Assistant Attorney General

**TO:** Mr. W. F. Wall, Nara Visa, New Mexico.

**ARRESTS.**

Authority of constables and justices of the peace to make arrests.

**OPINION**

{\*159} I am in receipt of your letter of the 27th inst. in which you inquire whether it is the duty of the constable or justice of the peace {\*160} to make an arrest on account of drunkenness or fighting which may occur on the street.

Constables and justices of the peace are conservators of the peace and at common law have the right to arrest without warrant, all persons who are guilty of a breach of the peace or other violation of the criminal laws in their presence. It would thus seem that it becomes the duty of a justice of the peace or a constable to arrest all persons who may be guilty of a violation of the laws, without warrant, when such violation occurs in the presence of the officer.