

and immemorial usage, to limit the title of the grantee to the edge of the street and the edge of the river." *Smith v. Furbish*, 68 N.H. 123, 126, 44 A. 398, 399 (1894); *Luneau v. MacDonald*, 103 N.H. 273, 276, 173 A.2d 44, 46 (1961); Annot., 49 A.L.R.2d 982, s. 17, at 1023 (1956).

*Plaintiffs' exceptions overruled;
remanded.*

All concurred.

Peterborough District Court,
No. 6021.

STATE v. BRUCE FOX.

October 30, 1970.

Warren B. Rudman, Attorney General and *W. Michael Dunn*, Assistant Attorney General, by brief for the State.

William D. Tribble for the defendant, filed no brief.

PER CURIAM. Defendant is charged with operating a motor vehicle while under the influence of intoxicating liquor in violation of RSA 262-A:62.

He is the person to whom the report on the blood of David Traxler was sent by mistake. See *State v. Traxler*, 110 N.H. 410, 269 A.2d 864 (1970). Defendant did not receive a copy of the report of his test within forty-eight hours after August 1, 1969 when it was received by the Department of Safety, as provided in RSA 262-A:69-a. He received actual notice of it on August 1, 1969, and a copy on August 5, 1969.

The prosecution in this case asked for a preliminary hearing on the admissibility of the evidence of the test. The matter was transferred here by *Brighton, J.*, District Court Justice.

This case is governed by *State v. Traxler supra*, which held that the statute does not require the exclusion of the evidence solely because of the failure of the defendant to receive a copy of the report within forty-eight hours.

Remanded.

KENISON, C.J., did not sit.