

## STATE v. NORRIS.

Whether a temperance camp-meeting is "a public assembly convened for the purpose of religious worship," within the meaning of Gen. Laws, c. 273, s. 9, is a question of fact.

APPEAL. The complaint is brought under s. 9, c. 273 of the Gen. Laws. The respondent kept a booth or tent, and sold lager beer, cigars, and other goods within two miles of the Weirs camp ground, in Laconia, during the session of the New Hampshire State Temperance Camp-Meeting, which began its fourth annual session August 27, 1879. The principal object of the camp-meeting was not religious worship, but the inculcation of temperance and total abstinence from intoxicating liquors; but each session was opened by prayer and the reading of the Scriptures. The other services of the meeting consisted of addresses and lectures on the subject of temperance, and the singing of temperance and religious hymns, and were conducted in a manner similar to that of religious camp-meetings.

The question is, whether this was a "public assembly convened for the purpose of religious worship," within the meaning of the statute.

*Rogers*, solicitor, for the state.

*Wilson*, for the defendant.

FOSTER, J. The case presents no question of law. The question of fact is, Was the State Temperance Camp-Meeting, in this case, a public "assembly convened for the purpose of religious worship"? G. L., c. 273, s. 9. The term religious worship having no technical meaning in a legal sense, the determination of this question is within the province of a jury.

*Case discharged.*

ALLEN, J., did not sit: the others concurred.

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 BURLEIGH v. FORD.

Trespass *quare clausum* cannot be maintained for breaking and entering property not real estate.

A submission in writing to arbitration, of "all matters in controversy relating to the C. tent," includes acts of one party done in dispossessing the other of the tent.