

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - MAY 7, 1873.

CHARIVARI.

THERE is a custom, more or less common, that would be more honored in the breach than in the observance. That custom is the "charivari" of newly married couples.

Webster thus defines the word charivari, pronounced shar-e-va-ree—

A mock serenade of discordant music, kettles, tin horns, &c., designed to annoy and insult. It was at first directed against widows who married a second time, at an advanced age; but is now extended to other occasions of nocturnal annoyance and insult.

The new *American Cyclopædia* gives a more lengthy definition, of which the following is the principal portion—

A mock serenade, which was performed in the middle ages whenever an old man married a young girl, or when a man married for the second or third time, or generally when ill-assorted marriages took place. The neighbors assembled on such occasions during the night before the house of the wedded pair, with all sorts of pans and kettles, and iron and copper utensils (*charivaria*), producing every variety of discordant noises, and accompanying them with derisive shouts and obscene songs. The charivariists usually continued their uproar until their wrath was soothed by drink or food. The Council of Trent attempted to put a stop to this nuisance, which frequently occasioned disturbances. In some French towns, as for instance in Lyons, the practice was maintained as late as the 16th century. In Brittany the term charivari was also applied to aggravated collisions between husband and wife. Xantippe throwing a jug of water at the head of Socrates is the most classic type of this sort.

Thus it will be seen that this whole charivari business is an old and disreputable affair, designed for nocturnal annoyance and insult, although we may say that locally now-a-days, in semi-civilized communities, it is sometimes engaged in by the friends of those who are subjected to the outlandish demonstration, as a token of good will, though very coarsely expressed. The custom is obnoxious to good taste, and is tabooed in all communities of any respectable degree of refinement. In many respects it is a rude, boorish, barbarous custom, not in the least compatible with modesty or delicacy, and frequently is made a cover and license for positive indecency, verging upon outrage and obscenity. In these cases the custom is insulting in the last degree, and is a disgrace to all engaged in it. The local authorities will not do their duty to the public if they do not discourage such unseemly outbreaks by every proper means in their power. When such a manifestation passes all reasonable bounds, which it may soon do and indeed generally does, it is very reprehensible, it is an offence in particular to the persons for whom it is meant, if they possess any refinement of feeling, and in general to the public at large, besides being in many cases a direct infraction of local laws. No plea that can be urged can be received in favor of the custom, for it is but little removed from mobocracy, and those who are so foolish as to indulge in it, whether of their own motion or through the persuasion of others, should submit with the best grace possible to the operation of the laws in the case and the just censure of the more sober and decent portion of the community.

There have been cases in which the custom has been indulged in to such an annoying, insulting and disgusting degree that serious disturbances, and even physical conflicts, bruises, severe wounds, and bloodshed have resulted. No person possessing any true refinement, delicacy, good taste, purity of feeling, or real respect for the parties visited, would ever, in sober moments, engage in any such disreputable, demoralizing transaction. It is a trait of uncivilized rather than civilized humanity.

On many accounts a wedding is usually an occasion of rejoicing. It is one of the most important events in the course of human life, and in civilized countries the inference is fair that it is in satisfaction of the most exalted, most honorable, and most sacred instincts and ambitions of the race. Consequently it is

rightly a time of rejoicing among the parties and their relatives and friends, a time for congratulations, compliments, and good wishes. But it is not a time for annoyance and insult, nor for coarse, rude, unseemly, or indecent demonstrations. To a serenade, soberly and respectfully conducted, perhaps there is no serious objection, but a serenade is not a *charivari*. Here is a definition of the word serenade—

Literally, music performed in the open air on a clear night. Among the nations of southern Europe it signifies the amatory songs, accompanied by the guitar, with which lovers favor their mistresses at night. Any music performed in the open air at night, whether vocal, instrumental, or mixed, if of a complimentary character, is now called a serenade.

A serenade, therefore, is "complimentary music at night," and this might be pleasing rather than objectionable to a newly married pair. But all congratulations and compliments ought to be delicately, modestly, respectfully tendered, for it is the privilege of all men and women to be gentlemen and ladies in all their actions, rather than boors or barbarians.

There is another view to be taken of this matter. Marriage is a great change in the course of life of virtuous people, a change that has a most important bearing upon the health and spirits of those who engage in it, and a friendly and respectfully regard for the comfort and happiness of the newly married would suggest the question whether quiet retirement and an exciting occupation would not be far more agreeable and healthful to them during the honeymoon than the excitement of noisy, boisterous demonstrations from their well-meaning but unwise acquaintances, and especially in the dead of night, when all right thinking people are in bed and all healthy, quiet-minded people are fast asleep.

FRIDAY NIGHT'S DISTURBANCE.

As will be seen in another column, the trial of the parties accused of creating a disturbance on the night of Friday last (the 25th) terminated April 30, in a verdict of acquittal. The evidence presented was not sufficient to identify them as taking part in the tumult. Much amusement, we hear, was afforded by the examination of the witnesses, and the whole proceedings in court were looked upon by many as a capital farce. In fact, we understand that the accused themselves made very light of the attempt to convict them; and if they really were present and participants in the disturbance, their conduct in relation to the trial conveys the idea that they consider themselves so superior to law, to public opinion and to the proprieties of life that if they choose to carry out a practical joke on some person or family and disturb the peace of the entire city at the dead hours of the night, they have the unquestioned right to do so, and the courts, the police and the public have no right to call them to account therefor. They are respectable forsooth, and because this is the case, they can defy the law, the officers of the law and public sentiment with impunity.

We qualify our remarks respecting the accused by saying that if they were really the cause of the tumultuous noises made on Friday night, this is the impression their conduct in the trial of this case has made upon the public who are cognizant of the circumstances. Whether they were or not, they themselves know. Some persons certainly created the disturbance. Guns and cannon were fired, drums were beaten, fireworks were discharged and various noises were made, as people in every part of the city, and even outside of the city, can testify, and human agency was employed for these purposes. The accused may not have been actively engaged in creating the disturbance complained of, but they were present, they must have had an idea who the disturbers of the peace were. One gentleman did state in court, after the trial was over, that "he took upon himself all the blame of the proceedings; he believed in respecting the law and regretted that it had been violated, and wished that the jury had fined the accused; the affair was intended as a surprise to the newly-married couple, and not to disquiet the public," &c. This was frank as far as it went; but it is to be regretted that he and the other ac-

cused, if they were guilty, did not make this acknowledgment to the Court, either before or during the progress of the trial, and in that manner honor the law. The feeling in the community is that the originators of the disturbance did not mean to go as far as they did; that they did not anticipate such results as followed. But the feeling also is that the persons whose names are justly associated with this transaction committed a grave blunder when they did not come forward and acknowledge their wrong and make amends to the violated law. We do not refer to their legal counsel when we say they must have had bad advisers or they would have done this. Had they manifested this disposition the public would have been satisfied. But the general impression now is that the disturbance was indefensible and scandalous, and there is nothing to mitigate the feeling that a serious breach of the peace has been perpetrated. We believe we only give expression to the feelings of hundreds of our citizens when we say, that until the authors of this disturbance make public amends for their conduct, the community will not be satisfied.

We know that there are those who think the city authorities have been disposed to make this case appear more serious than it is. These persons talk about the affair as a joke that ought to be overlooked. We think that the authorities would have been highly culpable if they had not considered this a serious case. In every aspect of the consequences we think it was serious. It was serious to awaken from their slumbers people all over the city, and to arouse them in alarm. It was serious to startle people as far distant as West Jordan Ward and make them think that a riot was in progress in the city. It was serious to call forth men hastily armed into the streets under the impression that a contest of some kind was in progress and that life was in danger. These were all sufficiently annoying to those upon whom the noise had any of these effects to make them think it serious, and far from being the trifling joke some would make it appear.

Ours is a frontier city. We are liable at any time to have rough characters make unlawful demonstrations in our midst. Peace has been maintained thus far by strict vigilance and a rigid enforcement of the law. But if our own citizens, who claim to be reputable, trample upon our ordinances, and defy our officers, how long will it be until others, following their example, will do the same? Shall we punish roughs and screen respectable citizens, if both are equally guilty? That has not been the practice heretofore, and it should not be now. The persons who were engaged in the disturbance on Friday night owe it to themselves, to the public, to the city whose ordinances they have violated, to uphold the authorities in their attempt to vindicate the law. Instead of screening themselves through a lack of evidence, they should acknowledge their wrong.

It was only the other day that we heard of a marriage of a young couple being solemnized secretly, and the reason assigned by the father of the young man for this was that if it were known in the settlement where they resided, the consequence would be too unpleasant for the young people to bear. They resided in a settlement in this county. We hear of a similar state of feeling existing in other settlements in the Territory. A marriage in such places is invariably accompanied by a *charivari*, and the whole settlement is aroused and disturbed. Where will this stop after the example of last Friday night in this, the chief city of the Territory? If this City can be disturbed in so public a manner by outrageous proceedings, and no one be convicted, what is to deter any rowdy or any number of rowdies from engaging in riots of any kind? It is not unfrequently the case that death results from these frolics after weddings. Our readers doubtless recollect the killing of a bride in Virginia last winter by a party who visited the house of her husband on the night of her marriage. We have heard of no fatal consequences attending such proceedings in Utah. But the practice should be put an end to before anything more serious shall happen than has occurred. It must not be tolerated here or elsewhere in the Territory, and we hope that

public sentiment will be so thoroughly aroused upon this subject that this barbarous method of proceeding on the occasion of weddings will forever be banished from the community.

Among the company present at Mr. Benedict's on the evening in question were some gentlemen and ladies who we hear deeply regretted the disorderly character of some of the demonstrations indulged in by parties in the street.

Since writing the above we have been gratified to learn that some of the young men who were present at the surprise party on Friday night, and some of whom were not accused, have appeared before Justice Clinton and paid the fine which the city ordinance prescribes for disturbances of that character. In doing this they have shown a respect for the law which all citizens will approve of, and have set an example that we hope to hear has been followed by all the others.

THE CHARIVARI CASE.

THE trial of the charivari case, took place in the large room up stairs, in the City Hall, yesterday afternoon, before his honor Justice Clinton. The case has created a far more than usual interest, on account of the unusual nature of the offense charged, and the unseasonable hour at which it took place; and as the parties accused are all well known, and move in respectable circles, there was a large attendance of citizens; to hear the proceedings.

Z. Snow, Esq., appeared on behalf of the city, and Messrs. Mann and Hempstead for the defendants.

The following jury was empanelled: Alexander McRae, Samuel Woolley, Thomas Taylor, Millen Atwood, Henry Dinwoodey and Edward Snelgrove.

Z. Snow, Esq., opened the case, in a short address to the jury, in which he explained the nature of the charge—disturbing the peace by noisy acclamations, ringing bells, blowing horns, discharging guns and other noises—and quoted from an ordinance passed May 17, 1872, in relation to crimes and punishments, prohibiting such demonstrations, and prescribing penalties for those proved guilty of making them.

The examination of witnesses for the prosecution then commenced,

MR. WM. RITER

being the first called and examined. He deposed, in substance that

He heard the noise on the night of the disturbance, could not say what it was made by. Knew there was a band of music to assist. The noise took place about 11 or 12 o'clock at night. He thought it took place last Friday night, but could not say positively. He was inside the house, and could not tell what kind of instruments were played. He thought he saw a silver or brass horn, but could not tell which. The band had violins and a horn, and flute or clarinet; he did not know which. He saw neither tin pans nor fire-arms. He did not know how many times fire-arms were discharged, did not know that any fire-arms were there, only as he was told; did not know what kind of fireworks were there. He was inside the house and the curtains were down. Could not say how many persons were in the house, or how many were outside. Probably ten or fifteen came in after the noise, could not designate positively who they were. He thought William Calder and Mark Croxall came in within five minutes after the noise, but he could not say that they were in the crowd who made it. Robert J. Golding was in the same catalogue as the others, but whether he came in with the crowd after the noise he could not say. Alonzo Hyde came in; Messrs. Bradley Clawson and Nelson Empey were also in the house. He was slightly acquainted with a man named Hawley, but could not say whether he came into the house just after the noise or an hour after. He believed he was not in the house before the noise. He knew Joseph Benedict, but did not think he came in with the crowd. Knew, by name, a man named Mackey, he was there; he knew Mr. Dewey, he was there; knew one named Foster, by sight; there was one there he took for Foster, but was not positive. All he had named came in after the noise, but could not say positively that they came

in immediately after. They came in by invitation of Dr. Benedict. Did not suppose the noise lasted more than five minutes, and it might not have been more than two or three. In the morning, about three o'clock, there was a musical serenade on the porch; his impression was that there was no discharge of fire-arms then, thought there were some rockets, and they made a noise. The parties who came in after the first noise remained several hours, and the second noise occurred immediately after they went out. The second noise was not as loud as the first. Could not name positively those who came in after the first noise or those who went out before the second.

In cross-examination by Mr. Mann, witness said nothing occurred there to disturb him; his wife and baby were there, the former awake, the latter asleep, and it was not awakened by the noise. None of the parties there acted rowdyish, there was no brawling, hallooing, or signs of intoxication, and nothing occurred that he considered out of place or improper on such an occasion.

Re-examined by Mr. Snow. He said that at the time he did not feel conscious of any violation of peace or good order, but in thinking of the matter since, he had concluded that it was carried too far.

MR. F. D. BENEDICT

Examined. Said there was some noise outside his brother's house in the 9th Ward last Friday night; there were, he believed, some crackers, Roman candles and a band of music, but he saw neither rockets nor fire-arms, he saw no tin pans. There were a couple of bugles, a cornet, two guitars, violin, flute and a drum or two. He saw no bells, but heard some. The noise occurred about eleven o'clock.

Mr. Snow wished to know what occurred after that, but Mr. Hempstead objected that it was not proper to ask a man what occurred after eleven o'clock on his wedding night. Mr. Snow did not press the question.

Witness said that after the noise outside, he opened the door and invited them in, but could not say who came in. He knew the defendants were there, but when they entered the house he could not state.

Cross-examined by Mr. Hempstead. He said he had never been married before, and this gathering at his brother's house was in honor of his marriage, which took place a day or two previous. He might have been somewhat excited on the occasion and more susceptible to noise than he would have been if in a normal condition, but he was not at all disturbed by the noises.

The following persons were also examined for the prosecution—Messrs. Bradford, P. Margetts, Jr., J. W. Clark, J. Williams, J. Taylor, Joshua Midgley, Freeman Malin, R. Wells, J. R. Wiuder, H. B. Clawson, G. W. Webb, W. Harrison, Jacob Weiler and Burr Frost, Jr., the substance of their testimony being that they heard considerable noise in the neighborhood of Dr. Benedict's house, by whom made they could not tell, and that it was very soon over. One or two of them was a little alarmed for a few moments.

Mr. Harrison testified that he was in bed when he heard the noise; he got up and went out to see what it was. He went to within a few doors of Dr. Benedict's, he saw a few persons, but could not distinguish them. He thought it was a kind of a charivari. He went home and remarked to his wife, there was nothing the matter, only he thought Dr. Benedict had got married and was not used to it. The noise did not wake up his family.

In cross-examination by Mr. Hempstead, Mr. F. Malin, a young gentleman of about fourteen years, owned that he rang one of the cow bells.

The only witnesses examined for the defence were Messrs. R. Burns and S. Malin. The former said he lived across the way from the Doctor's, he heard the music and fun, and was seriously disturbed because he could not get over and share in it. Mr. Malin said he lived half a block from Mr. Benedict's. His family was not at all disturbed by the noise. He heard the fun, and was annoyed because, having a sick headache, he could not go and participate.

Brief comments were made, for the city by Mr. Snow, for the defendants by Mr. Mann.