

# Contes et Legendes

## THE FIRST ACADIAN MURDER

The name "Acadian" easily connotes a simple, peace-loving and neutral people, exiled from their home in Nova Scotia. Closely associated with this is their strong faith and moral fiber. Major crimes were non-existent in the Acadian community. Thus, it is rare to conceive of such an act as murder as taking place within their environment. Early in the history of the settlement of Prince Edward Island, in fact in June of 1812, such a heinous act did take place. This gruesome event is still recalled in a ballad, popular in various parts of the Canadian Maritimes, entitled "Le Meurtrier de sa Femme" or "La Complainte de Pinquin".

Rare as it is that something good should result from something so tragic, it is not surprising. Due to the actions of a temporarily insane ancestor, Xavier Gallant, his direct act of violence, and subsequent incarceration in the deplorable conditions of the Charlottetown jail, led to a complete reform of prisons for that smallest of the Canadian provinces.

### The Man and His Deed

Louis Gallant and Anne Chiasson were married at St-Pierre-du-Nord on Ile St-Jean (today Prince Edward Island) on the 8th of January 1753. His grandparents were Michel Haché dit Gallant and Anne Cormier who had come to Port-Lajoie from Beaubassin in Acadia. Michel was later named harbor-master of Port-Lajoie (now Charlottetown). From all evidence, Louis and Anne Gallant, during the deportation of the Acadians from Ile St-Jean, fled to Ristigouche at the western end of the Baie-des-Chaleurs. While there, they had a child baptized on the 9th of January 1761. Although the child's name was omitted from the baptismal act in the register, the family genealogist, Father Patrice Gallant, presumes that this was their son Xavier, the subject of this article.

Much later, Xavier and two of his brothers, Alexandre and Fabien returned to live on Ile St-Jean. While there,

GENEALOGY OF XAVIER GALLANT

- 0 L'ARCHÉ, Pierre (   
LANGLOIS, Adrienne (   
of St-Pierre-Monidier, France   
Diocese of Beauvais
- I HACHÉ dit GALLANT, Michel (Pierre & Adrienne Langlois)   
CORMIER, Anne (Thomas & Madeleine Girouard)   
mg. 1690 - Beaubassin, Acadia
- II HACHÉ-GALLANT, Pierre (Michel & Anne Cormier)   
LAVERGNE, Cécile (Pierre & Anne Bernon)   
mg. towards 1725 - Beaubassin, Acadia
- III HACHÉ-GALLANT, Louis (Pierre & Cécile Lavergne)   
CHIASSON, Anne (François & Anne Doucet)   
mg. 8/1/1753 - St-Pierre-du-Nord, P.E.I.
- IV GALLANT, Xavier (Louis & Anne Chiasson)   
DOUCET, Madeleine (Michel & Louise Belliveau)   
mg. - Rustico, PEI

Children of Xavier Gallant and Madeleine Doucet:

1. Lange mg. c1812-Mt-Carmel, PEI to M-Hélène Gallant
2. Daniel mg. 26/9/1814-Rustico, PEI to Marguerite   
Arsenault
3. Fidèle 1mg. c1811-Miscouche, PEI to Barbe Poirier   
" 2mg. 14/11/1836-Miscouche, PEI to Marguerite   
Arsenault
4. Victor mg. 10/2/1817-Egmont-Baie, PEI to Charlotte   
Bernard
5. Bruno mg. 19/2/1822-Mt-Carmel, PEI to Henriette Aucoin
6. Julithe mg. -Rustico, PEI to Clément Martin
7. Edesse mg. -Rustico, PEI to Armand Martin

Xavier married Madeleine Doucet, the daughter of Michel Doucet and Louise Belliveau. Of this marriage were born eight children, seven of which were living at the time of the murder. They were: Lange, Daniel, Fidèle, Victor, Bruno, Julithe and Edesse. The new couple established themselves on lot number 16, near other tenants, in the area contingent to Malpeque Bay. This land later passed into the hands of the John Ramsay family, of English origin, and later took the name of "Rose Hill Farm".

On Thursday, the 11th of June 1812, Xavier Gallant took his wife for a walk in the woods, where he murdered her with an ax, and where he also hid the body. The reason for this fatal act is ambiguous, as the account of his trial will later reveal. The following Sunday, the people of the village came to apprehend the murderer, who led them to the mortal remains of the victim. He was then immediately transported to the Charlottetown jail<sup>1</sup>.

Gladly, first-hand documents concerning the murderer and his action are numerous, which inform us in a suffusedly-detailed fashion concerning the major part of the circumstances which surround this event. Thanks to these documents, many discrepancies are able to be explained concerning the event as well as the ballad. One must note that the descendants of Xavier Gallant are numerous in the Egmont-Baie and Mont-Carmel regions of the Island, where many folkloric inquiries have been made concerning the "complainte", and where oral tradition has greatly supplemented many important facts reported concerning this affair. The murder of Madeleine Gallant by her husband was certainly an epoch event among the Acadian population of Prince Edward Island. To our knowledge, this was the first murder committed among the insular Acadians.

#### The King vs. Francois-Xavier Gallant

On Tuesday, the 30th of June 1812, Xavier Gallant appeared in the Supreme Court of Prince Edward Island before chief-justice Caesar Colclough and his assistant judges Robert Gray and James Curtis. He pleaded not guilty to the murder of his spouse. His trial was set for the following Friday, the 3rd of July. It lasted a relatively short duration, beginning at 9 A.M. and ending the same day at

7:30 P.M.

The Procurator-General appointed James Bardin Palmer, judicial counsellor for the Crown, to be lawyer for the prisoner. The jury was composed of twelve men, all English-speaking. They were: William McEwen, Richard Chappel, James Wilson, Peter Hewitt, Joseph Dingwell, Donald McDonald, George Mackey, John McGregor, David Higgins, Nathan Davis, Joseph Avaard and George Aitkin. The witnesses numbered eleven, six for the Crown, and five for the defense. Those produced by the Procurator-General were: Victor and Fidèle Gallant, sons of the accused; Jean-Baptiste Gallant, Xavier's cousin; Prosper Poirier; Daniel Campbell and Col. Harry Compton. On his side, the defense lawyer called the following witnesses: Placide Arsenault; William Clark; George Blood; Samuel Cameron, Xavier's closest neighbor; and Lange Gallant, Xavier's oldest son. Given that most of the witnesses could not speak English, John Frederick Holland, a member of the accusation jury, was assigned as the trial's interpreter.

Most of the witnesses were of the opinion that Xavier suffered from a mental imbalance. His son, Fidèle, declared that the people of the village believed that this was responsible for the murderous act of his father. His brother, Lange, affirmed that he had perceived the first signs of irregularities in the mental health of his father on the day of Mardi Gras, two years previous to this. Since then, his parents had quarrels, he added.

According to many witnesses, Xavier lost his reason after he obtained a certain sum of money from a Mr. Marsh. Here is what was revealed on the subject by his son, Fidèle:

From what he was able to recall, more than a year had passed since Mr. Marsh gave him the money. This was the cause of his derangement, when he began to lose his mind. He worked no more. In fact, he worked little since last autumn. Before that he was a laborious man; he had always been an aimable man and good towards his family, and all this until about three years ago<sup>2</sup>.

Unfortunately, the trial report does not divulge the nature of the transaction by which Xavier had obtained this money from Mr. Marsh. Also, the amount was not precise. Witness Daniel Campbell mentioned the sum of \$380 that Xavier said he possessed before making a voyage to the Baie-des-Chaleurs. On his return, he said he could only find \$200 of it.

On the subject of Xavier's imbalanced state, Prosper Poirier, another witness, himself said money was the cause. At his word, one dollar had caused him to kill his wife, because while Xavier was poor, he was loving and good to her. He was equally a good worker.

It is evident, by the tenor of the testimonies, that Xavier suffered from mental alienation. He blamed his wife and children for stealing his money. He also believed himself cursed by a local dog (Acadians are somewhat superstitious in this regard), as well as imagined that someone was going to take possession of his house. He sometimes imagined that his wife was the wife of his son, and so forth. Could Xavier Gallant have had a breakdown, or be going senile? He was only 51 years of age at the time of the murder. Could avarice for his money have caused his temporary madness? These are all plausible questions.

In his testimony, Fidele Gallant also made known to the court how his father had justified his criminal act:

...He (Xavier) had said that the reason for which he killed her was that she was not sufficiently attentive to her household affairs and that she no longer occupied herself for him- for example, he was obliged to do his own cooking?

This added detail of information makes us wonder if marital difficulties or even something scandalous might have been at the root of the problem, compounding the issue.

After a full day of witnesses' testimonies, towards 6 P.M., the jury retired and deliberated for about an hour and a half. When they returned, the verdict was one of guilty, but the jurors recommended the clemency of the court.

The Thursday following the trial, the 9th of July, Xavier was brought before the court to receive his sentence. The death penalty was inflicted upon him, but his lawyer, James Palmer, at the end of the declaration of punishment, proposed that the execution be deferred. The court decided to carry the discussion of this motion to the following Saturday. Here is how the verbal-process of the court resumed its meeting that day:

The high sheriff, on the advice of the court clerk, having been ordered to bring the prisoner here this day to receive his sentence, presented the prisoner who was placed before the Tribunal. He was asked if he had, according to him, some reason for which the judgment of the law should not be imposed. He responded that he had none. The chief-justice pronounced the death sentence on the prisoner who was sent back to jail. The defense lawyer proposed a delay to the execution. The court, after having heard the lawyer, ordered that the contents of his motion be retained until the following Saturday<sup>4</sup>.

The WEEKLY RECORDER, a newspaper of the era, published at Charlottetown, gave in its issue of 4th of July 1812 an account of the judiciary procedures initiated against Xavier Gallant. It is surprising to report that this weekly published in that same issue Xavier's death sentence, which was not actually pronounced until the 9th of that month, almost a week later. The newspaper, presuming the consequences of Xavier's action, reported the following:

The chief-justice, after having made the commentary on the tragic end to which the prisoner had brought himself, pronounced the terrible sentence of the law, that he be brought on Monday to the place of execution where he be hanged by the neck until dead, and afterwards, that his body be housed for anatomization, and that God have pity on his soul<sup>5</sup>.

According to the reporter who wrote the article, Xavier Gallant was to be hanged on Monday, the 6th of July, while in reality, his sentence was not veritably pronounced until the following Thursday, 9 July. The newspaper jumped the gun.

### The Death of Xavier Gallant

The case of Xavier Gallant is no longer reported in the verbal-process of the court after the 9th of July 1812. From all evidence, he had been pardoned, because another important document later shows us that in September 1813, he had still been imprisoned in the Charlottetown jail.

This document, more precisely dated the 21st of September 1813, was a petition from Caleb Sentner, Jailor of the Charlottetown jail, which he sent to the Lieutenant-Governor of the Island, Charles Douglas Smith. In his request, the jailor deplored the inhuman state in which certain prisoners were retained, notably the situation of Xavier Gallant. Xavier's case is given in detail.

From what Caleb Sentner wrote, since the murderer was incarcerated in June of 1812, he was ordered to feed him and see to his other needs. He was promised as payment, the sum of 15 shillings per week, this money provided from the liquidation of the prisoner's property, which had been confided to the old coroner, Charles Serani. The petitioner followed his request by explaining that since the month of February 1813, he hadn't received another cent. He himself said it was impossible to continue to maintain the prisoner by reason of his too meager salary, and because he gave what he earned to support his large family.

The jailor gave a stupifying description of the state of prisoners, accentuating the case of Xavier Gallant:

And that it be particularly permitted to your Petitioner of reporting to his Excellency the miserable state of the prisoners retained in this terrible place, appalling to human nature and repugnant to all sentiment; beds and bedding are

not furnished, except for two rugs or blankets, which were sent in a spirit of charity by the old sheriff, Mr. Samuel Cambridge. Your petitioner is in the disagreeable obligation of placing prisoners in their respective quarters where they have found only the bare floor for sleeping, without blankets to protect them from the effects of changing climate to which this Island is exposed, and which eventually leads to sickness or to death. Xavier Gallant, previously mentioned, has such need at this moment of a change of clothes, and he himself and his cell are in such a dirty state that it is impossible for one to live there without exposing oneself to a condition of life as pitiable as his own<sup>6</sup>.

In his presentation to the Lieutenant-Governor, Caleb Sentner spoke of having asked many of Xavier's friends to furnish him with linens. They made known to him that Mr. Serani disposed of the prisoner's property, and that Sentner should have addressed himself to Serani for aid.

The same day that the petition was presented, it was read to the Council of the Island, the resulting action of which was that it ordered Mistern Sentner and Serani to present themselves at its meeting the next morning. It demanded the old coroner to produce a report on the deposition of Xavier Gallant's property. That day, the 22nd of September, they both appeared before the Council. Mr. Serani gave his oral report to them regarding Xavier's belongings, yet the Council asked him to produce a complete report at their next meeting. He didn't immediately obey the orders of the Council, as it reiterated its request on the 19th of October, and again, on the 6th of November 1813.

On the 19th of October, the Council finally decided to occupy itself with the well-being of Xavier Gallant. The jailor received from them the directive to conveniently wash the prisoner, by bathing him in an infusion of strong



tobacco. The sheriff, on his part, received the order to dress him warmly.

Several weeks later, Xavier died at the Charlottetown jail on the 6th of November 1813. That same day, within the walls of the prison, a judiciary inquest before a jury was brought by the present coroner Fade Goff. This inquest determined that Xavier Gallant "died of the visitation of God, and in a natural way".

The same day of Xavier's death, the Island Council held a special meeting. We do not know if the members of the Council were aware of his death, as we do not know whether he died before or after the meeting. Be that as it may, the state of the prison was the object of a lengthy discussion. First of all, the deputy clerk of the Council was mandated to approach the old coroner, Mr. Serani, to once more exhort him to furnish a complete report on the deposition of Xavier Gallant's property. Following that, the jailor, Mr. Sentner presented himself before the Council. Once again, he made known the needs of the prisoners in food and bedding. The Council finally decided to aright this problem in a definitive fashion. Some good had come from Xavier's imprisonment.

The life of Xavier Gallant finished quietly in the Charlottetown jail, after he had been imprisoned more than a year and three months, and this, for the murder of his wife. He died abandoned of all, family and friends, and from all evidence, a victim of terrible treatment of prisoners.

#### The Ballad

Subsequent to his death, the Acadians composed a song which recalls this dramatic event in the history of Prince Edward Island. The ballad itself neither reveals the name of the murderer nor his victim, nor does it say a word about the place or date of this drama. Yet of all the ballads in the Maritime area, it is the most famous. Until the present, it had been collected into 26 versions provided from Prince Edward Island, and the "petites Acadies" of the Madeleine Islands, the Gaspésie, and the Côte-Nord

of Québec.

Of all the versions collected, not one is complete. The "complainte" has best been preserved outside of Prince Edward Island, with the most complete version, counting 42 verses, being that of the Côte-Nord historian and folklorist, Placide Vigneau of Havre St-Pierre<sup>7</sup>.

Many of the versions from Prince Edward Island, New Brunswick, and the Gaspésie carry the title "Le Meurtrier de sa Femme", yet the versions from the Madeleine Islands and the Côte-Nord are known as "La Complainte de Pinquin". On the Madeleine Islands it was known as a very ancient ballad. You might ask why the latter title, since the word pinquin does not appear in the text of the "complainte"? In his HISTOIRE DE RUSTICO, historian and genealogist, J-Henri Blanchard, notes that Xavier Gallant, whose two daughters had married the Martin Brothers of that village, was nicknamed "pinquaing/pinquin".

The Senator Pascal Poirier of Prince Edward Island said he had heard the word used only to describe an Acadian recipe, designating a "dish composed of potatoes, lard, and pieces of mixed chicken, cooked in a casserole". Today, this expression is little known among the Acadians of the Island, but it is written "pincan". Although the meal is very common, it is better known as "rapûre" or "chiard".

On the Madeleine Islands, the expression "pinquin" was otherwise known, but in a totally different sense. Among the ancient Madelinots, it signified a "least commendable person". The person who was seen as a "traitor to his neighbor" qualified as a "pinquin". From its common usage, and referring to the ballad, the name "pinquin" qualified any person having somewhat of a malicious or murderous character. In closing we present Vigneau's version of the "complainte", with supplemented verses by Maillet and Benoit (in parenthesis), from the northern New Brunswick area, where Anne Chiasson-Gallant, Xavier's mother died on the 13th of April 1814 at Shippagan Island, and where other relatives of the family were known to settle following this tragic yet epoch drama.