

**Defending French-Canada:  
*Le Fantasque*, Censorship and the Special Council of Lower Canada, 1838 and 1841**

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**Abstract:**

*On 4 May 1838, the Special Council of Lower Canada passed an ordinance censoring the colony's newspapers. To many, this ordinance aimed to "muzzle and weaken" opposition newspapers. Through an analysis of Napoléon Aubin's satirical newspaper *Le Fantasque*, this article suggests that opposition newspapers were not completely muzzled during this period, but continued to circulate. Although colonial authorities tolerated opposition newspapers, editors did have to watch what they printed as several newspapers were in fact censored during the period. By comparing *Le Fantasque*, which survived, with newspapers that did not, I also suggest that while censors tolerated opposition newspapers, they did not tolerate the use of scurrilous language and the promotion of civil disobedience.*

On 4 May 1838, the Special Council of Lower Canada passed an ordinance censoring the colony's newspapers. With this ordinance, all newspapers and pamphlets had to receive the approval of the Clerks of the Peace in order to continue publishing. Publishers and editors had to send an affidavit with all the information relating to the newspaper (its publishers, printers and proprietors) as well as a series of articles and editorials as examples. Only once approved by the authorities could publishers and editors continue to issue their newspapers.<sup>1</sup> To historian Stephen Kenny, this ordinance sought to "muzzle and weaken" opposition newspapers.<sup>2</sup> He added, "if not correct in their political views such journals risked suppression."<sup>3</sup> Kenney believed that the press was so censored during the period that it makes it a very difficult source to work with—their true opinions never being revealed by fear of censorship and imprisonment.<sup>4</sup> Despite such threats to their freedom, the colony's editors surprisingly initially defended the ordinance, arguing that it could actually be very helpful. Étienne Parent, editor of *Le Canadien*, and Leblanc de Marconnay, editor of *Le Populaire*, hoped that the ordinance would prevent the printing violent articles; more specifically, the ones aimed at French-Canadian that were produced *en masse* by the English-speaking press following the 1837 Rebellion.<sup>5</sup> Parent was nonetheless fearful that the ordinance would not have that effect. Instead, he feared that it would be used by the colonial

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<sup>1</sup> "An Ordinance for preventing mischiefs arising from the printing and publishing newspapers, pamphlets, and papers of like nature, by persons not known, and for other purposes," 1 Vic., C. 20 (1<sup>st</sup> Session), reprinted in Special Council of Lower Canada. *Ordinances made and Passed by the Administrator of the Government, and the Special Council for the Affairs of the Province of Lower Canada, Vol. 1* (Quebec: John Charlton Fisher and William Kemble, 1838), pp. 104-116.

<sup>2</sup> Stephen Kenny, "Cahots' and Catcalls: An Episode of Popular Resistance in Lower Canada at the Outset of the Union," in *Canadian Historical Review* 65, No. 2 (1984), p. 186.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, p. 187.

<sup>5</sup> *Le Canadien*, 6 June 1838; *Le Populaire*, 7 May 1838.

administration to censor reputable editors, such as himself, who questioned and opposed some of their illegal and unconstitutional ordinances.<sup>6</sup> Parent's concerns and Kenny's conclusions appear to be accurate as several newspapers were shut down during the period.

The period between 1838 and 1841 was not only difficult for the colonial press, but it was difficult for Lower-Canada in general. In the wake of the 1837 Rebellion, the British Government dissolved the Legislative Assembly, suspended the constitution and appointed a Special Council that, alone, controlled the colony's affairs. The council was to pass laws and ordinances that would promote the "peace, welfare, and good government of the said Province of *Lower Canada*, as the Legislature of *Lower Canada*, as now constituted, is empowered to make [...]."<sup>7</sup> In other words, the Special Council combined the functions of the previous Legislative Assembly and Legislative Council. It was allowed to pass ordinances and approve day-to-day public accounts just as the Legislature of Lower Canada had done since 1791. The Special Council enjoyed what one could call authoritarian powers in Lower Canada: since there was no elected assembly, it did not have to worry about the opinions and concerns of the local populace and could, and did, pass any laws it saw fit.<sup>8</sup> There were limitations to its authority, however. It was prohibited from imposing new taxes, duties and rates on the people of the colony. It was also not allowed to modify the colony's constitution, change the Legislative Assembly and divide the colony into new counties, cities and towns. Moreover, each ordinance had to be submitted to the Imperial Parliament for review and approved by the Crown.<sup>9</sup>

This was especially a difficult time for French-Canadians as the Special Council passed several controversial ordinances that aimed to undermine their political authority and institutions. Throughout its short history, each governor that sat at the head of the council (Sir John A. Colborne, Lord Durham and Charles Poulett Thompson) favoured one particular segment of the Lower Canadian population: the Constitutionalists. According to historian Ronald Rudin, Constitutionalism represented an important rallying point for English-Canadians in the 1830s, and may be best defined as a movement that opposed French-Canadian political participation and sought to defend British interests in the colony.<sup>10</sup> Constitutionalists sought to limit the political authority of French-Canadians with the Union of both Upper and Lower Canada. It was hoped that they would drown in a sea of British subjects, laws and institutions.<sup>11</sup> According to Steven Watt, Constitutionalists played a significant role in the Special Council as they tried to impose their own agenda on it and the colony.<sup>12</sup> They did so in a variety of ways. First, several members of the Special Council were constitutionalists and/or sympathizers. These men were also amongst the very few councillors that attended the *majority* of meetings. Most important,

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<sup>6</sup> *Le Canadien*, June 6, 1838.

<sup>7</sup> "An Act to make Temporary Provision for the Government of Lower Canada 10<sup>th</sup> February, 1838," 1. Vic. C. 9, reprinted in Special Council of Lower Canada. *Ordinances made and Passed by the Administrator of the Government, and the Special Council for the Affairs of the Province of Lower Canada, Vol. 1* (Quebec: John Charlton Fisher and William Kemble, 1838), p. 10.

<sup>8</sup> Steven Watt, "Authoritarianism, Constitutionalism, and the Special Council of Lower Canada, 1838-1841," Master's Thesis, McGill University, 1997, p. 18.

<sup>9</sup> "An Act to make Temporary Provision for the Government of Lower Canada 10<sup>th</sup> February, 1838," p. 12.

<sup>10</sup> Ronald Rudin, *The Forgotten Quebecers: A History of English-Speaking Quebec, 1759-1800* (Quebec: Institut québécois de recherche sur la culture, 1985), p. 134.

<sup>11</sup> Montreal Constitutional Association, *Representation on the Legislative Union of the Provinces of Upper and Lower Canada* (S.I.: S.N., 1837), p. 3. CIHM no. 21589.

<sup>12</sup> Watt, "Authoritarianism, Constitutionalism, and the Special Council of Lower Canada, 1838-1841."

Constitutionalists had important allies including each governor that sat at the head of the Special Council. Along with appointing them to sit on the council and other important positions, each governor also introduced ordinances that they long desired.<sup>13</sup>

The era of the Special Council was therefore a very worrisome moment for French-Canadians: most of their political leaders had been exiled, banned or imprisoned following the rebellion, the suspension of the constitution and Legislative Assembly left them without political representations and participation and they were at the mercy of councillors that sought their political eradication. Moreover, newspapers, it appeared, were about to be censored. During this difficult period, some individuals came to the defence of French-Canada. So far, historians have mostly focused their attention on men like Étienne Parent and Louis-Hippolyte La Fontaine.<sup>14</sup> One man, however, has received very little attention in comparison: Napoléon Aubin. This self-proclaimed voice of the French-Canadian people used the pages of his newspaper *Le Fantasque* to oppose the Special Council and defend the interests of the masses. Although there is a fair amount of literature on Napoléon Aubin, most was written from an “artistic” and “literary” perspective.<sup>15</sup> From a historical perspective, Aubin has received the attention of very few historians, most mentions being very brief.<sup>16</sup> Of these, Jean-Paul Tremblay is the most significant.

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<sup>13</sup> *Ibid.*

<sup>14</sup> A quick bibliographical search easily demonstrates this. On Parent: Janet Ajzenstat. “The Constitutionalism of Étienne Parent and Joseph Howe.” *Canada’s Origins: Liberal, Tory or Republican*, ed. Janet Ajzenstat and Peter Smith (Ottawa: Carleton University Press, 1995), pp. 209-232; Jean-François Beaudet, “Les réactions suscitées par l’Union dans le *Canadien* et le *Quebec Mercury*, 1840-1841 (M.A. Thesis. Université Laval, 1991); Gérard Bergeron, *Lire Étienne Parent: notre premier intellectuel, 1802-1874* (Sainte-Foy: Presses de l’Université du Québec, 1994); Micheline Cambron. *Le journal le Canadien: Littérature, espace publique et utopie, 1836-1845* (Québec: Éditions Fides, 1999); Michel Ducharme, “Quand la plume voile plus qu’elle ne dévoile. Le discours d’Étienne Parent,” *Portrait des arts, des lettres et de l’éloquence au Québec* (Québec: Les presses de l’université Laval, 2002, pp. 385-98); Michel Ducharme, “Penser le Canada: la mise en place des assises intellectuelles de l’état canadien modern,” *Revue d’Histoire de l’Amérique française* 56 (3) (2003), pp. 357-86. On Lafontaine: Éric Bédard, *Les Réformistes: Une génération canadienne-Française au milieu du XIXe siècle* (Montreal: Les Éditions du Boréal, 2009); Réal Bertrand, *Louis-Hippolyte LaFontaine* (Montréal, Lidec, 1993); John Ralston Soul, *Extraordinary Canadians: Louis-Hippolyte LaFontaine and Robert Baldwin: A Penguin Lives Biography* (Toronto: Penguin Canada, 2010). These are only a few, of many, examples.

<sup>15</sup> Micheline Cambron, “D’un usage politique de la science: la prose de Napoléon Aubin,” *Voix et Images* 19 (57:3) (Spring 1994), pp. 487-502; Louise Frappier, “Utopie et satire chez Napoleon Aubin,” in *Miscélanées en l’honneur de Gilles Marcotte* (Montreal, Fides, 1995), pp. 335-44; Richard Saint-Gelais, “Orbites elliptiques de la proto-science-fiction québécoise : Napoléon Aubin et Louis-Joseph Doucet dans les parages de Cyrano de Bergerac et de Jules Verne, » *Voix et Images* 27 (81:3) (Spring 2002), pp. 493-503; Lucie Villeneuve, « *Le Fantasque* de Napoléon Aubin : mutation du genre utopique et jeux de mascarades », *Utopies en Canada (1545-1845)*, sous la dir. de Bernard Andrès et Nancy Desjardins, Montréal : Département d’études littéraires, Université du Québec à Montréal, coll. « Figura. Textes et imaginaires », no 3, 2001, p. 145-172 ; « Les jeux d’hybridation du factuel et du fictionnel dans *Le Fantasque* de Napoléon Aubin (1837-1838) », *Portrait des arts, des lettres et de l’éloquence au Québec (1760-1840)*, Québec, Presses de l’Université Laval, coll. « La République des Lettres », 2002, p. 279-294 ; « Rire et rébellion dans *Le Fantasque* de Napoléon Aubin (1837-1845) ou comment se payer la tête à « lord du rhum », *Bulletin d’histoire politique : Humour et politique*, vol. 13, no 2, 2005, p. 51-62 ; « Le ‘Journal-Fiction’ *Le Fantasque* de Napoléon Aubin (1837-45) : Formes théâtrales et romanesques dans le discours journalistique. » PhD Dissertation, UQAM, 2008.

<sup>16</sup> André Beaulieu et Jean Hamelin, *La presse Québécoise: des origines à nos jours* (Sainte-Foy: Presses de l’Université Laval, 1973); Serge Gagnon, “Napoléon Aubin,” *Dictionary of Canadian Biography Online*, Vol. XI; Kenneth Landry, “Le Fantasque,” in *Dictionnaires de la censure au Québec: Littérature et Cinéma* (Montreal: Fides, 2006), pp. 254-58; Maurice Lemire, *Dictionnaires des oeuvres littéraires du Québec. Tome premier: des origines à*

In *À la recherche de Napoléon Aubin*, Tremblay presents a general history of Aubin's career and life in Lower Canada. Although this book advanced our knowledge of Aubin and his work, his approach is too general. With regards to the Special Council, there is very little information. Although Tremblay provided a few citations demonstrating how Aubin mocked Durham's and Thompson's tenures in Lower Canada, there is no mention of the Special Council and the many ordinances it passed.<sup>17</sup>

This article will consider *Le Fantasque* during the controversial rule of the Special Council (1838-1841) with the aim of observing the impact of the ordinance censoring the press. In other words, were Parent's and Kenny's observations accurate? For this analysis, I looked at every opposition newspaper (13 in total) and considered every article relating to the Special Council, the ordinances it passed, the 1837-38 Rebellions, constitutional debates and politics in general between the end of the 1837 Rebellion to the Union of the Canadas in February 1841. The nature of the material makes it possible to look at all of these newspapers in great detail. Most newspapers circulated no more than twice a week, were often no more than five pages long and only lasted a few months. As a result, it was possible to examine all opposition newspapers, in significant detail, for a period of roughly three years. Through a qualitative analysis of articles that were printed in *Le Fantasque*, I first suggest that opposition newspapers were not *completely* muzzled during this period, but continued to circulate. Despite the council's ordinance, Napoléon Aubin used the pages of his newspaper to oppose and condemn the Special Council, its councillors and the ordinances it passed as well as defend French-Canadian interests. Aubin was relentless and was the council's *most* vocal critic. Although opposition newspapers continued to circulate, some newspaper editors were censored and even imprisoned, however. In fact, the majority of opposition newspapers were shut down during the period. How did *Le Fantasque* survive while the majority other opposition newspapers did not? By comparing *Le Fantasque*, which survived, with newspapers that did not, I suggest that while censors tolerated opposition newspapers, they did not tolerate the use of scurrilous language and the promotion of civil disobedience. *Every* newspaper that was shut down between 1838 and 1841 had one thing in common: each used insulting language and promoted acts of rebellion and defiance in the weeks preceding their closure.

## 1. Aubin: the Man and his Newspaper

Born in Switzerland, Napoléon Aubin immigrated to the United States in 1829, attracted by the land of success and liberty.<sup>18</sup> Disappointed, he left the United States in 1835 and settled in Quebec City where he devoted his career to journalism, literature and the *Patriotes* cause. Like many others, he opposed the party's radicalization and armed rebellion. Aubin was a very moderate man that opposed all extremes, French or English. On the eve of the 1837 Rebellion, for example, he heavily criticized *Patriotes* leaders and argued that they were bringing the colony down a very dangerous path.<sup>19</sup>

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1900 (Montreal: Fides, 1978); Daniel Perron, "Émergence d'une littérature nationale: Napoléon Aubin," *Cap-aux-Diamants: La revue d'histoire du Québec* 65 (2001), p. 52.

<sup>17</sup> Jean-Paul Tremblay, *À la recherche de Napoléon Aubin* (Québec: Presses de l'Université Laval, 1969), pp. 36-38 & 78-81.

<sup>18</sup> Serge Gagnon, "Napoléon Aubin."

<sup>19</sup> *Le Fantasque*, August 1837.

Aubin's journalistic style was quite unique in Lower Canada since he inspired himself from satire, a style that was uncommon in the colony, but very common in Europe. By using satire, editors were more often able to comment on sensitive issues that would have been censored in more "serious" newspapers.<sup>20</sup> Quite often, censors simply never caught on. Lucie Villeneuve believes that Aubin was influenced by Richard Steele and Joseph Addison's English newspaper, *The Spectator*. Like *The Spectator*, Aubin created a neutral persona known as *le flâneur* that commented on the world around him. Just like *The Spectator's* "spectator," Aubin's fictional character often commented on socio-political issues around him through invented discussions and debates, invented letters to the editor and invented comments from politicians.<sup>21</sup> By therefore walking the line between fact and fiction, these newspapers were often able to trick censors—the words were not coming out of the mouths of Aubin, Steele or Addison, but were coming out of the mouth of a fictional character that was having fictional discussions with fictional people. These fictional conversations were however based on reality and issues affecting their respective countries. Villeneuve explains that "l'introduction du personnage fictif dans le discours journalistique libère la parole du journaliste, autrement soumise aux conventions du genre et à l'esprit de sérieux."<sup>22</sup> One must not get the impression that satire worked all the time; satirists can get and were, at times, caught. According to Villeneuve, "la communication ironique demeure une communication complexe et à haut risque. Mal interprétée, elle peut-être vue comme diffamatoire ou alors n'être tout simplement pas repérée."<sup>23</sup> French satirical journalist Jacques René Hébert, for example, was eventually guillotined by the Jacobins for his newspaper's opinions.

A closer look at Table 1 suggests that satire did protect Aubin from censors. When we compare *Le Fantasque* with equally critical opposition newspapers, we immediately notice that it survived much longer. Other than a few moments when it was forced to shut its doors—particularly when Aubin published Joseph Guillaume Barthe's poems, poems that were considered seditious by authorities—his newspaper survived and continued to oppose the Special Council until its dissolution. Newspapers that adopted a similarly critical stance did not have this chance. For example, *La Quotidienne* only lasted six months; *La Canadienne* and *Le Temps* only lasted a little more than two months each. Even *Le Populaire*, a newspaper that was initially a supporter of the Special Council, only lasted one month when it started criticizing the Special Council and council head Lord Durham. *L'Ami du peuple*, initially a staunch supporter of the council, also only lasted six months when it started to criticize union. The only French-Canadian newspapers that survived as long as Aubin's were *Le Canadien*, *l'Ami du peuple*, *La Gazette de Québec* and *L'Aurores du Canada*. However, their criticisms were not as constant, and at times, they even applauded the council's decision. As stated, however, the mere act of using satire did not guarantee survival; many satirists, including Steele and Addison, were eventually censored. A more probable answer is that opposition newspapers were allowed to circulate so long as they followed the rules. As will be demonstrated, a specific line had to be crossed to warrant censorship, a line that Aubin did not (or extremely rarely) cross.

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<sup>20</sup> Villeneuve, "Le 'Journal-Fiction' *Le Fantasque* de Napoléon Aubin (1837-45)," p. 44.

<sup>21</sup> *Ibid.*, p. 58.

<sup>22</sup> *Ibid.*, p. 71.

<sup>23</sup> *Ibid.*, p. 175.

**Table 1: Newspapers: Their Duration and Level of Criticism**<sup>24</sup>

Newspaper	Founded	Closed	Duration	Level of Criticism
<i>Ami du Peuple</i>	June 1832	July 1840	8 years	Supporter at first, Turned Against
<i>Aurores du Canada</i>	January 1839	March 1849	10 years	Critical
<i>Canadian Colonist</i>	July 1840	April 1841	9 months	Very Critical
<i>Le Canadien</i>	November 1806	December 1909	103 years	Critical
<i>La Canadienne</i>	August 1840	October 1840	3 months	Very Critical
<i>Commercial Messenger and the British Literary Gazette</i>	April 1840	November 1840	8 months	Critical
<i>Le Courier Canadien</i>	January 1838	September 1838	9 months	Critical
<i>Le Fantasque</i>	August 1837	February 1849	12 years	Very Critical
<i>Farmers and Mechanics Journal and St-Francis Gazette</i>	February 1839	November 1841	2 years	Supporter
<i>Le Jean-Baptiste</i>	November 1840	January 1841	3 months	Very Critical
<i>Journal des étudiants</i>	December 1840	February 1841	3 months	Critical
<i>Missisquoi Standard</i>	April 1835	April 1839	4 years	Even
<i>The Montreal Gazette</i>	June 1778	On-going	234 years	Supporter
<i>The Montreal Herald</i>	October 1811	October 1957	146 years	Supporter
<i>The Montreal Transcript</i>	January 1839	October 1864	25 years	Supporter
<i>Morning Courier</i>	February 1835	February 1849	14 years	Even
<i>Le Populaire</i>	April 1837	October 1838	1.5 years	Supporter at First, Turned Against
<i>The Quebec Gazette/La Gazette de Québec</i>	June 1764	October 1874	110 years	Supporter at First, Turned Against.
<i>The Quebec Mercury</i>	January 1805	January 1863	58 years	Supporter
<i>The Quebec Transcript</i>	January 1839	November 1839	11 months	Supporter
<i>Le Temps</i>	July 1838	October 1838	4 months	Very Critical
<i>Le Vrai Canadien (Montreal)</i>	November 1840	March 1841	5 months	Even

## 2. Aubin against the “Lord du Rhum”

The very first governor to sit at the head of the Special Council was Sir John A. Colborne. His tenure, which lasted from April to June 1838, proved to be extremely significant. Of all governors, Steven Watt argued that Colborne played “the largest role” since he defined “who would sit on the Special Council, and laid the ground work for how it would operate and what it would do.” Throughout, he favoured and appointed many councillors from a group known as the

<sup>24</sup> In this table, I considered all newspapers (English and French-speaking) that discussed and, at the very least, said something about the Special Council. Along with the years they were founded and closed, I also noted their level of criticism. These are divided into 5 categories. “Very critical” means that the newspaper offered very little to no support to the Special Council. “Critical” means that the newspaper offered some support, but was mostly critical. “Supporter at first, Turned Against” means that the newspaper initially supported the Special Council, but turned against it for a particular reason. “Even” means that the newspaper was 50/50 with regards to the council some days it supported it, other days it did not. Finally, “Supporter” means that the newspaper, in general, supported the Special Council and the ordinances it passed.

Constitutionalists, a tendency that continued under the tenures of Lord Durham and Charles Poulett Thompson.<sup>25</sup> Unfortunately, we do not know, in detail, what Aubin thought of Colborne's first mandate: his newspaper was suspended for seven months following the 1837 Rebellion. It was not suspended due to censorship; it was suspended out of respect for what was happening in Lower Canada. He explained: "Comment rire, chers lecteurs, adorables lectrices ? Au milieu d'un si triste chaos, je n'eusse pu que pleurer ; j'aimai mieux gémir en silence, me taire que vous faire partager ma douleur."<sup>26</sup> After a seven-month voluntary suspension, Aubin returned to publishing in June 1838. However, the environment he returned to was much more difficult for editors to work in. In May 1838, as mentioned, Colborne's Special Council passed an ordinance censoring the colony's newspapers. Undeterred, Aubin published his first post-rebellion issue on 11 June 1838.

Aubin's return also coincided with the arrival of a new governor and head of the Special Council, Lord Durham, whose tenure lasted from June to October 1838. Aubin was very optimistic about his arrival. Durham had promised to restore peace and stability, to govern the colony with a spirit of neutrality and clemency and to fix the colony's most pressing issues. His tenure started quite well. One of his first acts was to dismiss all existing special councillors, including the Constitutionalists, and replace them with British officials. He reassured the local population that this decision was made with the best of intentions. Durham explained that he did so because he wanted to remain neutral and did not want his council to be influenced by any party or race.<sup>27</sup> This decision won him the support of all French-Canadian editors in the colony, including Napoleon Aubin.<sup>28</sup> Durham's good start continued with the Bermuda Ordinance. This ordinance aimed to resolve the problem caused by the large amount of prisoners in Lower Canada following the rebellion. What to do with them? Should they be treated like rebels and punished severely or should they be dealt with more leniently? In general, Durham exiled and banished all prisoners that he believed played a leadership role in the rebellion (men like Wolfred Nelson and Siméon Marchessault), issued warrants of arrest to 17 men that had escaped Lower-Canada (men like Louis-Joseph Papineau and Georges-Etienne Cartier) and allowed all others to return home.<sup>29</sup>

Aubin was generally satisfied with the ordinance. He believed that the governor had acted with much leniency and had shown much mercy towards French-Canadians. However, unlike other newspapers, Aubin did have some issues with the deportations to Bermuda. Following the passing of the ordinance, he published a fictional discussion with his neighbours to offer his own perspective on the issue. Although some of his "neighbours" applauded the bill's clemency, most were angry about the banishments. One explained,

quant à moi je n'vois pas queu mal qu'y aurait eu pour le gouvernement de les laisser z'aller dans leu famille, ben tranquillement, ça nous aurait montré et à eux aussi que n'y avait rien à gagner à vouloir faire des révolutions dans ces tems-ci et ils auraient dit à tout l'monde qu'était comme eux dans la trompe que ça valait

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<sup>25</sup> Watt, "Authoritarianism, Constitutionalism, and the Special Council of Lower Canada, 1838-1841," p. 26.

<sup>26</sup> *Le Fantasque*, 11 June 1838.

<sup>27</sup> New, *Lord Durham's Mission to Canada*, pp. 63-4.

<sup>28</sup> *Le Fantasque*, 11 June 1838.

<sup>29</sup> Special Council of Lower Canada, *Ordinances made and Passed by the Administrator of the Government, and the Special Council for the Affairs of the Province of Lower Canada, Vol. 2* (Quebec: John Charlton Fisher and William Kemble, 1838), pp. 6-12

mieux d'mander la justice poliment que d'l'attendre des américains qui n'en ont pas trop pour leur part. J'sais ben qu'si le gouvernement d'actuellement avait été aussi mauvais qu'l'autre y'aurait eu ben du monde de jugé [...] <sup>30</sup>

Speaking in *joual*, Aubin's "neighbour" could not understand why the governor opted to ban eight people to Bermuda rather than returning them to their families. <sup>31</sup> Aubin believed that further clemency on Durham's part would have shown the people of Lower Canada that there was no need for a revolution and that they had nothing to gain from revolting. When compared to the government of the United States (which many had hoped to emulate), the British Government would have appeared much more reasonable and just, thus ending all talks of a revolution.

Unfortunately, the honeymoon between Aubin and Durham did not last very long. Aubin was the very first to critique Durham's council, while *l'Ami du peuple*, *Le Canadien* and *Le Populaire* continued to uphold it for many more months. At the very beginning, Aubin mocked the little work that Durham and the Special Council had actually done. He was getting a little impatient and wanted Durham's promises to reform and pacify the colony to materialize. For example, on 4 August 1838, Aubin mockingly described his work as follows:

l'administration [...] a déjà fait beaucoup depuis son arrivée et, outre les voyages, les bals, les levers, les diners, les revues, elle s'est occupée tout particulièrement des chevaux étiques dont elle prend un soin vraiment touchant. Espérons que le tour des hommes viendra bientôt, et que notre Excellent gouverneur fera ses efforts pour que le bon peuple de cette province ne soit plus, aussi bien que les pauvres chevaux, surchargé au-dessus de ses forces et de sa patience. <sup>32</sup>

Although Durham's work ethic irritated him, it was Durham's association with the enemies of French-Canada, the Constitutionalists, that really angered him. Despite his promises to remain neutral, Durham continued the friendly relationship between the governor, the Special Council and the Constitutionalists that started under Colborne's tenure. Amongst other things, Durham named Adam Thom as a confidant and an assistant-commissioner in the municipal commission, headed by Charles Buller. Though Thom was not an official member a Constitutionalist party, he was nonetheless a very important ally. At an October 1837 rally, he gave an "electrifying speech," which praised the Constitutionalists in their efforts against the *Patriotes*. <sup>33</sup> Thom also published several pamphlets, such as the *Anti-Gallic Letters* and the *Remarks on the Petition of the Convention, and on the Petition of the Constitutionalists*, in which he championed the Constitutionalists and their goal to weaken French-Canadian political power. <sup>34</sup> Needless to say, Adam Thom was not a very popular figure in Lower Canada and his appointment did nothing to pacify the colony. Aubin was thus very surprised when he read in a British newspaper that Durham had successfully brought peace and harmony to the colony, and had resolved all issues between the French-Canadian and British population. He sarcastically commented:

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<sup>30</sup> *Le Fantasque*, 14 July 1838.

<sup>31</sup> *Joual* is a traditional French-Canadian dialect that was (and still is) common with working-class and rural Quebecers.

<sup>32</sup> *Le Fantasque*, 4 August 1838.

<sup>33</sup> Senior, *Redcoats and Patriotes*, p. 37.

<sup>34</sup> Adam Thom, *Remarks on the Petition of the Convention, and on the Petition of the Constitutionalists* (Montreal: Montreal Herald, 1835), p.2.



C'est étonnant comme nous sommes unis dans ce pays-ci, c'en est tout-à-fait édifiant! Déjà on voit le Herald et la Quotidienne aller bras dessus bras dessous dans les rues de Montréal, les torys anglais ont donné le baiser de paix aux radicaux canadiens, la Gazette et le Canadien n'ont plus entre les deux que branche d'olivier [...] On dit que l'union va se raffermir encore d'avantage durant l'hiver qui approche et que les Américains, touchés de tant de magnanimité se mettront aussi de la partie [...]; les crocodiles du Mississipi (sic) vont venir fumer le calumet de paix avec nos castors et les boas enlaceront tendrement les ours blancs! Enfin, je vous le dis, il ne fallait que la présence du Lord Durham pour glisser dans l'Amérique Septentrionale la sève de l'union.<sup>35</sup>

There is no doubt that Aubin was disappointed with Durham's tenure. Other than a few weeks in early July when he was willing to give Durham a chance, based on promises of neutrality, Aubin was his most vocal critics and was quite happy to see him leave. In fact, it took several more weeks for *Le Populaire*, *Le Canadien* and *l'Ami du peuple* to follow suit. Even with rumours that Durham had allied himself with the Constitutionalists, these newspapers gave him the benefit of the doubt and continued to have faith in the man. These newspapers feared that if he left before finishing his work, the reforms, peace and stability he promised would never materialize. It took *Le Populaire* and *Le Canadien* until early October 1838 to finally admit that Durham had betrayed them and allied himself with the enemies of French-Canada. Although *L'Ami du peuple* admitted that Durham made a mistake in allying with Thom, it remained a supporter throughout.

A few weeks before Durham's departure in late October 1838, Aubin published an open letter addressed to the governor. What is especially interesting about this letter is its tone. Rather than relying on his usual satire and fiction, Aubin's tone was extremely serious. First, he had some harsh words with regards to the Special Council. Rather than passing laws for the peace, welfare and stability of the colony, the men that sat on the Special Council "[...] vinrent nous donner le premier avant-gout du despotisme absolu [...]"<sup>36</sup> This is one of the very rare moments in which Aubin used defamatory language. On the topic of Durham, Aubin argued that he only had himself to blame for his failures to pacify the colony and his early departure. Aubin explained that when he first arrived, he had the support of all French-Canadians; "nos coeurs vous furent acquis d'avance."<sup>37</sup> However, as a result of his alliance with the Constitutionalists, and the fact that he aimed to give Lower-Canada "un caractère tout-à-fait Britannique," he lost it all. French-Canadians could not support him after he had broken all of his promises. "Voilà, milord," Aubin added, "ce que dit en un langage solennel le peuple de cette province, par le froid silence avec lequel il accueille votre départ."<sup>38</sup>

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<sup>35</sup> *Ibid.*, 12 September 1838.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, 13 October 1838.

<sup>38</sup> *Ibid.*

### 3. Aubin vs Colborne

If Durham was heavily criticized and condemned for allying himself with the Constitutionalists, it is no surprise that Aubin opposed Sir John Colborne's return in November 1838, the man that favoured the Constitutionalists during his first mandate, the man that was the enemy of French-Canada. In fact, his very first order to business was to restore his Constitutionalist-dominated Special Council. From the outset, Aubin opposed him, referring to him as a strict, unjust and unpopular tyrant. It is interesting to note, however, that Aubin was calling him a tyrant without actually using the word itself. Instead, he did so with an amusing joke. On 17 November 1838, Napoleon Aubin provided the following answer when asked whether he would oppose and mock Colborne as he had done with Durham:

Non parbleu; il vous enverrait de suite quatre mille hommes de troupes, la fleur de l'armée anglaise, cavalerie, infanterie, génie, artillerie, bombes, boulet, obus, mitraille, fusée à la congrève et tout le tremblement et vous mettrait *subito* à feu et à sang, tirerait sur vous à boulets rouges, [...] on passerait vos apprentis au fil de l'épée, réduirait votre imprimerie en cendres et en poudre, enverrait la police pour vous arrêter et les volontaires pour soigner vos effets.<sup>39</sup>

Colborne's second tenure was very difficult for the French-Canadian press as many newspapers that opposed the Special Council, including *Le Populaire*, *La Quotidienne*, *Le Temps* and *Le Courier Canadien*, stopped printing for good. Although *Le Fantasque* (along with *Le Canadien* and *l'Ami du peuple*) survived, Aubin did get into some hot water in early 1839. Between 2 January 1839 and 8 Mai 1839, Aubin's newspaper was suspended, he even spent a few weeks in prison, after he published the illegal poems of Joseph Guillaume Barthe on the exiled *Patriotes*.<sup>40</sup>

Despite this difficult period for editors, Aubin continued to mock and oppose the Special Council and the ordinances it passed. The ordinance that received the most attention was the ordinance that suspended *habeas corpus*.<sup>41</sup> Without going into too many details, *habeas corpus* was a right that prevented the illegal detention of an individual. Although this bill was passed during Colborne's first tenure, it became a much more significant issue during his second when two French-Canadian judges, Philippe Panet and Elzéar Bédard, argued that the ordinance itself was illegal and unconstitutional and issued a writ of *habeas corpus* in favour of John Teed. In consequence, on 10 December 1838, Panet and Bédard were relieved from their positions. Aubin led the attack against what he believed was an abuse of authority.<sup>42</sup> Sarcastically, he explained that the two judges were obviously wrong since they should have understood that "le gouvernement ne s'amuse point à les tenir en place pour administrer le droit, mais la loi; or la loi

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<sup>39</sup> *Le Fantasque*, 17 November 1838.

<sup>40</sup> The poem itself was banned for vilifying the British and applauding the Rebellions. Editors had been warned that publishing it was not tolerated.

<sup>41</sup> Special Council of Lower Canada. *Ordinances made and Passed by the Administrator of the Government, and the Special Council for the Affairs of the Province of Lower Canada, Vol. 1* (Quebec: John Charlton Fisher and William Kemble, 1838), pp. 8-10.

<sup>42</sup> Both *Le Fantasque* and *Le Canadien* produced numerous articles criticizing council's ordinance. The only other French-Canadian newspaper that printed during this troubled period, *l'Ami du peuple*, continued to offer its support to the Special Council and the governor's decisions.

*du plus fort étant toujours la meilleure*, il est donc évident que la loi des honorables juges ne valait pas quatre sous [...]”<sup>43</sup> Aubin added that the judges had been wrong to oppose the bill because they should have known that integrity, courage, independence and justice were qualities that, under the current regime, were frowned upon.<sup>44</sup>

The tyranny and abuse of authority of the Special Council remained a common theme of Aubin’s writing until its dissolution in 1841. To him, the council’s abuses knew no bounds. On 17 December 1838, he told the story of a young woman that was arrested by a police officer in Montreal for doing absolutely nothing. This story, although extremely satirical and likely fictional, represents exactly what Aubin thought of the Special Council: it was abusive, power hungry and idiotic. Arriving at an appointment, a young Montreal woman was arrested as she descended from her carriage. Unsure, she agreed to accompany the police officer to the local police station where she was told that she had been arrested because she was carrying documents that were of great importance to the future and safety of the colony. The woman was thus searched and documents were indeed found, however, these were papers that pertained to her soon-to-be wedding. Aubin thus mockingly added,

Or, comme le Conseil Special *n’a pas encore* [my italics] rangé la ceremonie matrimoniale parmi les delits punissables de mort comme exposant la sureté de l’Etat [...] le chef-de-police [...] permit a la suspecte demoiselle de jouir de la liberté [...]”<sup>45</sup>

The use of the words “*n’a pas encore*” (not as of yet) is very telling. With these words, Aubin was suggesting to his readers that the Special Council was so abusive, so tyrannical that it would surely, one day, ban weddings altogether. Once again, Aubin was able to discuss the council’s tyranny and abusive laws without actually using defamatory words.

#### 4. Aubin vs “Poulet” Thompson

In August 1839, Charles Poulett Thompson was appointed as the new Governor General of Lower Canada and head of the Special Council, whose main goal was to persuade Canadians that the Union of the Canadas was the best course of action for the peace and welfare of the colony.<sup>46</sup> Although Thompson arrived in Lower Canada on 19 October 1839, his first session of the Special Council did not start until a month later on 11 November 1839. His first order of business was to select his councillors. Similar to Colborne, he also favoured the Constitutionalists and invited them to sit on his council. Similar to Colborne, he was also constantly mocked and criticized by Aubin. Thompson was actually mocked before he even arrived in Canada, while other newspapers like *l’Aurores du Canada* had faith in the governor.<sup>47</sup> For example, on 1

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<sup>43</sup> *Le Fantasque*, 13 December 1838.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, 17 December 1838.

<sup>46</sup> *Dictionary of Canadian Biography Online*. “Thompson, Charles Edward Poulett, 1<sup>st</sup> Baron Sydenham.” Phillip Buckner. VII.

<sup>47</sup> For example, on 20 September 1839, *l’Aurores du Canada* described Thompson as « un homme honnête, juste, libéral et surtout indépendant. » The newspaper continued to have confidence in Thompson until early December 1839. Although the newspaper heavily condemned the Union of the Canadas, it applauded several of Thompson’s

October 1839, weeks prior to the governor's arrival, Aubin stated that "[n]otre nouveau gouverneur-général le très-honorable Poulet [Chicken] Thompson est maintenant attendu journellement à Québec. Je fais matin et soir des vœux pour que ce poulet-là fasse de meilleur ouvrage que les coqs-d'inde qui l'ont précédé."<sup>48</sup>

Along with condemning the Special Council's abuse of power, he also mocked its "lazy" work ethic. Throughout his career, one of the most common tactics that he used was to publish fictional letters. Aubin published many pretending to be either Thompson, Colborne or Durham. In May 1840, for example, Aubin published one pretending to be Thompson; the sarcasm in this letter is evident. In all, Aubin applauded the Special Council for not following the ridiculous practices of the former, elected Legislative Assembly, which spent too much time examining, probing and ensuring the details and legality of each law. With the Special Council, things move much faster: laws are read once, at the most, and sometimes they are even passed without reading or analysing them.

Le conseil ne suit point la sottise coutume de cette folle chambre d'assemblée qui lisait les lois une fois, deux fois, les pesait, les prenait en considération, etc., etc., cela en finissait point. Les choses vont aujourd'hui plus vite en Canada. On sanctionne les lois à première vue; souventes fois même on ne les lit point du tout, ce qui est beaucoup plus sage et infiniment plus commode.<sup>49</sup>

The Special Council's decision that angered Aubin the most was without a doubt the bill that aimed to unite Upper and Lower Canada. Aubin had always been against this option, which, under the Constitutionalists, sought to destroy French-Canada. In fact, Aubin was one of the only editors that opposed union from the very beginning, while other French-Canadian newspapers (*l'Ami du peuple* and *Le Canadien*) initially favoured it because they believed it *could* benefit the French-Canadian population. Parent, for example, claimed he initially supported it because he believed that anything would be better than living under the tyranny of the Special Council. At least with union, he explained, French-Canadians would live, once again, under a representative government.<sup>50</sup> It was only once he realized that Upper Canadians and English-speaking Lower Canadians wanted to use Union to destroy French-Canada that he admitted that union was a bad thing. The advantages that union could have potentially provided to French-Canadians had disappeared and the future of French-Canada was in danger as a result.

This process is not observable in Aubin's newspaper. He had always opposed union and produced several letters mocking it. On 16 March 1840, Aubin produced another of his famous fictional letters. Pretending to be Thompson, Aubin sarcastically explained what the people of Upper Canada had been promised with union. Along with the destruction of French-Canada, Upper Canadians were promised gold bridges, gold canals and gold railways. Every Upper-Canadian was also promised a public office, and more importantly, they were promised that, from now on, partridges would fall from the sky fully cooked and roasted for all to enjoy.<sup>51</sup> Once union

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ordinances including the Sleigh Ordinance and the Seminary Ordinance. *Aurores du Canada*, 8 Novembre 1839 & 11 Février 1840.

<sup>48</sup> *Le Fantasque*, 1 October 1839.

<sup>49</sup> *Ibid.*, 11 May 1840.

<sup>50</sup> *Le Canadien*, 23 December 1839.

<sup>51</sup> *Le Fantasque*, 16 March 1840.

was adopted, however, Aubin dropped his act and rather mournfully wrote, “[à] propo (sic) nous annonçons qu’il se tiendra, l’un de ces quatre matins, à notre bureau, une grandissime assemblée dans le but de dire bonjour et bonsoir à notre langue, nos usage, et nos lois.”<sup>52</sup> Although Aubin opposed the impact of union on French-Canadians (assimilation), he was more importantly against the fact that union was adopted without the approval of the Lower-Canadian population; it was adopted by a tyrannical body and in a tyrannical manner. Once again, he did so without using such words, but with a humorous letter. Pretending to be Thompson, he explained how Union was adopted.

Vraiment quant je récapitule en moi-même tout ce que j’ai fait pour ce bill d’Union je me trouve un bien grand génie! D’abord promettre au Haut-Canada le paiement de sa dette et le siège du gouvernement—Coup de maître! Prendre le conseil spécial, le convoquer, lui ordonner de déclarer l’Union un excellent remède contre le despotisme du Conseil Spécial—Coup de maître! [...] Faire supposer à votre parlement anglais que le Haut-Canada ne demande pas mieux que de rester anglais—Coup de maître! Lui persuader que les pétitions de citoyens contre l’Union, signées par une cinquante de mille noms, ne sont que des déclarations rebelles—Coup de maître! Jurer que deux ou trois mille signatures en faveur de l’union représentent tout ce qu’il y a dans le pays de loyau (sic) sujets—Coup de maître.<sup>53</sup>

Aubin was thus ecstatic when the Special Council was dissolved for good, in February 1841, and celebrated this momentous event with an article entitled “Le Conseil Spécial est mort, Vive le Conseil Spécial!” Within, he stated that “la mort du conseil spécial est la meilleure action que ce corps ait faite durant sa vie [...]”<sup>54</sup>

## 5. Censorship and the Special Council

Through a mastery of satire, word play and fiction, Napoléon Aubin used the pages of his newspaper to continuously mock and oppose the Special Council. He was relentless and was arguably the most critical editor of the period. While other opposition newspapers did survive (*Le Canadien* and *l’Aurores du Canada*) as well, their opposition was not nearly as relentless and they, at times, even sided with the council. Apart from a few weeks when he was willing to give Durham a try, based on his promises of neutrality and clemency, Aubin did not; he consistently opposed the council and the ordinances it passed without exception.

Despite the ordinance censoring the press, the newspaper survived and printed quite regularly throughout the era of the Special Council. Not all opposition newspapers survived, however. Several equally critical newspapers like *La Quotidienne*, *Le Temps*, *La Canadienne* and *The Canadian Colonist*, to name a few, were shut down. How can this be explained? Why did *Le Fantasque* survive while others did not? His style surely played a role. As explained, satire had been employed for centuries to trick censors; some of Aubin’s criticisms must have occasionally

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<sup>52</sup> *Le Fantasque*, 17 August 1840.

<sup>53</sup> *Ibid.*, 24 August 1840.

<sup>54</sup> *Ibid.*, 10 February 1841.

been quite simply misunderstood. However, this cannot fully explain why he survived. The mere use of satire, as explained, did not ensure survival. Several satirists were caught, some paying with their lives. A more plausible answer is the fact that the newspaper was allowed to survive because it was deemed to be less offensive than others. By comparing *Le Fantasque* with every opposition newspapers that did not survive, it is obvious that newspapers that closed during this period had one thing in common: in the days and weeks prior to their closure, they either used offensive words or promoted civil disobedience (or both) to criticize the Special Council and colonial administration. It appears that a specific line had to be crossed to warrant censorship, a line that Aubin did not (or extremely rarely) cross. Rather than resorting to defamatory words or promoting disobedience to express his opposition to the council, he did so with a witty remark, a humorous joke and a satirical letter. In comparison, his newspaper must have therefore appeared rather harmless.

In the first place, if an editor wanted to avoid censorship, he had to avoid using scurrilous language.<sup>55</sup> Every newspaper that did not survive the period used insulting language to describe the council and the governor in the weeks prior to their closure. For example, after months of supporting the Special Council, both *le Populaire* and *l'Ami du peuple* were shut down shortly after using words like “despotique” and “tyrannique” to describe it. *Le Populaire* was especially insulting. After months of defending Lord Durham and his Special Council from accusations that he allied himself with the enemies of French-Canada, the Constitutionalists, the newspaper turned into a virulent opponent when it realized he did, referring to him as an unjust, repugnant, revolting and excessive dictator and as the enemy of all French-Canadians.<sup>56</sup> *Le Temps* and *La Quotidienne*, both printed by François Lemaitre—at the time, still an active member of the *Patriotes*—suffered a similar faith. Along with praising anti-Durham public protests and other acts of civil disobedience, which as we will see was not tolerated, Lemaitre often called Durham a despot, a dictator and a traitor in the pages of his newspaper in the weeks prior to its closure. He even called the governor and his council idiotic and “unes des aberrations humaines de notre époque.”<sup>57</sup>

Along with insulting language, promoting civil disobedience was also a sure way to get the attention of censors. My analysis demonstrates that many did so in the days prior to their closure. For example, on 14 July 1840, *The Canadian Colonist* was shut down after it printed an

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<sup>55</sup> The topic of censorship has been the subject of several studies in Canada with most books and articles focusing on the 20<sup>th</sup> century. Nineteenth century practices, more specifically those in the aftermath of the 1837-38 Rebellions, have not received the same attention. The period that preceded the 1837-38 Rebellions was actually one where editors enjoyed much freedom. Several newspapers printed during this period, including a very vocal opposition press. Newspapers like Ludger Duvernay's *La Minerve* and Dr. Edmund O'Callaghan's *Vindicator and Canadian Advertiser* constantly attacked colonial administration and even promoted civil unrest. Both newspapers circulated for years until both editors fled to the United States in the wake of the failed 1837 insurrection. This freedom appeared to come to an end with the Special Council. For examples of studies on censorship: Mark Bourrie, *The Fog of War: Censorship of Canada's Media in World War Two* (Vancouver: Douglas & McIntyre, 2011); Judith Dick, *Not in our Schools?!!! School Book Censorship in Canada: A Discussion Guide*. (Ottawa: Canadian Library Association, 1982); Allan Hutchison and Klaus Peterson, *Interpreting Censorship in Canada* (Toronto: University of Toronto Press, 1999); Jeffrey Keshen, *Propaganda and Censorship during Canada's Great War* (Edmonton: University of Alberta Press, 1996); Mary Vipond, “Censorship in a Liberal State: Regulating Talk on Canadian Radio in the Early 1930s,” *Historical Journal of Film, Radio & Television* 30 1 (March 2010), pp. 75-94.

<sup>56</sup> *l'Ami du peuple*, 27 June 1840; *Le Populaire*, 15-31 October 1838.

<sup>57</sup> *Le Temps*, 30 October 1838; *La Quotidienne*, 11 October 1838.

article praising the French-Canadian population of Trois-Rivières for burning Thompson in effigy at a public demonstration, arguing that they were right to protest since they had suffered much “under the cruelty of tormentors [Thompson and the Special Council].”<sup>58</sup> The demonstration itself took place shortly after the Special Council passed one of its most controversial ordinances. Referred to as the “Trois-Rivières Ordinance,” the ordinance aimed to reform the colony’s existing legal and municipal infrastructure.<sup>59</sup> The colony was thus divided into new territorial divisions: Quebec, Montreal, Sherbrooke and Gaspé. Sherbrooke was created to accommodate the growing British population in the Eastern Townships. However, in order to create it, the Special Council decided to eliminate the historic territorial division of Trois-Rivières. This angered the people of Trois-Rivières since they were now forced to travel hundreds of miles to Sherbrooke for legal matters.<sup>60</sup> The people took to the streets and burnt Thompson, the governor responsible for the ordinance, in effigy. Applauding an act of violence—like burning the governor in effigy—was going to far; the newspaper was shut down soon after. Although the newspaper briefly returned in November 1840 to oppose the Union of the Canadas, it was shut down for good soon after.

*La Canadienne* shared a similar faith. Prior to shutting down in October 1840, the newspaper had been printing letters from whom I believe is former *La Minerve* editor and exiled *patriote* Ludger Duvernay. For a few weeks, *La Canadienne* had printed a series of letter from a man calling himself “D ... B-V.”<sup>61</sup> “D ... B-V” was very likely Ludger Duvernay. On 19 October 1840, the writer claimed that he was not writing from Montreal, but B.-V. Perhaps B.-V. referred to Burlington, Vermont, where Duvernay spent most of the post-rebellion period. The newspaper even admitted that it had had contacts with him. In these letters, the writer promoted a general boycott of union once it passed. Initially, he argued that French-Canadians should boycott the election and not vote. The author did not want French-Canadians to participate in union. Instead, he believed that French-Canadians should create their own republic, either by joining the United States or by separating from the British Empire.<sup>62</sup> Soon after, he maintained that the population should no longer boycott the election, but instead should only elect *Patriotes* candidates to the United Legislative Assembly.<sup>63</sup> Once elected, “D ... B.-V” wanted all *Patriotes* representatives to get up and leave the assembly in defiance rather than staying to defend the rights of French-Canadians. This would send a clear message of defiance to Great Britain and hopefully have the desired impact: the annulation of union.<sup>64</sup>

Finally, *Le Courier Canadien* was also closed after it applauded acts of civil disobedience (anti-Durham protests) and published letters that promoted economic warfare. The latter is especially interesting. On 28 September 1838, after weeks of criticizing Durham’s alliance with

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<sup>58</sup> *The Canadian Colonist*, 14 July 1840.

<sup>59</sup> “An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient administration of Justice throughout this province,” 3 Vic. C. 45 (5<sup>th</sup> Session), reprinted in Special Council, *Ordinances*, Vol. 5C, p. 448.

<sup>60</sup> Thompson gave no reason official reason why he eliminated the district itself. It is fair to assume that perhaps this was done to further limit the political authority of French-Canadians by eliminating a fully French district and replacing it with an English/French district.

<sup>61</sup> *La Canadienne*, 31 August 1840.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, 19 October 1840.

<sup>64</sup> *Ibid.*

the Constitutionists and applauding anti-Durham protests, the newspaper published a letter written by “un patriote éclairé” that asked all French-Canadians to boycott British goods.<sup>65</sup> What he suggested is economic warfare. The author explained that the *Patriotes* ultimately failed to reform the colony because the leading elite, the British merchant class, was quite simply too powerful. Until this elite was sacked from its position of power, French-Canadians would never be in the position to reform the colony to their liking. He asked: how does one remove this elite from its position of power? His answer: attack their source of power, their wealth. Commerce and trade, he explained, was the source of their wealth and power. If French-Canadians stopped buying their goods, their wealth and subsequently their power would be eradicated and reduced to nothing. It appears that promoting a generalized boycott of British goods—economic warfare—was going to far; the newspaper was shut down shortly after.

## 6: Conclusion

An examination of *Le Fantasque* between 1838 and 1841 has provided intriguing results with regards to censorship during the period of the Special Council. First, it has demonstrated that although several editors feared that the council—in the wake of the 1837 Rebellion and an ordinance censoring the press—sought to muzzle opposition newspapers, it appears that this was not the case. *Le Fantasque*'s survival suggests that newspapers were not completely muzzled. Despite constantly criticising, mocking and attacking the Special Council, *Le Fantasque* printed regularly and survived the period. Second, my examination suggests that while newspapers were not completely muzzled, they did have to watch what they said. Several newspapers, like *Le Populaire*, *Le Temps*, *La Canadienne* and *The Canadian Colonist*, were shut down between 1838 and 1841. A comparison between *Le Fantasque*, which survived, and newspapers that did not suggests that while opposition newspapers were tolerated, there was a specific line that they could not cross: using scurrilous language and promoting civil disobedience guaranteed censorship. Aubin's newspaper survived, it appears, because he did not cross that line. Instead of using insulting language and promoting violence, he used jokes, humour and sarcasm to express his anger and opposition; his newspapers must have seemed less dangerous when compared to more “serious” newspapers. Thus, so long as editors were willing to play within the rules, they were allowed to oppose and criticise colonial administration and the ordinances it passed.

Finally, as I mentioned earlier, compared to men like Étienne Parent and Louis-Hippolyte La Fontaine, Napoleon Aubin has not received the same acclaim or been the subject of as many studies. Although he spent the entire period defending the interests of French-Canada, and even spent some time in prison, Aubin remains a largely forgotten character of our history in comparison. A closer examination of Aubin's post-Special Council career offers a plausible explanation why: whereas the latter two played important political roles in Canadian history, both serving in the United Legislative Assembly, Aubin's career never reached that level. Rather than diving into politics, Aubin remained devoted to literature, publishing and later science and technology. Not only did he continue to produce newspapers, but he also published several fictional novels and even founded a theatre company. He even left Canada for a brief period in the 1850s and 60s. When he returned, he acted as the city of Montreal's lighting advisor—his

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<sup>65</sup> *Le Courier Canadien*, 28 September 1840.



technological and scientific knowledge were quite famous. His only foray into politics, if we can call it that, was as the honorary consul of Switzerland in 1875.<sup>66</sup>

Aubin was nevertheless an important character in Canadian political history. His role and work as an editor were vital to French-Canada during the period of the Special Council. When most of French-Canada's political leaders were either banned from the colony, imprisoned or in exile, it was men like Napoleon Aubin, newspaper editors, that took over and defended the interests of French-Canadians. Through the pages of his newspaper, Aubin opposed and condemned the special council, the governors that sat at the head of the Special Council and the many ordinances that it passed. Although Aubin did not criticize every ordinance that was passed by the Special Council, since many were minor and did not affect French-Canadians, he did criticize all the major ones and the ones that attacked French-Canada. In fact, some ordinances were even altered and banned as a result of these critiques.<sup>67</sup>

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<sup>66</sup> Serge Gagnon, "Napoléon Aubin."

<sup>67</sup> A great example is the Sleigh Ordinance. This ordinance sought to change the sleighs that French-Canadians used in the winter. The timing and cost of these changes caused great indignation in French-Canada. As a result of the opposition to the ordinances from newspaper editors, such as Aubin, and the general population forced the Special Council to change the ordinance. It was later scrapped altogether. See Kenny, "Cahots' and Catcalls."