



Letters

Sir:

I would like to draw your attention to a significant error that appeared in the Review's French-language translation of my "Reply to the Rejoinder" (vol.32, no. 3 autumn 2009, p. 32).

My English-language text noted that the Rupert's Land and North-Western Territory Order (1870), an integral part of the Constitution of Canada, guarantees "legal rights" existing in the annexed territories. In its published translation, however, the Review mistakenly described these rights as "droits juridiques", although I had

promptly returned corrected proofs showing that the appropriate term was "droits acquis".

In 1867, the Canadian Parliament adopted an address to the Queen requesting that she annex the British-held territories to Canada, and promising to protect (in English) "the legal rights" or (in French) "les droits acquis". Three years later, when the Queen granted this request and enshrined the original address in the Constitution of Canada, the Canadian government provided a convenient translation of the

British Order in Council that inadvertently substituted "les droits légaux" for the authentic term, "les droits acquis".

These distinctions are not trivial. In the Caron case, currently before Alberta's Court of Queen's Bench, the Crown has argued for a narrow interpretation of "legal rights" that would explicitly exclude language rights.

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