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wish and intention of a testator. It seems to me, therefore, that our duty is to ascertain from Sir William's Will what his intention was and then to give effect to it.

If asked to construe this clause, I should say that it is manifest that Sir William's desire and intention was to enable English-speaking students of our Faculty who are not proficient in French to acquire that proficiency by a course of studies in France. Eligibility for a scholarship depends upon two conditions - that the candidate must be "English-speaking" and "not proficient in the French language". Neither his rank or standing as a student nor the marks that he may have obtained in his final examination has any bearing.

The moot point is: What does "English-speaking" mean in this connection? Having regard to the meaning given to the term in the practice of law in this Province and the connotation that it bears in the mind of the man in the street, I should answer that it means one whose native tongue is English and not merely one who speaks the English language. When the law calls for an English-speaking jury, the sheriff summons only those whose native or family tongue is English and never a person of another race, though he speak English ever so well.

The popular and primary meaning of the term is in the same sense. When one of either race addressing a Montreal audience speaks of "our English-speaking fellow citizens", he means, and he is always understood to mean those whose mother tongue is English. I have asked the majority, if not all, of my brother Judges of this Court, French and English, what they understand by an "English-speaking" person, and the answer invariably has been one whose mother tongue is English and not merely one who is conversant with the English language.

Judging then strictly on the language of the bequest, I should say that no one is eligible for a scholarship whose native or home language is not English, be he Jew or Bulgarian or Chinese, and no matter how early or how perfect-