

And further, that the trustee William Dawson is dead, and that the defendant Eleanor Dawson is his executrix.

The defendant Eleanor Dawson insists, that by an express provision of the will of the late Ann Russell, the matter in controversy should have been submitted to arbitration; and that no suit can be sustained by these plaintiffs at all, or at least not until they have shown an attempt, on their part, to obtain a decision in that way. And this defendant further urges, that all the parties who have an interest in this matter, and who ought to be here, have not been brought before the Court. These preliminary objec-

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tions must * be examined and removed before we can proceed to consider the merits of the case.

That clause of the will of Ann Russell which, it has been urged, requires, that this matter should have been submitted to arbitration before this suit was instituted is expressed in these words:

“And my will is, and I do hereby expressly declare and direct, that if at any time or times, after my death, any dispute, doubt or question whatever shall arise touching this my will, or the construction, or true meaning thereof, or of any part or parts thereof; then and in such case, and from time to time so often as any such dispute, doubt or question shall arise, the same shall be referred to and settled and determined by the said Hugh Inglis and Edmund Antrobus, or the survivor of them, or the executors, or administrators of such survivor, whose award, settlement and determination in the premises or respecting the matter or matters in dispute, shall be binding and conclusive to and upon all parties concerned therein, or in any wise interested under this my will. And I do hereby further direct and declare, that if the person or persons concerned in any such dispute, doubt, or question as aforesaid, or any of them shall neglect or refuse to submit to or abide by and comply with the award, settlement, or determination to be made thereon, or respecting the same by the said Hugh Inglis and Edmund Antrobus, or the survivor of them, or his executors or administrators as aforesaid; or if any person or persons entitled, or who shall or may become entitled to any legacy or legacies, sum or sums of money, or other benefit, interest or advantage whatsoever under, or by virtue of this my will, or any of the devises, bequests or trusts hereinbefore contained shall, at any time or times, after my death, dispute or contest the validity of, or in any wise attempt, or endeavor to avoid, defeat, set aside or litigate this my will, or any part or parts thereof; or shall bring, commence, or institute any action or other proceeding against the said Hugh Inglis and Edmund Antrobus, or either of them, their, or either of their executors or administrators, in any Court or Courts of law or equity, or in any Ecclesiastical or other Court or Courts whatsoever, either touching or concerning the executorship of this my