UTR2.111 - CLEMENT PHILLIPSON BEQUEST

Background –

A. Clement Phillipson (‘donor’) died on 2 February 1925 and under the terms of his Will dated 4 March 1924, (subject to the prior life interests of his wife Ruth Phillipson and his daughter Jean Olive Phillipson), bequeathed two-thirds of his residuary estate to the University of Adelaide (‘bequest’). The estate vested in the University upon the death of his daughter the said Jean Olive Phillipson, the last surviving life tenant who died on 11 November 1980 to be administered in the following manner:

‘……I direct my trustees to stand possessed of a one third part of the trust fund and of the income thereof in trust for such person or persons for such purposes and in such manner as my said daughter shall from time to time by any deed or deeds revocable or irrevocable or by will or codicil appoint…….

…..Subject to the trusts aforesaid and the powers hereby or by law vested in my Trustees and to every and any exercise of such powers my Trustees shall hold the trust fund and the income thereof in trust to pay the same to the University of Adelaide subject to the following trusts powers and conditions that is to say-

(a) The Council of the said University (hereinafter called “the said Council”) shall apply the income thereof in perpetuity for the promotion and encouragement of original research in Agriculture
(b) The trust fund held by the said Council as aforesaid shall be called “The Clement Phillipson Original Research Fund” and is hereinafter referred to as “the said fund”
(c) The said Council shall out of the income of the said fund in the first place pay all costs and expenses of or incidental to the management of the said fund and the income thereof on the execution of any of the trusts or powers of these presents
(d) Subject to clause (c) hereof the said income shall be applied in such manner as the said Council shall in its uncontrolled discretion from time to time think fit for the prosecution of original research in agriculture as aforesaid including endowment salaries or other remuneration in providing materials apparatus implements or other facilities or in establishing studentships or by all or any of such enumerated methods or otherwise howsoever
(e) The said Council may at any time and from time to time set apart as a sinking fund the whole or any part of the surplus unexpended income provided by the said fund in any year and may invest any sum so set apart and also if and when thought fit the resulting income thereof with power at any time to vary any of such investments and may at any time sell any such investments and apply the proceeds thereof and any moneys forming part of the capital or income of the sinking fund as though the same were income produced by the said fund during the then current year
(f) So much (if any) of the income produced by the said fund in any year as shall not be required to meet any costs and expenses payable under clause (c) hereof or for any of the purposes aforesaid or which the said Council shall not think proper
B. The University accepted the bequest upon the trusts specified by the donor and the bequest therefore became the capital subject to those trusts (‘capital sum’).

Investment of the fund

1. The fund is to be amalgamated for the purposes of investment, and held in a common fund, and the net income earned by the common fund shall be credited, rateably, to the funds so amalgamated and thereafter distributed according to the bequest of the donor.

Obligations

2. In administering the fund, the University must adhere to the terms specified and is obliged:-

   (a) to invest the capital sum according to the directions of the donor; and

   (b) to establish a fund to be administered according to the wishes of the donor.

Administration

3. Funds are currently being applied to support agricultural research activities at the Waite Research Institute.