Background –

A. Joanna Erlistoun Simpson (‘donor’) died on 1 September 2007 and under the terms of her Will dated 27 March 2007 bequeathed a pecuniary legacy of $100,000 to the University of Adelaide (‘bequest’). At the same time a further $25,000 was added to the bequest by an anonymous donor to be administered in the following manner:

‘I give, free of all estate expenses to The University of Adelaide for the specific benefit of The Barr Smith Library the sum of One hundred thousand dollars and it is my desire that this legacy be used at the discretion of the head University Librarian. It is my wish (without creating a trust) that this legacy be utilised in the purchase of resources in the literature and structure of modern languages other than English.’

B. Joanna Erlistoun Simpson was the daughter of David Thomson, a British soldier, and his Australian wife Joanna (the granddaughter of Robert Barr Smith). Joanna’s grandfather was William Mitchell, who was Vice-Chancellor and later Chancellor of the University of Adelaide. Joanna studied Bachelor of Arts at the University of Adelaide, winning prizes in English and French. Joanna’s passion was languages and matriculated in Japanese in 1973, which she studied at the University of Adelaide for the next decade. She briefly studied Chinese, which she passed with distinction in 1984. She then returned to modern European languages, studying Spanish, German, Portuguese and Italian, winning numerous awards.

C. This bequest is used at the discretion of the head University Librarian for the purchase of resources in the literature and structure of modern languages other than English.

D. 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’).

Name of the fund

1. The capital sum, all income arising from the capital sum and any accumulations and additions thereto together form a fund called ‘Joanna Erlistoun Simpson Bequest’ (‘fund’).

Investment of the fund

2. 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

3. 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.