UTR2.242 - THE GWENDA & GERALD FISCHER BEQUEST

Background –

A. Gerald Lyn Fischer was born on 28 July 1923 at Aldgate and after WWII, as a mature age student, enrolled at the University of Adelaide in 1948 where he graduated BA in 1954, and MA in 1968. Gerald was appointed as an Archivist in the South Australian Archives in 1950 and in 1961, was appointed Archivist in Charge. In 1964, Gerald married Gwenda Clare Sargeant, then a Law Librarian.

B. As Gwenda Sargeant, she was the first professional librarian in the University of Adelaide Law Library, with an Arts degree from Melbourne, a Masters in Law Librarianship from Washington (Seattle), and an LL.B. that she completed part-time while running the Law Library. She made a significant impact on the Library, re-organising it to best serve the lawyers who used it.

C. Gerald was appointed the second University Archivist at the University of Sydney and both he and Gwenda moved to Sydney to take up his post in 1969. After a short time at the Fisher Library (University of Sydney), Gwenda returned to the legal field as Librarian of the Law Society of N.S.W., and also played a major part in the formation and early development of the Australian Law Librarians’ Group (A.L.L.G.).

D. Upon the couple’s return to Adelaide in 1980, Gwenda was appointed a Visiting Research Fellow in the Faculty of Law, and worked to compile the periodic index CANZLLI (Current Australian and New Zealand Legal Literature Index). Gwenda Clare Fischer died on 16 November 1998, after a lifetime involvement in libraries and the law.

E. Gerald Lyn Fischer (‘donor’) died on 26 August 2010 and under the terms of his Will dated 18 March 1999 and Codicil thereto dated 4 June 2004 bequeathed one-third of his residuary estate to the University of Adelaide (‘bequest’) to be administered in the following manner:

‘I GIVE one of such equal parts to the University of Adelaide such bequest to be known as the “GWENDA & GERALD FISCHER BEQUEST” to be applied for the purposes of the Law Library section of the Barr Smith Library at that University.’

F. The proceeds of the bequest are to be applied for the purposes of the Law Library Section of the Barr Smith Library of the University of Adelaide.

G. 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 the ‘Gwenda & Gerald Fischer 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.

Administration

4. Funds to be applied for the purposes of the Law Library section of the Barr Smith Library at that University.