

## UTR7.278 - THE S. ERNEST SPROTT FELLOWSHIP

### Recitals-

- A. By his Will dated 10 August 1998, the late Samuel Ernest Sprott, BDiv (1947) (Melb) MA (1952) (Melb) PhD (1954) (Columbia University), Professor Emeritus at Dalhousie University, Canada, ('donor') bequeathed his residuary estate to the University ('bequest'). The purpose of the bequest was to establish-
- '... a fellowship to be awarded annually to an Australian citizen who is an outstanding scholar not less than Thirty-five (35) nor more than Forty-five (45) years of age at the time of the award for scholarly study outside of Australia intended to lead to a book relating to dramatic or non-dramatic English Literature of the sixteenth or seventeenth centuries'.
- B. The donor, who died on 20 May 2009, was born in Hobart, Tasmania. He was an academic in the department of English at Dalhousie University, Canada, from 1958 to 1985, and for almost 25 years after his retirement he kept an office at Dalhousie University and continued his research in early modern literature (most notably in Shakespearean studies). He was best known for his work on John Milton, notably 'Milton's Art of Prosody', his first book, which appeared in nine editions between 1953 and 1978, and 'John Milton, A Maske: the Earlier Versions'. His 'Suicide: the English debate from Donne to Hume' was published in 1961. He also published a collection of poems in 1955.
- C. According to the Will, one half of the donor's residuary estate was to be held for the benefit of his two sisters ('sisters' fund'), Winifred Beryl Sprott and Mary Florence Sprott, and 75% of the annual income of the sisters' fund was to be paid to the sisters during their lifetimes.
- D. The remaining half of the donor's residuary estate was payable to the University for the establishment of a fellowship fund. Initially, 95% of the annual income of the fellowship fund was to be paid as a fellowship, and up to 5% of the annual income could be used towards the costs of administering the fellowship.
- E. On the death of the donor's last surviving sister, Mary Sprott (Winifred Sprott having already died in 2001), the amount held in the sisters' fund is to be paid to the University and added to the capital of the fellowship fund.
- F. Once the University holds all of the residuary estate (after the death of Mary Sprott), the University is required to pay 70% of the annual income as a fellowship; add 28% of the annual income to the capital of the fellowship fund; and apply 2% of the annual income towards the costs of administering the fellowship.
- G. On 1 December 2011, Chief Justice Joseph P Kennedy of the Supreme Court of Nova Scotia, Canada made an order to vary the terms of the Will. The order removed the requirement to award a fellowship each year, removed the minimum age for a fellowship holder, and allowed any unspent income in a particular year to be available for award in the next year or added to the capital of the fund.
- H. The University accepted the bequest upon the trusts specified by the donor, as varied by the Court order, and the bequest therefore became the capital subject to those trusts ('capital sum').
- I. This University trust record is the means by which the University records -

- (1) the trusts specified by the donor, as varied by the Court order, upon which the University as trustee holds trust property, including the capital sum; and
- (2) the administrative arrangements for the implementation of those trusts, as determined by the University from time to time.

It is provided as follows-

#### **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 S. Ernest Sprott Fellowship' ('fund').

#### **Investment of the fund**

2. The fund is to be paid into one or more investment common funds and remain there until Council directs otherwise.

#### **Trust terms**

3. As trustee of the fund, the University is obliged by the trusts specified by the donor and varied by the Court order -
  - (1) to establish a perpetual trust;
  - (2) to hold open for award annually to an Australian citizen who is an outstanding scholar less than 45 years of age at the time of the award, a fellowship for scholarly study outside of Australia which is intended to lead to a book relating to dramatic or non-dramatic English literature of the sixteenth or seventeenth centuries;
  - (3) until the University holds all of the residuary estate, to pay 95% of the annual income of the fellowship fund as a fellowship, and up to 5% of the annual income towards the costs of administering the fellowship;
  - (4) once the University holds all of the residuary estate (after the death of Mary Sprott), to pay 70% of the annual income as a fellowship, add 28% of the annual income to the capital of the fellowship fund and apply 2% of the annual income towards the costs of administering the fellowship; and
  - (5) in any year in which the fellowship is not awarded, to award the amount of annual income that would have been available for the payment of the fellowship as part of the fellowship for the next year, or add that amount to the capital fund to the extent permitted by law.

#### **Administrative arrangements**

4. Until its further determination, and in order to implement the trust terms, the University has determined-
  - (1) to call the fellowship 'the S. Ernest Sprott Fellowship';
  - (2) to provide that the dean of the faculty of Arts ('dean') is to award each fellowship on the recommendation of The S. Ernest Sprott Fellowship Committee ('committee');
  - (3) to provide that the committee is to have the following members-

- (a) the head of the academic unit within the faculty of Arts responsible for the discipline of English literature, and
  - (b) other academic staff members from the academic unit within the faculty of Arts responsible for the discipline of English literature as decided by the dean, with a preference for those specialising in the discipline of English literature of the sixteenth or seventeenth centuries.
- (4) to provide that the committee is to determine-
- (a) the recipient of each fellowship,
  - (b) the term of each fellowship,
  - (c) the content and frequency of the holder's reports on performance, which are to be submitted to the committee, and
  - (c) any further conditions attaching to the fellowship;
- (5) that if recommended by the committee, the dean may in any year decline to award the fellowship;
- (6) that if, in accordance with section 4(5), the fellowship is not awarded in any year, the dean is to decide on the recommendation of the committee whether the unspent income will be held for awarding in the next year, or added to the capital of the fund; and
- (6) that the fellowship is to be paid in advance in quarterly instalments provided that the holder's tenure may be terminated at any time by the dean if he or she is not making progress considered satisfactory by the committee.
5. The dean is authorised to award each fellowship on behalf of the University.