

UTR7.60– THE SIR GEORGE TURNER LECTURES

- A. The late Grace Melvin Turner formerly of the Hotel Windsor, Spring Street, Melbourne in Victoria, spinster ('the testatrix'), who died on 29 January 1959, by her will dated 1 December 1944 ('the will') provided-

'4. I BEQUEATH the sum of TEN THOUSAND POUNDS together with any amount loaned by me to the Commonwealth of Australia free of interest and not repaid prior to my death to the UNIVERSITY OF MELBOURNE to found a full-time lectureship in law to be called the "Sir George Turner Lectureship." I do not wish to fetter the University by any precise direction as to the duties of the said Lectureship realising that the teaching organisation of the University must undergo development in the course of time but it is my wish in making this bequest that the income thereof shall be used to provide for a definite addition to the teaching facilities offered by the University in the Faculty of Law in the hope especially that the teachers in Law will be able by reason of the said Lectureship to give special attention to the abler students in their charge. I express it as a condition of this trust that the University shall not utilise the said Lectureship as a substitute for the provision for legal education which it would otherwise find it necessary to make.'

University trust record UTR7.60 'Sir George Turner Lectureship' was made by the University to govern the bequest.

- B. By clauses 3 and 6 respectively of the will, the testatrix made a bequest to Trinity College to establish two funds, and a bequest to the University to establish 'The Lady Turner Exhibitions in Music', the latter being governed by University trust record UTR6.133.
- C. Clause 22 of the will provided that the residue of the estate of the testatrix was to be divided into four parts, for addition to the four funds to be established by Trinity College and the University. However, by a codicil dated 2 February 1951, the testatrix made two additional bequests to Janet Clarke Hall and University Women's College, and divided her residuary estate into six parts, each part to be added in the nominated proportions to the six funds which were required by the will, as altered by the codicil, to be established.
- D. On 9 September 1929 the testatrix, together with her sister Mary, donated £500 to the University to perpetuate the memory of their father Sir George Turner P.C, K.C.M.G ('Sir George'), the fund being governed by University trust record UTR6.52 'Sir George Turner Exhibition'. In 1932, the sisters donated £200 to perpetuate the memory of their mother, Lady Turner. That donation is governed by University trust record UTR6.72 (17) 'Lady Turner Prizes in Music'.
- E. Sir George was born on 8 August 1851, completed the articled clerks course and was admitted to practice in 1881. He was Mayor of St Kilda from 1887 to 1888, elected to the Legislative Assembly in 1889 and became Solicitor-General for Victoria in 1892. In 1894 he became Premier of Victoria. In 1897 he was appointed KCMG and a Privy Councillor, also receiving honorary degrees from Oxford and Cambridge Universities in that year. He resigned in February 1901 to enter Federal politics, becoming Treasurer and presenting the first four Commonwealth budgets. He later resumed legal practice in partnership with a son, George John, and their firm merged with the firm of Corr and Corr in 1907. From 1906 he was Chairman of Commissioners of the State Savings Bank of Victoria. He died on 13 August 1916.
- F. From as early as 1978 the income from the fund known as 'Sir George Turner Lectureship' was insufficient to pay the salary and associated costs of a lecturer. As a

result the University applied to the Supreme Court of Victoria for approval of a cy pres scheme and incidental orders.

G. On 12 October 2005, The Honourable Justice Morris of the Supreme Court of Victoria, made, inter alia, the following declarations and orders:

- '1. Declare that the disposition under clause 4 of the will of the late Grace Melvin Turner dated 1 December 1944, has ceased to provide a suitable and effective method of applying the income and capital of the charitable fund known as The Sir George Turner Lectureship established by the Plaintiff pursuant to the terms of the disposition.
2. The Sir George Turner Lectureship established by the gift to the Plaintiff under clause 4 of the will of the late Grace Melvin Turner dated 1 December 1944 is to be applied cy-pres in accordance with the cy-pres scheme annexed as Schedule A to these orders.'

Schedule A to the orders provided that-

- '(i) The income of the fund be applied to providing annually a lecture or series of lectures called The Sir George Turner Lecture or Lectures as the case may be, on a subject or subjects of interest in law; and
- (ii) Such lecture or lectures must not be a substitute for the provision for legal education which the University otherwise would find it necessary to make.'

H. In or about October 1961, the University received approximately £10,000 in satisfaction of the bequest made in clause 4 of the will.

I. At 17 July 2008, the amount of the fund was \$234,002.86.

It is provided as follows-

1. The sum of \$234,002.86 and any accumulations and additions to the sum, forms a fund called 'The Sir George Turner Lectures' ('the fund') and the fund must be paid into an investment pool and remain there until Council directs otherwise.
2. The income of the fund is to be applied by the University to providing annually a lecture or series of lectures called The Sir George Turner Lecture or Lectures as the case may be, on a subject or subjects of interest in law, on the recommendation of the dean of Melbourne Law School.
3. The lecture or lectures must not be a substitute for the provision for legal education which the University otherwise would find it necessary to make.

[Revoked and remade 1/9/08; revoked as a Regulation and certified as a University trust record 26/5/10]