

W
In the Supreme Court
of the Colony of Victoria
94
Ecclesiastical Jurisdiction

In the Will of Cesare
Salvatore Fortunato Cutolo
formerly of the City of Sydney
in the Colony of New South
Wales but lately of the City of
Melbourne in the Colony of
Victoria Professor of Music
deceased

Affidavit by Executrix
that she will administer.

Filed 6/2/67

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Smith & Millar

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Will of Cesare Salvatore Fortunato Cutolo
formerly of the City of Sydney in the Colony of
New South Wales but lately of the City of Melbourne
in the Colony of Victoria Professor of Music deceased

I Mary Alvey Cutolo of Carlton near the City of
Melbourne in the Colony of Victoria Widow make oath
and say

1) 1 That I believe the annexed paper writing to
be the true last will of Cesare Salvatore Fortunato Cutolo
formerly of the City of Sydney in the Colony of New South
Wales but lately of the City of Melbourne in the Colony
of Victoria Professor of Music deceased

2 That I will pay all his debts and Legacies as
far as the property left by him will extend and the
law bind me so to do

3 That I will exhibit a full and true Inventory of
all his property together with a true account of my
administration thereof unto the Registry of this Honorable
Court when lawfully required

4 That I believe his property in the Colony of Victoria
does not exceed in value One thousand four hundred
pounds

121
 sworn at Melbourne in the Colony
of Victoria this sixth day
of February one thousand eight
hundred and sixty seven
Before me

Mary Alvey Cutolo

13,

William D. Wilson

A Commissioner of the Supreme Court of the
Colony of Victoria for taking affidavits

94

Will

of

*Cesare Salvatore Fortunata
Lutolo*

Recd by 2/5/
[Signature]

This is the Will referred to in the aforesaid Affidavit of Mary Alvey Cable
sworn before me this 27th day of February 1864
William P. Wilson

A Commissioner of the Supreme Court for taking Affidavits

This is the last Will and Testament
of me Cesare Salvatore Fortunato Cutolo of Sydney
in the Colony of New South Wales. I direct all my just debts
funeral and Testamentary expenses to be paid and satisfied
with all convenient speed after my decease and I charge all my
real and personal estate with payment of the same I give
devise and bequeath all my real estate of whatever
description and wheresoever situate: And also all my lease-
holds and other personal estates and effects whatsoever and
wheresoever, except as hereinafter mentioned unto and to the use
of my Wife Mary Alvey Cutolo her heirs executors administrators
and assigns absolutely according to the nature and tenure thereof.
I bequeath to my Brother-in-law Carlo Campanile
of Naples in the Country of Italy Notary Public and to my
Brother Michele Salvatore Cutolo of Naples aforesaid
Six hundred pounds Sterling being part of the amount for which
my life is insured in the Office of the Australian Mutual Provident
Society in Sydney aforesaid Policy number 4277 Upon
Trust that they the said Carlo Campanile and the said
Michele Salvatore Cutolo or the survivor of them or the executors or
administrators of such survivor hereinafter called the Trustee
or Trustees shall at their or his discretion lay out and invest the
said sum of Six hundred pounds in any real securities or any
stocks funds shares or other personal securities and shall at
such discretion as aforesaid vary the said investments if and
as they or he shall think fit and shall pay the annual
income arising therefrom to my Mother Maria Teresa
Di Fiore widow of the late Raffaele Cutolo of Naples
aforesaid Solicitor during her life so that she shall not

have power to deprive herself thereof in anticipation and after the death of the said Maria Teresa De Fiore the said Trustees or Trustee shall pay the annual income arising from the said Six hundred pounds to my Sister Elisa Cutolo and to my half sister Emilia De Fiore in equal proportions. In the event of the marriage of my said Sister Elisa Cutolo the said Trustees or Trustee shall pay to her Two hundred out of the said Six hundred pounds my said half sister Emilia De Fiore receiving the interest of the remaining four hundred pounds. In the event of the marriage of my said half sister Emilia De Fiore the said Trustees or Trustee shall pay to her Two hundred out of the said Six hundred pounds my said Sister Elisa Cutolo receiving the interest of the remaining four hundred pounds. In the event of the marriage of both my said Sister Elisa Cutolo and my said half sister Emilia De Fiore the said Trustees or Trustee shall pay the remaining Two hundred pounds out of the said Six hundred pounds, my said Sister and half sister having each received her marriage portion of Two hundred pounds, to the children of my Brother Michele Salvatore Cutolo to be divided equally among them share and share alike. In the event of my said Sister Elisa Cutolo or my said half sister Emilia De Fiore dying unmarried the said Trustees or Trustee shall pay to the survivor of them the interest of Four hundred out of the said Six hundred pounds handing over the remaining Two hundred pounds to the children of my said Brother Michele Salvatore Cutolo to be divided equally among them share and share alike. And in the event of the death of my surviving sister Elisa Cutolo or my half sister Emilia De Fiore as the case may be the said Trustees or Trustee shall pay the Four hundred pounds the share of such survivor to the most

Signed by the said Testator as his last Will in the presence of us who in his presence at his request and in the presence of each other have hereto subscribed our names as Witnesses

worthy member of the Cutolo family. And I appoint my said Wife Mary Alvey Cutolo sole executrix of this my Will. In Witness whereof I have hereunto set my hand this Eighth day of April One thousand eight hundred and sixty four

Esse Cutolo

Patrick Gan

Sydney New South Wales

Geo J. Illidge

Sydney New South Wales.