

LAST WILL AND TESTAMENT OF EBENEZER DARTE D. 1769. ESTATE OF DARTE, EBENEZER. TOWN OF MIDDLETOWN. DATE: 1769. NO. 1159. MIDDLETOWN PROBATE DISTRICT<sup>1</sup>  
TRANSCRIBED BY KAITLYN OBERNDORFER

Wills and Codicils

New Haven County New Haven April 14th 1769 Personally appeared Mr Stephen Micks Mitchel one of the witnesses to the written Will and made solemn oath that he saw Mr. Ebenezer Darte late of Middletown dec<sup>d</sup> sign and seal the Same and heard him publish, pro-nounce and declare it to be his last Will and Testament and that he was of sound mind and memory when he so did, according to his the Deponends best judgment and that he and Mr Benj Boardman and John Hosmeier the other two Witnesses subscribing all subscribed as Witnesses in the preference of the said [?] and in the preference of each other.

Sworn before John Whiting [?]

All Court of probate held in Middletown for the [?] of Middletown on the first day of May AD. 1769 then [?] officially appeared the [?] Mr. Benj Boardman of Chattham [sic] and of the Witnesses of the written will and Made Solemn Oath that the law Mr. Eben. Darte Late of Middletown died Sign relate the same and heard him [?] and diction the same to be his last will and testament and that at the doing of the Same he was of Sound Mind and Memory accord to his last Testament and that he left to his Name to the Same as [?] of the preference of Stephen Micks Mitchell and John Hosmer the other two [?] witnesses

[?] John Hosmer [?]

in the name of God Amen, this fourteenth Day of February in this year of our Lord 1763 i Ebenezer Darte of Middletown in this County of Hartford in this Colony of Connecticut in New England, being in health of Body and of perfect mind and memory, Thanks be given to God therefor, calling to mind the mortality of my Body, and knowing that it is appointed for men once to Dye<sup>2</sup> [sic], Do make and ordain this my Last Will and Testament That is to say, princpaly [sic] and first of all i give and recommend [sic] my Soul into the hands of God that gave it hoping [sic] through the merits, Death, and Passion of my Saviour - Jesus Christ to have full and free pardon of all my sins, and to inherit Everything- Life; and my body i comit [sic] to the Earth to be decently Buried at the discretion of my Executor hereafter named; nothing doubting but at the General Resurection [sic] - i shall receive this same again by the mighty power of God, and as touching- shuch [sic] worldly Estate wherewith it hath pleased God to bless me in

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<sup>1</sup> Ebenezer Darte held Dolphin Darte in bondage until his death in 1769. At that time, as stated in the will below, he transferred ownership of Dolphin to his son, Joseph Darte. Probate Files Collection, Early To 1880; Connecticut State Library (Hartford, Connecticut); Probate Place: Hartford, Connecticut.

<sup>2</sup> The phrase “appointed unto men once to die” appears in Hebrews 9:27.

this Life- i give, Demis [sic] and dispose<sup>3</sup> of the same in the folowing [sic] manner [sic] and form that is to say First i will that all those Debts and Duties as i do own in Right or Conscience to any portion- whatsoever shall be well and truly contented and paid in convenient time after my Deceas, by my Executor hereafter named.

Item i give and bequeath to Ruth my well beloved Wife one third part of my household [sic] good and moveable Estate to her disposal, and the use of which Room she chuses in my hous- and a third of the improvement of my homestead so long as she remains my Widdo [sic]<sup>4</sup>

Item i give to my son Thomas Darte one peice [sic] of Land [abroad?] four acors [sic] and half lying [at?] the oaft [sic] eand [sic] of his Lot in Bottom and my lot in the Ceeder [sic] Swamp and my common or proprietors Right in the Town of Bolton to him and his Heirs forever with what i have formerly given to him.

Item i give to my son Joseph Darte whom i likewise [conflictulo?] make and ordain my only and sole Executor of this my last Will and Testament all my Lands buildings and improvement in Middletown and my Susquehannah Right or Purchas, i also give to him my Negro-man named Dolphin, he s<sup>d</sup> Joseph taking care of and provideing for my son Ebenezer Darte, he s<sup>d</sup> Ebenezer being not capable of providing for himself thereabove mentioned i give to my s<sup>d</sup> son Joseph and to his Heirs and assigns forever.

Item i give to my two Daughters Rebeckah and Ruth all my movable Estate- not above disposed of to be equally [sic] Divided with what they have already had as part of their portions to them and their Heirs forever, and i do hereby utterly disalow Revoke and disanul [sic] all and every other former Testamente, Wills, and Executors by me in any ways before this time made Ratifying this and no other to be my Last Will and Testament in Witness whereof i have here unto let my hand and seal the Day and year above written

Signed, Sealed, published  
Pronounced and Declared by the  
Said Ebenezer Darte as his last Will  
And Testament in the presence  
Of us the Subscribers

Benj-a Boardman  
Stephen Micks Mitchel  
John Hosmer

All [absent?] of probate held in Middletown on the Day of May AD 1769 their this [?] was Executor [?] as the Last Will and testament of Mr. Ebenezer Darte Late of Middletown died in [?] was proved and by this court Approved and [?] and to be [?] in that [?] of the court and Mr. Joseph Darte who in this [?] to the same appeared before this court and [?] therefore [?]

John [?]

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<sup>3</sup> The pour-over clause is a phrase: "I give, devise, and dispose." A pour-over will is a legal document that ensures an individual's remaining assets will automatically transfer to a previously established trust upon their death.

[https://www.law.cornell.edu/wex/pour-over\\_will](https://www.law.cornell.edu/wex/pour-over_will)

<sup>4</sup> This is the dower provision for the widow, in which she gained a life-estate to one-third to one-half of the property of the husband. [https://www.law.cornell.edu/wex/dower\\_and\\_curtesy](https://www.law.cornell.edu/wex/dower_and_curtesy)