

Cohen (J. Solis)

NOTE CONCERNING DAVID HAYS AND
ESTHER ETTING HIS WIFE, AND
MICHAEL HAYS AND REUBEN ETT-
ING, THEIR BROTHERS, PATRIOTS
OF THE REVOLUTION.

BY

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Philadelphia.

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NOTE CONCERNING DAVID HAYS AND ESTHER
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PATRIOTS OF THE REVOLUTION.*

BY SOLOMON SOLIS-COHEN, *Philadelphia.* †

The modest record of humble duty, simply done, which is here presented, is gathered partly from traditions preserved by my mother, † who heard them from her mother, § the daughter and niece of the subjects of this sketch, and partly from books, letters, deeds and other documents in the possession of my mother and sister, and of my kinsman, Daniel Peixotto Hays, Esq., of New York. || Fire, water, and the tooth of time, incarnate in the form of a small rodent, have unfortunately destroyed many papers and so mutilated others as to render the data fragmentary and imperfect.

Westchester County, New York, by reason both of its strategical importance and of the large number of Tories scattered among its patriotic population, was the scene of almost constant warfare, regular and irregular, during the whole period of the British occupation of New York. In that county lived and wrought the subjects of this sketch. At the outbreak of the Revolution Michael Hays was a farmer at Northcastle, ¶ and his youngest brother David, who had

*Presented at the meeting held at Philadelphia, December 15, 1892.

† Great-grandson of David and Esther Etting Hays.

‡ Judith Simha Solis, wife of Myer David Cohen, and daughter of Jacob da Silva Solis and his wife Charity Hays.

§ Charity Hays Solis.

|| Son of David Hays and Judith Peixotto, his wife; David Hays being the son of Benjamin Etting Hays and Sarah Myers, his wife; Benjamin Etting Hays being the son of David Hays and Esther Etting, his wife.

¶ In a deed dated 1774 he is described as "yeoman"; in previous deeds (1753 and 1765), as "trader" and "merchant."



served in the New York contingent at Braddock's field, had returned to peaceful occupations as a farmer and storekeeper at Bedford. Michael was a man advanced in years; David was in the prime of life, having been born in 1732.

From a fragment of a memorandum in the handwriting of Michael Hays it appears that in 1776 or earlier he was driven from his farm, which remained for six years in the hands of the enemy.* With the farm the enemy likewise took possession of 74 head of cattle and other stores, the list of which was upon the missing fragments of the record. It is possible that these stores had been gathered for the Colonial army, and that their presence at Hays's farm was the cause of the enemy's descent thereon; for the tradition concerning the burning of David Hays's house at Bedford in 1779 connects the absence of one of its protectors, the eldest son Jacob (afterwards High Constable of the city of New York), with a successful attempt to drive cattle through the enemy's lines to the army of the United States. Concerning this same burning of the village of Bedford, I am fortunately able to correct one of the statements in Bolton's History of Westchester County. It is there stated† that on July 2d, 1779, Lieut.-Colonel Tarleton with a party of British light horse rode into Bedford and fired it; although according to the testimony of Mrs. Patty Holmes, given when ninety years old,‡ it would appear that on that day the British burned only the meeting-house and the residence of Colonel Holmes, then occupied by Benjamin Hays,§ setting fire to the village nine days later.

* According to a letter written in 1782 he was again at Northcastle in that year.

† Robt. Bolton, *The history of the several towns, manors and patents of the county of West Chester, etc.* Edited by C. W. Bolton, New Rochelle, N. Y., 1881, p. 91 *seq.*

‡ *Ibid.*, p. 94.

§ A brother of Michael and David was named Benjamin and is possibly the person referred to.

Among the papers of D. P. Hays is a mutilated memorandum in the handwriting of David Hays, of which nearly all of the superscription is illegible except the words "when the enemy came to Bedford and burned my house on the eleventh of July, 1779."

This, it would seem, fully corroborates Mrs. Holmes's statement that nine days elapsed between the seizure of the village, marked by firing its meeting-house (public property) and the house of Colonel Holmes (a Tory commander expelled by his fellow-citizens) as acts of terrorization, and the burning of the other houses.

Concerning the purpose of the raid, and of the delay of nine days in firing the village, nothing is said either in Bolton's narrative or in his citation from Mrs. Patty Holmes. Traditions of the Hays family supplement the published account as follows :

David Hays and most of the other heads of families were absent with the patriotic army. Jacob Hays was one of a party of young men and boys that had undertaken to get through the enemy's lines and into the American camp the cattle that had been collected for this purpose at Bedford. The British raid may well have been for the purpose of preventing this, and the delay of nine days in firing the village may have been granted in hope of discovering by treachery or otherwise the whereabouts of the herd and effecting its capture. Be this as it may, Mrs. Hays was at the time of the British raid lying upon a sick bed with a new-born infant* at her breast. Her husband and eldest son were with the army, and she with her daughters and her baby boy were attended by an old negro slave named Darby and his wife, whom she had brought with her from Baltimore, her home

* Benjamin Etting Hays, who at the time of his death at Pleasantville, Aug. 13th, 1858, was supposed to be the "last Jewish farmer in the United States," and who during his life was known as "Uncle Ben the Jew, the best Christian in Westchester County." The old homestead and a portion of the farm is now in the possession of his grandson, D. P. Hays, Esq.

prior to her marriage. Not British soldiers, but Tory neighbors,* entered the house on that eleventh day of July, 1779, and demanded of the sick woman information she was supposed to possess concerning the patriotic plans. On her refusal to play traitor, the house was fired with a brand from its own hearthstone. The mother and children were conveyed by the faithful negroes to a shelter in the woods and there cared for until succor came to them and to the others who suffered from Tory malice.

Esther Etting, the cousin and wife of David Hays, was not the only one of Asher Etting's children that dared to suffer for the right. When the echoes from the guns of Lexington reached Baltimore, her brother Reuben, then clerk in a bank at that place, although but 19 years of age, immediately threw down his pen and hastened northward to join the patriots. He was taken prisoner at Charlestown, and when the British learned that he was not only a rebel but a Jew, they gave him for food only pork, which he refused to eat, subsisting, until exchanged, on such morsels of unforbidden food as he could obtain from his fellow-prisoners. Weakened by confinement and privation, he died of consumption soon after his release. Another brother, Benjamin Etting, was among the patriotic merchants† of New York city who were forced to flee before the British troops. Many prominent Jews came at that time to Philadelphia, but Etting was one of a number who took refuge in Norwalk, Connecticut, where he died May 24th, 1778, leaving Mrs. Hays the only surviving member of her family.‡

*This finds corroboration in Bolton's statement that the Tory Colonel Holmes was among the firing party.

† He was in partnership with his uncle, Isaac Adolphus, at whose house it is probable that David Hays and Esther Etting first met.

‡ Moses Etting, another brother, had died some time previously at Easton, Pa., where he resided with I. Moses, and was engaged in merchandising in partnership with Nathan Bush, as appears from a letter written by Solomon Simson from Norwalk, June 4, 1778, to Mr. Bush, "in care of Mr. Myer Hart, merchant at Easton." In Mr. Moses's letter announcing Moses Etting's death, it is said that "in the morning he seemed cheerful and said his prayers as usual."

Michael Hays appears to have been a man of some consequence in his community. Tradition relates that he was concerned in the drafting of the constitution of the state of New York, and my brother, Dr. J. Solis-Cohen, remembers to have seen documentary evidence that supports the tradition; none of this evidence remains, however, unless we admit as such a mouse-eaten fragment among the papers of D. P. Hays which contains some undecipherable allusions to restrictions that ought to be placed upon the "powers of the general government." That he was active in public affairs, however, appears from a letter dated September 20, 1782, from a correspondent at New Haven whose signature Time's tooth aforesaid has neatly gnawed out. The writer complains that "the people here are more speculators than politicians—they are bound to pursue commerce, let the world wag as it will." The following letters bearing upon Michael Hays' political activity are, perhaps, not unworthy of transcription as illustrative both of differences and resemblances between the conduct of public affairs in the last century and at the present day :

"To Mr. Michael Hays
West Chester County.

City of New York 28th of Apl 1786

Sir

At a Meeting at the House of Mr. Isaac Nortons Last Evening by a Number of Gentlemen Belonging in Suffolk County and this City, and will in Case that the Inhabitants of Westchester County, will hold up for Senators the following Gentlemen, viz. Mr. Isaac Norton for the City and Mr. Henry Scudder for Long Island they will Hold up Ebenezer Lockwood Esquire for Westchester County. therefore I think that it Be Comes us to agree with the Inhabitants of those Countys for holdg up the Persons which they have Nominated—for the Island and the City—Westchester County Agreeing to those Gentlemen it may perhaps prevent

the Lawyers haveing their wishes served, therefore if those Nominations shold agree with your opinion you are requested to try to promote the same by handing those Tickets about amongst the People in your Quarter.

I am Sir Your Humbl

Servt. T. BENEDICT.

Mr. Michl Hays."

"To Mr. Michael Hays
Living in the town of
Mountpleasant Near
Manny hagen in the
County of West Chester
in the State of
New York.

Sir I whould acquaint you that you are Elected as an Assessor for the town of Mountpleasant and I whould inform you that I have the Oath for you ready and as the Justice will be at the house of Ebenezer Scolfield on Monday next in order to Quallify the town Officers Any Neglect to Comply will by the Law be Looked upon as a Refusall and Subject to a fine of twenty five pounds, it must be Complied within Eight Days after the Election this from

Sir your humbl Srvt

DANIEL MILLER, Town Clerk.

To Mr.

Michael Hays

April the 2-1788."

As indicated by the superscription of the above letter, Michael Hays was then residing at Mount Pleasant, where he had purchased a farm and manor in 1785, and where he died in 1799. His will, probated May 22 of the latter year, leaves all his property, real and personal, to his "beloved brother David."

Between Michael Hays and his brother David there existed a profound love, evidenced not only by the terms of

Michael's will, but by many letters not of public interest. Two letters, however, may be quoted, as illustrative of the firm affection with which the scattered families of Jews in the early days of our country clung to the observances of their religion; and it will be remembered that these were men and women all of whom proved not by mere words, but when occasion demanded by brave deeds,* their intense love for country—men and women, who above all others are entitled to be termed American Jews.

“To Mr. Michael Hays
Merchant
In North Castle

Bedford Septemb' 22 . 1784.

Dear Brother

I send you by Jacob $\frac{1}{4}$ mutton kil'd yesterday, also your Deed; & wish you a good fast Shabos;† also Monday is yorsite‡ for Mother 'w'y§ Esther & Family Desire to be remembered to you & wishes you would Come & Keep Yomtob|| with us. Next thursday 31st of Septembr & friday y^e 1st of October is the two first Days of Sucoth;¶ wednesday Oshinarabah** the 6 & thursday & friday the

*Of the descendants of David Hays and Esther Etting three grandsons named Hays (Michael, Jacob, and Benjamin Franklin) and two great-grandsons (Jacob and Leon Solis-Cohen) served in the Union army and navy in 1861-65.

† Sabbath: on which appears to have fallen the great fast of Atonement Day.

‡ German, *Jahrzeit*, anniversary (of a death). There exist two letters of the year preceding, one from Hetty Hays at New York to Michael Hays at Northcastle, telling Michael to “send her no more things, as she had no place to put what he had already sent her,” and another from Abigail Hays at New York to her mother, informing her that the writer expected “to move next May day”; this is evidently the first anniversary of Hetty Hays's death.

§ Hebrew initials signifying 'Alah Shalom, “Peace be upon her.”

¶ Holidays.

¶ Tabernacles.

** Seventh day of tabernacles.

7 & 8th of October is the 2 last Days. I write this for fear you wont Come ; but it will Please us all very much to have you here then. In haste as Jacob is waiting—
from your aff

Brother David Hays.

Bad Ink & Pen.”

“ To Michael Hays
In North Castle

Bedford february 20th. 1785.

Dear Brother,

I hope this may find you well as we are at Present. I just let you know that thursday y^e. 24 is Purim and we shall Be glad to see you here ; also that Saturday March the 26th is Pisack* and would also be glad of your Good Company then. We all joyn In love to you from your afft. Brother—
David Hays.”

As Michael Hays went on in years† he seems to have desired to have David and his family nearer than Bedford ; and hence in a deed bearing date 1796, and in which both brothers are described as “ yeomen,” we find him conveying to David for a nominal consideration a portion of his property at Mt. Pleasant.

There may be not inappropriately exhibited to the Society an interesting memento of the patriotism and the religion of David Hays. It is a prayer-book, now belonging to my sister, Miss Charity Solis-Cohen ; the fly-leaf being inscribed : “ This book I give to my daughter, Charity Hays, October ye 7th, 1801, David Hays.”

The book exhibited is one of a series of the edition published with English translation and Hebrew text according

*Passover.

† He describes himself as “ being now an old man ” in a memorandum dated 1797, and referring to a business transaction “ interrupted by the war,” concerning which he records the facts in case he should die leaving it still unsettled.

to the ritual of the Spanish and Portuguese Jews, by A. Alexander, London, 5531 to 5534 (1770 to 1773).

In the book, the prayer for the Government, as printed, contains the names of "*Our Most Sovereign Lord King George the Third, Our Most Gracious Queen Charlotte, the Royal Highness George, Prince of Wales and all the Royal Family,*" through which, the sturdy rebel whose book it was, has drawn his pen; as likewise through the words "*preserve*" in the phrase "*preserve them and grant them life*" and "*reign*" in the phrase "*long and prosperously to reign,*" and through the whole phrase "*aggrandize and highly exalt our Sovereign Lord the King.*"*

The ardent rebels, husband and wife, in whose family services this book was used, were not praying for George III. Truth to tell they had little cause for attachment to Great Britain; their ancestors having come to the New Netherlands from Holland, in the latter part of the 17th century, before the English conquest; according to a tradition preserved by the late Wm. Henry Hays, of New York, who derived it from his father, Jacob Hays, the High Constable, they came in their own ship, with their own servants, cattle, seeds, and the tools of agriculture. Their first settlement was near New Rochelle, where David Hays was born, in March, 1732. He died at Mount Pleasant, October 17, 1812,† having survived his noble wife nearly twenty years.

An unverified tradition gives to him a sword now belong-

* As no substitution of names or titles has been made, it would seem proper to conclude that these erasures antedated the formation of a Federal Government, and are erasures simply, not corrections.

† From his will we learn that his sons were Jacob, Moses, and Benjamin Etting; his daughters, Hannah (deceased), and Rachel, both in turn wives of Benjamin Myers; Hetty, wife of Isaacs (deceased); Charity, wife of Jacob da Silva Solis; and Abigail, whose portion is made contingent upon her "marrying in our Society." Notwithstanding this prohibition, Abigail married, after her father's death, a Mr. Conkling, brother of Governor Conkling of New York.

ing to Miss Elvira Nathan Solis,* which bears a Spanish legend that may be rendered :

“ Draw me not without reason—
Sheathe me not without honor.”

* Daughter of David Hays Solis and Elvira Nathan, his wife ; David Hays Solis being the son of Jacob da Silva Solis and Charity Hays, his wife.

