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Miss Jane Miller

A curious woman of wealth, character, conviction, and determination.

I enjoy a collection of unique and remarkable friends and acquaintances. I did not necessarily set out to acquire them. They seemed to fall my lot, and they have made my life most interesting. Some of these friends have long passed away; some are my contemporaries; some are much younger than I; and some are in our very presence this evening. Often, when I research an historic individual, I become so well acquainted that I feel as though I know them and subconsciously add them to my collection of friends.

I would like to introduce you to one of my most interesting acquaintances, Miss Jane Miller, who died a hundred years before I was born. We shall call her "Miss Jane" as I'm sure was done by most people who knew her. It was accepted as proper in this part of Kentucky, which felt oh-so-southern. It is a charming endearment that is still frequently encountered today.

Miss Jane was a woman of a certain prominence, born in 1788 to wealthy yet respectable parents. She was the only girl in a large family of eight brothers. Jane was born in Rockingham County, Virginia, and moved with her family in about 1807 to Christian County, Kentucky. Aside from the information on her tomb stone, almost everything we know about Miss Jane is garnered from several hundred hand-written pages of court transcripts.

It was not particularly remarkable that Miss Jane Miller came from a wealthy family or that she was independently wealthy. There were at that time numerous wealthy individuals in this area. That she owned slaves was also not uncommon. At the time of her death, one in every three households in Trigg County owned slaves. The fact that she owned 25 slaves positioned her in a more rarefied air. Only 16 slave owners in Trigg County owned 25 or more slaves.

Miss Jane never married. After her parent's death, she continued to live with her brother James Miller in her family homestead near Buffalo Lick on the edge of Christian County. Eventually, because of James's opposition to slavery, he would move his family to Bloomington, Illinois.

Part of this land would be sold to Walter Bennett, Jr. In 1827, Miss Jane moved to the recently formed town of Cadiz to live with her brother Josiah.

Miss Jane was certainly well known in the little town of Cadiz. The population at that time was about 50 individuals. Her favorite brother, confidant, and protector, Josiah Miller, was a popular lawyer and merchant in town who eventually moved into a fine two-story brick house (which we know as the Jefferson House), which still stands on the western end of Main Street.

Josiah sat her up on a farm, which he owned on the hill just north of Cadiz. The farm was located on the Will Jackson Road, barely outside of the city limits within sight of the Old Cadiz Cemetery and the Miller family plot, where she now lies in eternal rest.

In your minds, I am sure, you have already painted a picture of a bucolic, undulating farmstead - one over-looked by a grand and imposing, two story, columned, Greek revival mansion, located on a hill with a sweeping view to the town of Cadiz. Its mistress holding court in the latest fashions from Atlanta. However, as you shall see, you would be mistaken.

As we all must, Miss Jane died. Her death was in the fall of the year 1858, four and a half years before the onset of the Civil War. Miss Jane was 70 years old when she died at her home on her brother Josiah's farm. She indeed had the foresight to draft a will. It was witnessed by two prominent gentlemen of the town and stored in a sealed envelope in the safe at the office of the county clerk. Apparently, this process was customary, and there was a small fee for this service.

It was no shock to Miss Jane's surviving brothers that in her will she chose to free her slaves. This decision had been a matter of discussion for several years between the brothers. They were aware of her intentions, and most of them were not happy about it and had voiced their opinion.

Within a month of her death, her brothers Isaac and William, not only contested the will, but also the trial determining Miss Jane's sanity had begun. Three of her brothers had already died. One surviving brother, Alex, was a doctor in Richmond, Kentucky, and he seemed disinterested. This left two brothers who were Jane's confidants and allies, James and Josiah. Josiah's son William, a lawyer in Princeton, was named as the executor.

Miss Jane's will initially was quite simple but quickly became complicated. First, she willed everything to her brother Josiah. With James's negative opinion of slavery, he would not have been interested anyway. This designation cut everyone else out of the will. But there was a stipulation. She granted her slaves their freedom with this condition – they must appear in court and declare for themselves their desire to relocate to Liberia. Otherwise, they would become the property of Josiah and his children. If her slaves chose their freedom, then ALL of her possessions were to be sold; and, the entire balance of the estate delivered to the Kentucky Colonization Society to aid in the relocation of her slaves. All 25 of her slaves appeared in Trigg County Court, and all of them declared their desire to relocate to Liberia. Most likely, they had no idea what that meant except that it meant freedom.

Perhaps, the Kentucky Colonization Society deserves some explanation here. I suppose you, as well as I, learned in high school that the colony of Liberia was formed in 1822 on the western coast of Africa with the purpose of relocating freed slaves. Its capital is named Monrovia after President James Monroe. The Kentucky Colonization Society was such a leader in the movement that it purchased 40 square miles of land in Liberia and named it Kentucky-in-Africa. This land was twice the size of Manhattan. The town they organized there was named Clay-Ashland.

There was a national colonization society organized in 1816 with many prominent individuals attaching their names. James Monroe, Thomas Jefferson, James Madison, Andrew Jackson, Francis Scott Key, Daniel Webster, and Henry Clay all, at some point, supported this national organization. Many states, including Kentucky, had chapters. The purpose of the colonization society was to assist logistically and financially in relocating freed slaves to Africa. Many abolitionist organizations and abolition-minded individuals supported this concept as possibly being the most palatable means of situating African slaves who had gained their freedom before the war. Some abolitionists were convinced that without a nationwide emancipation there were many dangers and obstacles in naturalizing freed slaves as citizens of the United States. Others, of course, supported the society out of bigotry, as they could not fathom the idea of coexisting with freed slaves.

This grand idea was flawed from the very beginning. Perhaps, because so many wanted so desperately the idea of colonization to work, that they sadly refused to acknowledge the failure of this experiment. Immediately after forming the colony, shiploads of freed slaves were transported to Liberia. Perhaps, this gave well-intentioned individuals a certain peace of mind and closure to this complicated situation. The problem was that those who were relocated to Liberia were woefully unprepared, and a staggering 75% of them died shortly upon arrival. Ignorance of necessary agricultural practices, malaria, and hostile natives were the principal culprits. Churches and individuals such as Miss Jane Miller were encouraged to send money and freed slaves to the society, and the society would arrange for their transportation to Liberia.

Miss Jane grew up in a household of books. Her father's will indicated that he had books in Greek and Latin in addition to English. Several people stated that Miss Jane was a well-read individual and that she had read extensively regarding the Kentucky Colonization Society. It would seem that she was well informed as to her intentions.

Perhaps we can better understand Miss Jane and her motives for freeing her slaves by closely analyzing her background. Miss Jane was a staunch Presbyterian. Her grandfather had been a Presbyterian minister in Ireland before moving to Virginia. In 1818, the Presbyterian General Assembly unanimously adopted a resolution condemning slavery and called on all Presbyterians to support the newly formed colonization society. Prior to the Civil War, a significant unrest among the Presbyterian congregations created various factions, particularly in the South, over this issue. Mrs. Elizabeth Hill was a seamstress for Miss Jane. Mrs. Hill testified in court that she sometimes discussed with Miss Jane the fact that she too was raised an "old Presbyterian" and that there had been some differences between the two churches. She thought that Miss Jane was especially well read.

Jane's father died when she was a young lady of 26. He left Jane one 14-year-old slave girl and 600 dollars in his will. Her brother Isaac, being her father's executor, allowed her to keep the slave girl but did not give Jane her money. This disparity naturally caused a "falling-out." Court testimony revealed that all of the Miller siblings had not fared well. By the time Miss Jane died, Isaac and Samuel and their children and grandchildren were living in indigent circumstances. It

was brought out that Isaac had used Jane's inheritance for himself, and for the next 24 years Jane persistently tried to collect it. Miss Jane finally collected her inheritance 20 years before her death.

Careful research reveals several interesting facts about Miss Jane's slaves. There were 25 of them when Miss Jane died, and each of them appeared and spoke for themselves in Trigg County Court. We discover that the oldest slave, Sarah, was Jane's inheritance from her father. Three of Jane's slaves were children of Sarah and the remaining slaves were Sarah's grandchildren. This group of slaves was one entire family.

On one occasion, a slave of Jane's was hired out and took sick and died. We also read that one of Jane's slaves, George, was arrested and convicted of arson, accused of setting fire to a general store in Cadiz. The slave was sentenced to be hanged and the night before the execution George hanged himself.

No doubt the slave Sarah was a close confidant as Jane had no sisters and her brothers were unkind to her. Society and the law thrust Jane into the position of holding the title deed to Sarah. Miss Jane eventually found herself in a paradox not unlike that of many slave holders great and small. President Thomas Jefferson found himself in a similar paradox. What to do?

Why subject Sarah and her family to further servitude when Sarah had been such a confidant, and Jane had such convictions? Why should Jane enrich her brothers, who had mistreated her even to the point of withholding her rightful inheritance? What better to do than to free her slaves? But what was Jane to do for a livelihood without them? The solution spelled out in Jane's will was the best compromise that she could formulate.

Two Trigg County juries declared that Miss Jane was not of sound mind and that, in fact, this was not the will of Miss Jane Miller. The cast of characters in this drama was extensive. There were 43 family members impacted, 25 slaves who appeared in court, and 89 people were judges, lawyers, jurors, and witnesses - all for a grand total of 157 individuals.

The cast of characters reads like a who's who for the City of Cadiz. They included notable names such as Fenton Sims, Matthew Mays, Mat McKinney, Street, Ragon, Thompson, and Bradley. The Circuit Court Judge was John R. Grace, who would die 40 years later in Frankfort

while serving on the Kentucky Court of Appeals. Henry Burnett served as an attorney for the contestants. He was at that time a U. S. Congressman and would eventually become a Confederate Senator. His two brothers, James and Robert, were lawyers, and they served as witnesses. Their father, Dr. Isaac Burnett, was Miss Jane's family doctor, who also served as a witness. Other witnesses included a slew of merchants, a seamstress, a clock repairman, a milliner, a furniture maker, her pastor, and neighbors up and down the road. In the midst of the trial, the judge changed because of an election. Judge Thomas Dabney's wife was a witness – she was also the sister-in-law of the court clerk.

Every conceivable rationale for contesting the will was hauled up before the court. First, it was asserted that this woman could not possibly have written this will without being influenced. Influenced by Josiah and his children, who stood to inherit a substantial wealth, or influenced by the slaves, who stood to gain their freedom. Most interesting, however, is the dirty laundry the family was perfectly willing to parade in an elaborate circus to prove that sister Jane was insane.

Miss Jane had a number of defining, if not peculiar, characteristics. Principally, she was an unmarried woman living with her slaves. This arrangement was apparently unsettling to some if not most of the community. Her neighbor, William Martin, (Riccardo Martin's grandfather, by the way.) found it odd that she chose not to socialize with her neighbors; and, most eye raising and curiously, he stated, "she apparently had no interest in men." Another testified that she "manifested a remarkable aversion to male society."

Code-speak is a term for language used by a community or a group of individuals that uses seemingly innocent words that carry loaded meanings. The community knows very well the speaker's intent, all the while, the speaker can claim plausible deniability.

This phrase, "she apparently had no interest in men," is a very telling phrase, *loaded* with implications . . . a phrase used extensively in these drawn-out proceedings. Taken in context of the caustic court testimony, it was likely a phrase that had been bantered about the community for many years . . . a phrase that was completely understood by the local jury (of men), and its

utterance was intended to elicit an empathetic amen. It tells us that the neighbors were uncomfortable, disconcerted, and threatened by Miss Jane Miller.

In this society in the years leading up to the Civil War, a certain decorum was expected. It was expected for a woman to get married, and her husband would, from that point forward, speak for her and transact all of her business. Upon marriage, any wealth a woman may have acquired, usually by inheritance, became the property of her husband. Following his death, her husband would provide for her, yet dispose of their combined property in his will. She was not expected to have a will nor a testimony.

An unmarried woman of wealth, who thought for herself and dared to dictate her final wishes threatened this established order to society. William Martin was certainly casting an aspersion when he stated, "She apparently had no interest in men." This phrase served as a clarion call, a notice. Other men who knew the situation immediately recognized the threat.

Another possibility, albeit somewhat doubtful, is, that this peculiar declaration by Mr. Martin was intended to infer that Miss Jane preferred the intimacy of other women. Southern sensibilities dictated a polite disregard of confirmed old bachelors and spinsters. Generally, they were considered harmless and genial, and their sexual interests were not the topic of polite company.

I urge you not to place too much emphasis on either one of these possibilities. All that we can be certain of is that this phrase was intended to elicit negative emotions regarding the mental stability of Miss Jane Miller.

The testimonies of the witnesses ranged from complimentary to bizarre. Merchants generally stated that Miss Jane had a good deal of taste and was a good judge of goods, and that her niece Virginia was almost always with her and helped her make her selections. Her account sometimes reached 100 dollars and was always settled by her brother Josiah.

Everyone agreed that she never received visitors or visited anyone other than her brother Josiah and his children. Various respectable citizens testified that Miss Jane was perfectly sane but admitted that she was perhaps a bit peculiar. These witnesses included her doctor, Isaac Burnett, and her pastor, the Rev. James Hawthorn. Hawthorn was the minister of the Princeton Presbyterian Church, who also held services for the Cadiz congregation at the Cadiz Baptist

Church building for many years. The testimonies of these rational individuals were overpowered by the sensational testimonies of disgruntled family members and neighbors who were all too eager to relate the dramatic eccentricities that they had personally witnessed.

William Hopson was a young boy who lived near Jane before she moved to Cadiz. He testified that while living at Buffalo Lick, Miss Jane, who was always a silent and solitary young lady, would retire to a grove, regardless of the weather, and stay all day coming in only to eat. She would make paths walking from tree to tree and circle the trees, pointing up in them and talk to someone who was not there. Her brother James arranged for the neighbors to fire off guns to scare her, and according to his testimony, it seemed to have briefly worked. After she moved to Cadiz, she was known to continue this habit. Others confirmed that she would sometimes retire to herself and talk and act as if there was a second or third person there.

Two different individuals testified that she was often seen riding her horse – we shall assume sidesaddle - with a slave girl riding behind her as far back as possible so as not to touch Miss Jane while holding a parasol over her. Equally curious to them was that this spectacle had nothing to do with the weather. It may or may not have been rainy or sunshiny. How tricky it must have been to maintain one's balance while riding bareback on the haunches of a horse, extending an upright and open parasol while not holding on to anything. You can be certain that this was a gossip-worthy spectacle on the streets of Cadiz.

One of Jane's nieces stated that she had often seen Aunt Jane in the yard behind the house jumping up on an old cook-stove then jumping off and running up to the house, placing both hands on the house and then running back. She would do this several times in succession. When Miss Jane caught sight of her, Jane would abruptly stop and "go to walking" some planks that were laid out in the yard. Others said that they had observed Jane walking backwards on those planks.

Neighbors told that, when passing her in the yard, she would dart into the house or hide in the bushes and that she seemed frightened. One said that when he would meet her on the road, she would always turn out of the road and not look at him until he passed

Collins Bradley went to the same church as Jane for nearly 30 years and noted that she had a habit of pulling down her veil and turning her head when she met anyone. Dr. Burnett thought Miss Jane was a recluse who had very little to do with anyone. He continued that she lived by herself with only her slaves for many years and was quite knowledgeable on religious subjects.

A merchant in Cadiz, who called on Jane occasionally, felt that she read more than ordinary women, and her sense was above mediocrity. Rev. James Hawthorn was Jane's minister for over 11 years. He saw her often but most frequently at church as her health allowed. He thought she was a prudent lady with more than ordinary shrewdness and was better informed than is often found in ladies of her circumstances. She generally had good sense and an independent spirit.

Rev. Hawthorn also admitted that, "She had peculiarities of character, as we all have." Susanna Dabney also went to church with Miss Jane; and, when asked about Jane's sanity, replied that she never thought of her as being more insane than anyone else. Another neighbor, when asked if she thought Jane was eccentric, stated, "Well, she was a little that way. Every person that knew her knew that."

Miss Jane was frequently referred to as feeble. She was diagnosed with "dyspepsia." We would call that acid reflux today. She spent a significant amount of time seeking relief from this ailment. Her brother William was a physician in Madisonville. He testified that the condition of dyspepsia generally had a weakening effect on one's mind and sometimes would almost destroy it.

She was quite concerned with the water she drank, which she would send a slave to fetch from different springs around Cadiz. Sometimes she would ride on horseback to observe exactly where they drew the water. She would not drink any water that contained any sedimentary flakes – with all the calcium locally that is a difficult accomplishment even today. She was cautious not to drink from the same dipper or pail that anyone else drank from, keeping a separate pail and dipper for herself.

B. C. Ritter, who was the proprietor of Buena Vista Springs in Logan County, stated that Miss Jane spent several weeks each year for two or three years with him. He found her to be

intelligent, eccentric and inclined to old fashioned customs. She was a quiet and prim lady, fond of conversing about the scriptures. The Gathers, who ran Cerulean Springs, testified that she visited the springs for four or five years. They sometimes thought that she was insane and at other times thought it was simply her peculiarities.

Her brother Alex said that Jane was sickly and feeble from infancy and that she lived 30 or 40 years longer than he expected. He once had a discussion with Jane about her will, and she indicated that she manifested kind feelings toward all of her brothers EXCEPT Isaac. She indicated that Isaac and his children were to have no part of her estate. She also expressed that she did not want her slaves to be scattered.

Near the end of her life, she developed a mysterious affliction of oozing ulcers over various parts of her body . . . ulcers that smelled and had to be frequently dressed. This condition lasted for two weeks. As to her condition regarding the ulcers, brother William, the doctor, told his brother Josiah that he did not expect Jane to recover. She lived another two years.

Jane's niece, Malissa, thought that Jane lived a lonely and idle life but confessed that they had not spoken for the past 14 years. That estrangement began when Malissa and her cousin Virginia had a falling out, and Aunt Jane took Virginia's side of the issue. However, Malissa insisted that she treated her Aunt Jane "with as much kindness as she deserved." Malissa said that Aunt Jane was always discussing "Job and his affliction" - but that you could tell by her singular way of living, her actions, and just by looking at Aunt Jane that she was not sane. Malissa, who was Isaac's daughter, told of her family laughing and making fun of Aunt Jane's peculiar ways.

James, her brother, with whom she lived for several years after her parents' deaths, said she had a strong mind and retentive memory, feeble and excitable. He thought she was vindictive and unforgiving. She was suspicious of everybody and especially of those who she thought had injured her. James stated that there was a longstanding alienation of feeling between Jane and her brothers Isaac and William. (I will remind you that Isaac and William were the initial contestants of the will.)

There was a curious incident involving Miss Jane's favorite niece, Virginia, who stood to benefit indirectly from Miss Jane's will. This incident culminated in the middle of the first trial, two weeks before Christmas in 1860. Virginia had been declared insane (there was a lot of that going around, apparently) and committed to Western Lunatic Asylum in Hopkinsville. Within a couple of months, a disastrous fire at the asylum forced the families to relocate their patients. Virginia was brought back to her father Josiah's house on Main Street in Cadiz, where she was chained to her bedroom floor. She bribed a servant to unlock her; and, during the night, Virginia slipped away from the house and drowned herself in Little River. Within two years and during the second trial, Virginia's brother William died. William had originally been named as the executor of the estate. These were both the children of Miss Jane's only caring brother Josiah, and they were the ultimate beneficiaries of Jane's estate should the will be declared valid and should the slaves choose not to relocate to Liberia.

By the time the will had twice been voided in Trigg County and then appealed to the Kentucky Court of Appeals, her brothers William and Isaac had also died. Almost all other family members had disavowed their interest and withdrawn their opposition to the case. This left only the slaves and her deceased nephew, William's children to make the appeal.

There was no reference in the court transcripts that the nation had been plunged into a civil war. The Emancipation Proclamation had been issued; however, it had no effect on Miss Jane's estate as it only applied to the Confederate States. Several of Jane's nephews died in the year 1862, leading us to believe that they were killed in the war.

This case, Sarah vs Miller, passed through the Trigg County courts twice and made its way through the Kentucky Supreme Court or Court of Appeals as it was known at that time. It is a case still studied today regarding the distribution of property rights by women.

Was Miss Jane sane? The Kentucky Court of Appeals decided that yes, she was sane. No matter what peculiarities a person has, the law saw someone as sane if they were able to take inventory of their possessions and logically bequeath them to someone else.

This ruling was almost moot in that in a few months, the war would be over; and, the slaves would be freed anyway. Unfortunately, Miss Jane's slaves suffered six years of unnecessary

servitude while the case was decided. The curator of the estate had the task of hiring out Miss Jane's slaves and collecting the fees. These were annually reported to the court. This delay, however, negated the necessity of the slaves being relocated to Liberia. Upon the conclusion of the appeal, at least two of the male slaves traveled to Paducah and enlisted in the black troops for the United States Army. There are numerous African American Miller descendants who have made Cadiz their home. In at least one case, a deed in the name of John Miller indicates that he received this land from his master, Miss Jane Miller.

There is a very real danger in drawing conclusions about a situation that is a hundred and sixty years old. Societal norms were different. No one is living to defend themselves from our accusations. Was Miss Jane insane, or simply odd? What would cause a person to act in such an unconventional manner? Surely, there was something or some series of events in her young life that triggered her intense disdain for men. I think the principal clue is that Isaac kept her financial inheritance for his own use and that testimony indicated that her brothers all mistreated her and were callous and unkind. It seems likely that there is more to this story. Today we might ask, is it possible that Miss Jane was a victim of abuse?

We shall conclude that Miss Jane was not more than an average citizen of her community. Had it not been for the troubling fact that she was unmarried, it is highly unlikely that that we would much more than know her name. It may have not been frequent that people freed their slaves, but it was certainly not an unheard-of occurrence. So, had she been married and her husband freed her slaves, the gossip would have soon dissipated.

We know of her peculiar behavior and generous deed only because of her brothers' greed and selfishness. Because of this disagreement and the subsequent trials, we are treated to a voyeuristic glimpse through a window that we would otherwise have no opportunity nor business peeping into . . . a window on a community, a time, and an attitude that are fibers of this frayed fabric that we refer to as home.

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