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## **Butcher, Elizabeth (fl. 1825-1841)**

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## Butcher, Elizabeth

(fl. 1825–1841),

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free woman of color, property holder, and slave owner, was a resident of Natchez, Mississippi. Nothing is known about her early life. Her status at the time of her birth, free or enslaved, as well as her parentage, is undetermined. Butcher lived in Natchez for at least twenty years of her life and accrued property during that time due to a relationship with a white man, John Irby. She then came close to losing it when another white man, Robert Wood, attempted to wrest it from her by exploiting her vulnerability as a free woman of color.

In 1834 John Irby wrote his last will and testament, which clearly named Butcher as the administrator of his estate, which consisted of the White House Tavern, surrounding land, buildings, two horses and buggy, household and kitchen furniture, his bank deposits, and two slaves, Alexander and Creasy. Two years later he added a codicil acknowledging that he had sold Alexander and bought another slave, Eliza, and her three children, David, Nancy, and George. Butcher was thus to inherit a total of five slaves at his death. This legacy was a result of Butcher's care as a nurse and housekeeper in Irby's household for nearly twenty years. John Irby unmistakably wished for his property to pass to her and to make arrangements for her to be provided for with this bequest.

Taken at face value, there is no indication that this was anything but a platonic association. It is possible that Irby rewarded Butcher out of gratitude for nursing and caring for him for almost two decades. He may have had no close family members or friends living to inherit his property. There is also the possibility that there may have been something not visible on the surface between the two. Regardless of the nature of the relationship by which she procured it, Butcher had to struggle through the courts to hold onto her inherited property. In 1839 Butcher was enmeshed in a legal battle with a white man, Robert Wood, for the right to administer the estate.

Wood, acting as the administrator of another estate, for the heirs of the deceased James Redman, petitioned the Adams County Probate Court to be granted the power of administration over the Irby estate as well. His primary claim was that there was a gambling debt that had been incurred by Irby in his lifetime that was due to the estate of James Redman. He charged that Butcher had not yet repaid it in her administration of the Irby estate. He was granted the powers of administration over the estate and seized four of the five slaves and was poised to sell them off. He was unable to complete this action due to some legal technicalities, but the court granted him permission instead to try to sell the White House Tavern. Shortly thereafter the court authorized him to sell the five slaves. Wood advertised their sale, but Butcher petitioned the court before they and the property were sold.

She charged that she had not been notified that her power of administration of Irby's estate was challenged, revoked from her, and reassigned to Wood. She had never formally revoked her letters of administration to the estate. Instead Wood endeavored to acquire them without her knowledge and to dispose of the five slaves, the tavern, and the remainder of the estate, all of which he claimed were worth no more than \$5,000, before she was able to act and protect her holdings. He was almost successful.

The court ordered Wood to defend the retention of his power of administration over Irby's estate. Wood pulled out his last card, charging that Butcher was “a woman of color and as such is incapable of accepting or holding the office of Administratrix on Said Estate, under the Law of the Country” (*Robert W. Wood [Admins.] of John Irby vs. Elizabeth Butcher*). This point of the case is crucial. If Butcher resembled the great majority of Natchez free property-holding women of color, then almost certainly she was of mixed race. If it were not readily apparent to the court that she was of African ancestry, Wood may have felt this could have cost her the estate under the laws of Mississippi, which required that free people of color hold property under a white sponsor. But Butcher's answer exhibits her confidence in her claim to the estate as “she admits that she is a free woman of color but denied that she is thereby rendered incapable of accepting or holding the Office of Executrix upon the Estate of John Irby Deceased” (*Robert W. Wood [Admins.] of John Irby vs. Elizabeth Butcher*).

The Probate Court agreed with Butcher's legitimacy as administrator and ultimately provided her relief. The judge ruled that Butcher had the right to retain her power of administration for the following reasons: no other administrator had been named in Irby's will; the amount due Redman's estate was misrepresented to the court; and, finally, Butcher had not been notified of Wood's action, as was her right. Wood went on to appeal the decision to the Mississippi High Court of Error and Appeals, but they upheld the lower court's ruling and he was ordered to pay her court costs.

Elizabeth Butcher's legal struggle was not an aberration in the lives of free people of color. Whites frequently preyed upon people of African descent, free and enslaved, by contesting the wills of their friends or relatives who bequeathed property or freedom to black men and women. Butcher was fortunate in not having her fortune reversed in Wood's appeal, but unfortunately, after this case, she was lost to the historical record and nothing is known of her life following the court battle.

## Further Reading

Robert W. Wood (Admins.) of John Irby vs. Elizabeth Butcher, Mississippi High Court of Error and Appeals, Case #679 (1841).