

Mizell Family of Surry County, Virginia

1. **Luke Mizell** (c1614 – 1669/70) He was imported into Virginia sometime before 1635 by Thomas Gray, who used Luke Mizell and four others as headrights for a 1635 patent.¹ On 9 May 1659 he deposed that he was 45 years old or thereabouts and had been a servant of Gray's.² Thomas Gray was already established on Gray's Creek in Surry County by the time of the patent, so it is likely that Luke lived his entire life in Virginia in the same small area. Gray had likely imported him as a field hand and, if his experience was typical, he was a free man before 1640 probably working for Gray or a neighbor until he acquired the means to purchase his own land. In 1647 he purchased a 150-acre patent on Gray's Creek, quite near the courthouse and adjacent to the Southwarke parish church.³ Having become a freeholder, he was then eligible for privileges such as militia and jury duty, and subsequently appears in a few such records.⁴ He apparently married within a few years of obtaining the land – no mean feat considering that men outnumbered women by more than four to one at the time – for his eldest son seems to have been born in 1650 or 1651 He is listed in the tithables of June 1668 and 1669, but by June 1670 the “Widow Mizell” was listed as the taxpayer for their eldest son.

No wills, and unusually few probate records of any kind, are recorded in the earliest Surry records, apparently being lost. However, it seems nearly certain from several later records that Luke Mizell left a will which devised his land to his younger son Luke Jr. and divided the personal property among the two sons and the widow.

Luke Mizell's wife is not mentioned in any record until after his death. On 21 November 1672 John Smith and Deborah, the relict of Luke Mizell, presented an accounting of the orphan's estate of Luke Mizell Jr.⁵ A week later, John Smith extricated himself from a bond of Luke Mizell's which he had become responsible for by marrying the widow Deborah.⁶ Deborah apparently died before 7 January 1674, when John Smith was replaced as the guardian of Luke Mizell Jr.⁷ In support of this, a few months later Christopher Lewis's will left a small bequest to his godson Luke Mizell.⁸ Further, John Smith resorted to court action in 1675 to secure Lawrence Mizell's appearance, an action he would have been less likely to take had his mother still been alive.⁹ She was definitely dead by the time John Smith wrote his will in 1679, which makes no mention of her.¹⁰ Some descendants have theorized that she was a Lawrence (to account for the son's name), but that seems to be unfounded speculation.

¹ Virginia Patent Book 1, p283. Reissued in Virginia Patent Book 1, p631.

² Surry County Deed Book 1, p131.

³ The purchase and date are referenced in a later deed for the land at Surry Deeds & Wills 3, p349.

⁴ Surry County Deed Book 1, p10, 150, 192, 223.

⁵ Surry County Deed Book 2, p39.

⁶ Surry County Order Book 1671-91, p15

⁷ Surry County Court Orders 1671-91, p39.

⁸ Surry County Deed Book 2, p35.

⁹ Surry County Court Orders 1671-91, p97.

¹⁰ Surry County Deed Book 2, p224.

- 1.1. **Lawrence Mizell** (1651 -) He appears as a tithable of his father in 1668 and 1669, and of his mother in 1670. By 5 March 1672 he had reached majority, as he apparently acknowledged receipt of his share of his father's personal property.¹¹ Confirming his age, he deposed on 1 December 1677 that he was age 26.¹² He does not appear in the 1672 or 1673 tithables, which did not identify secondary members of households, but in 1674 and 1675 he is tithable in the households of others, and in 1677 and 1678 he is tithable with John Smith. He is then listed alone from 1679-1681 and is tithable with his brother Luke in 1682-83, alone in 1684-86 and again with his brother in 1687-89. He last appears in the tithables in 1690.

Lawrence seems to have been in debt more or less continually. The first of several debt actions appear when he was still in his early 20s, though they don't appear to be significant amounts.¹³ He did not acquire any land until his purchase from his brother in January 1691.¹⁴ Despite this newly acquired land, he evidently decided to move to North Carolina. He appears to have left Surry, apparently intending to return later to dispose of his property. By April of 1691 four separate creditors petitioned the court to attach what property he had in Surry because "Mizell hath secretly conveyed himself from his plantation" and could not be found.¹⁵ Since his creditors could only sue him in his county of residence, they clearly did not wish to pursue his debts out of state and escalated their claims before he could remove his property beyond their reach. The sheriff satisfied the creditors by attaching a variety of livestock and household goods. Lawrence does not appear in the tithables for 1691 or thereafter, though he retained his land in Surry (which under the law was safe from his creditors.)

Sometime prior to 11 July 1694, he assigned the headrights for importation into North Carolina of himself and Bethinia, Luke, and Ellinor Mizell to William Charlton who used them for a Chowan Precinct survey ordered on that date.¹⁶ He figured in a court case on 28 July 1694 in Chowan Precinct as well.¹⁷ By 3 December 1696 he was dead, for William Brethit and his wife Bethinia, almost certainly Lawrence Mizell's widow, were granted administration of his estate as nearest kin.¹⁸ It appears that Luke and Ellinor were his children. Two other Mizells, William and Mary, are surely children as well – both were headrights used for a 1697 Thomas Clark survey of land adjoining William Charlton's.¹⁹

¹¹ Surry County Deed Book 1, p404. The purpose of this record is not clear, but it seems likely to be an acknowledgment as described.

¹² William and Mary College Quarterly, Vol. 11, No. 2, p81.

¹³ Surry County Court Orders 1671-91, p89, 100, 234, 251, etc.

¹⁴ Surry County Deed Book 4, pp170. (see below)

¹⁵ Surry County Deed Book 4, pages from 200-228 (several entries); Surry County Order Book 1671-1691, p813-14, etc.

¹⁶ Albemarle Book of Warrants and Surveys 1681-1706, p118b.

¹⁷ The Colonial Records of North Carolina, Volume I 1670-1696, Mattie Erma Edwards Parker, ed., (State Dept. of Archives and History, 1968), pp 68, 88, 148.

¹⁸ Parker, Vol. I, p301 and a similar record on p291.

¹⁹ Albemarle Book of Warrants and Surveys 1681-1706, p164.

The son, Luke apparently reached majority in 1702. He must have been the eldest son, for he inherited the land in Surry County which Lawrence Mizell had purchased in 1691. In 1703, Luke Mizell sold Lawrence's old land as a resident of North Carolina.²⁰ With the exception of Mary, Lawrence Mizell's children seem to be reasonably well documented by descendants. One peculiarity is that nearly all descendants seem to think that Luke Mizell III was a son of Luke II rather than of Lawrence. See separate note on this subject.

1.1.1. **Luke Mizell III**

1.1.2. **William Mizell**

1.1.3. **Ellinor Mizell**

1.1.4. **Mary Mizell**

- 1.2. **Luke Mizell II** (1660 - 1693) On 21 November 1672, John Smith and Deborah recorded an accounting for the orphan's estate of Luke Mizell.²¹ Just over a year later, on 7 January 1674, John Smith was replaced as his guardian by William Foreman²², who remained the guardian until Luke was of age. He was apparently apprenticed to a cooper named John King, in whose household he appears as a tithable from 1677 through 1681. Luke was later identified as a cooper, a trade he evidently learned from King. He was the first Mizell to sign his own name and, as in most apprenticeships, probably learned to read and write at this time. He reached 21 by 1 November 1681 when he requested his share of his father's estate from his guardian William Foreman.²³ He received the amount listed in the accounting of 1672 two months later on 31 December 1681.²⁴

Having reached 21 and completed his apprenticeship, Luke is listed with his older brother in the tithables of 1682, 1683, and 1687-89 (they were separately listed in 1684-86). Luke inherited his father's land on Gray's Creek. As early as 1 August 1673, (when young Luke was 12 or 13) the land was being identified as "young Luke Mizell's".²⁵ In March 1684, he either leased or sold part of that land.²⁶ In late 1690 he re-patented the same land and in January 1691 sold it to Robert Warren.^{27 28}

On that same day in January 1691, Luke and his wife Eliza also sold 50 acres to his old guardian, William Foreman and bought a 350 acre parcel from Robert Warren located on the north bank of the Blackwater in the fork formed by the Blackwater and Cypress Swamp. They sold 100 acres of this new parcel to Lawrence Mizell and 150 acres to

²⁰ Surry County Deed Book 5, p293.

²¹ Surry County Deed Book 2, p39.

²² Surry County Court Orders 1671-91, p39.

²³ Surry County Court Orders 1671-91, p352. Surry County Deed Book 2, p299

²⁴ Surry County Deed Book 2, p299.

²⁵ Surry County Deed Book 2, p29.

²⁶ Surry County Deeds Book 3, p349. Although this reads as a deed, it was evidently a lease.

²⁷ Virginia Patent Book 8, p87.

²⁸ Surry County Deed Book 4, pp170.

James Bynum.²⁹ That is the last record of a living Luke Mizell in Surry County. He had appeared in the 1690 tithables, but is not in the tithables of 1691-2. His undated nuncupative (oral) will was proved on 4 July 1693 by the oaths of three neighbors.³⁰ He left his land to daughter Elizabeth after the death of his wife, cows to daughters Elizabeth and Sarah, and the rest of his estate to his wife. The daughters were to inherit one another's share if either died. The will failed to name an executor, so Elizabeth was granted administration.³¹

The wife Elizabeth was probably the daughter of Mathias Marriot – see the separate note on this subject. She was still a widow in September 1693 but had remarried to Robert Hill by 3 January 1694.³² On 1 May 1694 Robert and Elizabeth Hill presented the inventory, consisting of cooper's tools, livestock, and miscellaneous tools and farm equipment.³³ Interestingly, the inventory counted only one bed. The appraisal a few months later valued the estate at 3,405 lbs of tobacco, significantly less than his inheritance of only twelve years earlier.³⁴ Robert and Elizabeth Hill remained in Surry for several years, and Elizabeth was apparently still alive as late as 1724 when Robert and Elizabeth Hill sold the land they had purchased in 1703.³⁵

What became of the daughters is unknown (to me), although there is a possibility that Elizabeth married Jeremiah Ellis Jr. who may have later owned Luke Mizell's land.

1.2.1. Elizabeth Mizell

1.2.2. Sarah Mizell

There is no evidence of a daughter named Elizabeth who married James Bynum. See separate note on this subject.

²⁹ Surry County Deed Book 4, pp170. All four deeds filed consecutively, dated and acknowledged on the same date.

³⁰ Surry County Deed Book 4, p308.

³¹ Surry County Deed Book 4, p308-9 and Surry Orders 1691-1713, p76.

³² Surry County Court Orders 1671-1713, p96.

³³ Surry County Deed Book 5, p6-7.

³⁴ Surry County Deed Book 5, p19.

³⁵ Surry County Deed Book 7, p619.