

INTERIM REPORT

Membership Advisory Committee

The Monticello Association

May 2000

***Statement on the Interim Report issued by the
Membership Advisory Committee of the Monticello Association***

May 2000

James J. Truscott, President

The DNA study conducted by Dr. Eugene A. Foster in 1998 reopened the questions of whether Thomas Jefferson was the father of some or all of the children of Sally Hemings, and whether descendants of those children should be eligible for membership in the Monticello Association and burial in the family graveyard. This DNA study sparked a great deal of media interest and unfortunately some erroneous reporting. This resulted in intense media coverage of the annual meeting of the Monticello Association held in May 1999, when many expected a definitive response from the Association.

The Executive Committee of the Association did not wish to be rushed into making a hasty decision. At the May 1999 meeting, the Association President, then Robert M. Gillespie, announced the formation of a Membership Advisory Committee to recommend to the Executive Committee and the Association membership the criteria that should be used for determining if a person is, or is not, a descendant of Thomas Jefferson. The Association's vice-president, V. R. Shackelford, III, chairs this committee. Its other members are Joy R. Boissevain, Robert T. Coolidge, George H. Esser, Nancy Morgan, and William M. Randolph. The committee was to have prepared its recommendations by the annual meeting in May 2000.

The committee has taken a careful, prudent approach toward arriving at its recommendations. Its members have examined a wide variety of source data, including genealogical standards, legal standards, and other information such as the recently released report by the Thomas Jefferson Memorial Foundation on the relationship between Thomas Jefferson and Sally Hemings. It became apparent that the committee would not be able to complete its work in time for the annual meeting in May 2000. Among the reasons that the committee cannot provide a full report at this time is that they are still awaiting a legal opinion regarding the authority and appropriate mechanism for any changes that may be recommended. Accordingly, the committee has prepared an interim report, which will both serve as the foundation for a final report and also provide the membership with background information on the Association and the issues confronting it. The committee hopes to issue its final report prior to the annual meeting in May 2001.

It is important to note that the issue here is not, "Will the Association decide to admit, or not admit, Hemings descendants?" It is broader than that. In general terms, the issue is, "How does the Association determine who is, or is not, a descendant of Thomas Jefferson?" We must be able to apply the criteria to anyone, not just Hemings descendants.

I agree with the decision to prepare an interim report. It is far better to take the time to prepare sound, supportable recommendations than to meet an arbitrary deadline. In the end, the committee will base its recommendations on the best knowledge available today. Hopefully, the membership will accept the committee's final recommendations.

James J. Truscott, President

CONTENTS

<i>INTERIM REPORT</i>	1
<i>STATEMENT ON THE INTERIM REPORT ISSUED BY THE MEMBERSHIP ADVISORY COMMITTEE OF THE MONTICELLO ASSOCIATION</i>	1
CONTENTS	1
INTRODUCTION	1
I. BACKGROUND	3
A. HISTORY OF THE GRAVEYARD.....	3
B. HISTORY OF THE MONTICELLO ASSOCIATION.....	4
C. CURRENT MEMBERSHIP APPLICATION PROCESS	6
II. RECOMMENDATION ON GRAVEYARD TRUSTEES	6
BACKGROUND: CHAIN OF TITLE AND DEEDS.....	7
RESOLUTION	8
III. THOMAS JEFFERSON AND SALLY HEMINGS: WHERE WE ARE AND NEXT STEPS 8	
BACKGROUND	8
AUTHORITY FOR DEFINING EVIDENCE OF DESCENT.....	9
RELEVANT ISSUES.....	10
FORMING A RECOMMENDATION.....	13
IV. ADDITIONAL SOURCES OF INFORMATION	13
INFORMATION ON THE MONTICELLO ASSOCIATION	13
WEBSITE.....	13
PUBLICATIONS	14
THE THOMAS JEFFERSON MEMORIAL FOUNDATION (THAT OWNS AND OPERATES MONTICELLO) ..	14
PBS FRONTLINE PROGRAM: JEFFERSON'S BLOOD	15
APPENDIX 1	16
APPENDIX 2	22
APPENDIX 3	24
APPENDIX 4	27

INTRODUCTION

This is an Interim Report of the Membership Advisory Committee (MAC) of The Monticello Association. The members of this committee are: V. R. Shackelford III, chair; Joy R. Boissevain, Robert T. Coolidge, George H. Esser, Nancy Morgan, and William M. Randolph. The MAC was appointed by the President of The Monticello Association in May 1999 and charged to prepare a recommendation to define the criteria for membership in The Monticello Association and burial in the Monticello graveyard. The Monticello Association is currently composed of descendants of Thomas Jefferson through his daughters Martha Jefferson Randolph and Maria Jefferson Eppes and dedicated to the upkeep of the Monticello graveyard. Descendants of Thomas Jefferson and their spouses continue to be buried in the graveyard.

The MAC was formed after the results of a DNA study conducted by Dr. Eugene A. Foster, released in November 1998, showed that "a Jefferson" fathered Eston, the last child of Sally Hemings, one of Thomas Jefferson's slaves. While the DNA results alone could not prove that Thomas Jefferson was Eston Hemings' father, their addition to other historical evidence has reopened the questions of whether Thomas Jefferson was the father of some or all of Sally Hemings' children, and whether descendants of those children should be eligible for membership in The Monticello Association and burial in the Monticello graveyard.

When the MAC was appointed in May 1999, its members hoped that sound and objective analysis, common sense, and a measure of good will would help them find reasonable and acceptable answers to the questions posed to them. Instead, the MAC found itself faced with a very complex task. As the MAC sought answers from historical and scientific analysis, oral history, and legal documentation, it discovered that there were severe limitations on each.

In this time of intense interest in the lives of our country's founders and particularly in Thomas Jefferson, we must be neither automatic nay-sayers nor careless revisionists. We must seek the most objective truths available, ones that, we hope, will be accepted by both the Hemings descendants and the Randolph-Eppes descendants. Knowing the diversity of views in any human endeavor, however, the MAC is not so foolish as to believe that it will please everyone, but the expectation of disagreement will not keep it from seeking the best answers possible.

The original timetable for the MAC required that it make its recommendations to the Executive Committee of The Monticello Association no later than the annual meeting in May 2000. Unfortunately, the work of the MAC is still not complete. Due to the complexity of the issues and the need to examine them from a variety of perspectives (legal, genealogical, historical, etc.), it has taken longer than expected to collect the necessary information from legal and other experts. In particular, the release of the report from the Thomas Jefferson Memorial Foundation Research Committee on Thomas Jefferson and Sally Hemings, expected in the fall of 1999, was delayed until late January 2000. Also, additional legal opinion requested by the MAC on the governance of the Association and the authority and mechanism for change remains incomplete.

Since its inception, the MAC has met three times in Charlottesville, Virginia and has had numerous extended telephone conference calls. The committee's members are in regular contact with each other via e-mail, phone, facsimile, and regular mail as they engage in extensive review of legal and genealogical standards of "descendancy" as well as other historical information related to the committee's mission.

This report contains several sections, including historical, organizational, and legal considerations that the MAC feels are important background for Association members and other interested persons. Section **1** provides background information on the history of the Monticello graveyard, the Association, and the current membership application process. Section **2** contains a specific recommendation to the Executive Committee regarding the appointment of trustees for the graveyard. Section **3** sets forth the issues that the MAC is examining in relation to criteria for membership in the Association, burial in the graveyard, and the powers of the Executive Committee and the Association membership to make changes to such criteria. Finally, Section **4** lists selected resources for further information on the Jefferson-Hemings controversy.

The MAC hopes that this Interim Report will be useful in articulating the issues involved and in promoting understanding and discussion of those issues. We encourage the members of The Monticello Association and others to review carefully this Interim Report as well as the other sources listed in Section 4. The MAC welcomes written comments, which should be sent to:

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This committee is attempting to complete its mission as thoroughly and objectively as possible, and we solicit the understanding and patience of all concerned.

I. BACKGROUND

A. History of the Graveyard

Dabney Carr, Thomas Jefferson's longtime friend and later brother-in-law who died in 1773, was the first person buried in the Monticello graveyard. Fifty-three years later, in 1826, Thomas Jefferson himself became the 13th person to be buried there.

Although in his will Thomas Jefferson left Monticello to his daughter, Martha, the burden of his debts was so great that the estate had to be sold. In 1833, Martha Jefferson Randolph and her son Thomas Jefferson Randolph conveyed Monticello, then containing 522 acres, to James T. Barclay. The deed stated explicitly that "the parties reserve to themselves the family graveyard with free access to the same."

When Martha died in 1836, Thomas Jefferson Randolph inherited the graveyard. In the same year, James Barclay sold Monticello (now reduced to 218 acres) to Uriah Levy. At his death in 1862, Uriah Levy sought by his will to leave Monticello to the United States or to the State of Virginia, but neither government would accept the terms of the bequest. Levy's will was attacked by his heirs and was subject to litigation for the next 20 years.

When Thomas Jefferson Randolph died in 1875, he made no specific mention of the graveyard in his will, and by law the graveyard then became the undivided property of his heirs. The Albemarle County Land Books of 1876-1879 list the Monticello graveyard as the property of the "Thomas Jefferson Randolph estate," although it appears that his heirs did not or could not properly care for the graveyard.

Public outcry soon demanded that the federal government give attention to the graveyard, which had fallen into a state of great disrepair. In particular, Thomas Jefferson's tombstone and those around it had been damaged and defaced by souvenir hunters. In 1878, Congress proposed a resolution to appropriate money for a monument to Jefferson in the Monticello graveyard "on condition that the owners of the graveyard should quit claim to the United States Government the grave and a lot two rods square containing it." The family of Thomas Jefferson Randolph considered this proposal, but the transfer was never made due to the legal difficulties and potential delays involved in conveying the property of minors.

In 1882, the United States Congress appropriated \$10,000 for a monument to be erected over Thomas Jefferson's grave. This monument was more than twice the size specified by Jefferson in his will and covered his gravesite as well as those of several family members. Transfer of the graveyard title to the United States Government was no longer pursued.

The estate of Monticello was sold at auction to Jefferson Monroe Levy (Uriah Levy's nephew) in 1879. In 1923, Levy sold Monticello to the Thomas Jefferson Memorial Foundation, which sought to preserve Monticello as a national shrine.

Just before the 1923 transaction, Jefferson M. Levy conveyed to Thomas Jefferson Randolph IV and Hollins Nicholas Randolph (as trustees) an additional lot, containing approximately ½ acre, adjacent to the original graveyard parcel, "for burial purposes only for the descendants of Thomas Jefferson."

Today, the Monticello graveyard consists of two parts: the original parcel (Parcel E shown on the plat in Appendix 2) is still owned by the descendants of Thomas Jefferson Randolph, and the Levy

addition (Parcels C, D, and B) is owned by The Monticello Association. The current fence encloses Parcels E, C, and D, while Parcel B remains outside the fence.

In the 139 years between Dabney Carr's burial in 1773 and the creation of the Monticello Graveyard Association in 1913 (see next section), 61 burials were recorded in the graveyard. Of those burials, 33 were descendants of Thomas Jefferson and 28 were not. Most of the non-descendants were spouses of descendants, but there were also several cousins, some of their in-laws and relatives, and four persons who were not related to Thomas Jefferson. For a more detailed accounting of persons buried in the graveyard, please see Appendix 4.

Since the formation of The Monticello Association in 1913, there have been an additional 137 burials in the Monticello graveyard (83 descendants and 54 non-descendants), bringing the total number of burials to 198, as of January 2000. Two persons buried since 1913 are neither a descendant nor a spouse of a descendant (for details, please see Appendix 4).

B. History of The Monticello Association

During the late 19th and early 20th centuries, the Randolph-Eppes descendants of Thomas Jefferson who lived in the Charlottesville vicinity continued to be caretakers of the Monticello graveyard, but they eventually found the task overwhelming. In 1912 and 1913 they solicited other family members for help. On April 14, 1913, a group of thirteen descendants met in Charlottesville for the first meeting of the "Monticello Graveyard Association." Officers were elected and a constitution and by-laws adopted (see Appendix 1).

The Monticello Association's constitution states that "[a]ny lineal descendant of Thomas Jefferson who applies for membership, and annually pays dues ... shall be a Regular Member of the Association" It also states that the "property rights of the lineal descendants of Colonel Thomas Jefferson Randolph as owners of the original Monticello graveyard are affirmed and shall be defended by the Association; and no proposition looking to the transfer of ownership from said descendants shall be initiated or supported by the Association until it shall have received the approval in writing of two thirds of the adult descendants of said Colonel Thomas Jefferson Randolph having proprietary interest in the graveyard" (referring to the original 1/5th of an acre shown as Parcel E in Appendix 2).

The Association's Purpose, as listed in Article II of its constitution, in somewhat abbreviated form, is:

- (A) (first) to preserve and care for the graves and grounds of the Monticello graveyard, (second) to protect and perpetuate the reputation and fame of Thomas Jefferson, and (third) to encourage friendship among the descendants of Thomas Jefferson;
- (B) To defend the property rights of the lineal descendants of Colonel T. J. Randolph as owners of the original graveyard (Parcel E in Appendix 2), and
- (C) To affirm the rights of the descendants of Thomas Jefferson to burial in the addition to the Monticello graveyard as provided in the covenant under which this property was deeded (in 1923).

Article IV (E) notes that "the President, Vice-President, Secretary, Treasurer, and the immediately preceding Past-President, shall constitute the Executive Committee of the Association, which shall

transact the business of the Association in accordance with its Constitution and By-Laws, and as may be directed by vote of the Association.”

Regarding changes to the constitution, Article VI (A) states that “[a]mendments to the Constitution shall require the affirmative vote in writing of a majority of the voting members of the Association. Such amendment shall become effective three months after the affirmative vote of such majority, which shall be announced by the President.”

In 1926, the Association’s constitution was amended to provide two new non-voting classes of membership. Following the requirement for a constitutional change, a mail vote ensued, the amendment passed, and the following new membership classes were added to Article III:

“Honorary Members: Persons in an official position who in that position have assisted the Association and shown interest in furthering its aims, may upon nomination by the Executive Committee of the Association, be elected Honorary Members by a two-thirds affirmative vote of the members present at any duly called meeting at which a quorum is present. [The President of the University of Virginia and the Director of the Thomas Jefferson Memorial Foundation have traditionally been Honorary Members.]

Associate Members: Adopted children, stepchildren, and spouses of regular members, including widows and widowers of regular members, who assist the Association and show interest in furthering its aims, as evidenced by making contributions to the Association, or by attending its meetings, or by corresponding with the Secretary of the Association, may be elected Associate Members by an affirmative vote of a majority of the members present at any duly called meeting at which a quorum is present.”

The Association’s by-laws contain sections regarding dues, the order of business at meetings, termination or suspension of membership, and standing committees. They may be found in their entirety in Appendix 1 of this report.

Although most changes to the Association’s constitution since its adoption in 1913 followed the constitution’s provision for amendment, at least one example exists where the Association failed to follow the specified amendment procedure. In 1922, the name of the Association was changed from the “Monticello Graveyard Association” to “The Monticello Association.” The name change was made on a motion and unanimously carried, although it was noted at the 1924 meeting that the motion process for the name change “was not in accordance with the constitution.” A mail vote should have been taken, but since the change had gone unchallenged and was established by use, no further action was taken.

One of the major points of concern in the early years of the Association was that future burials should not encroach upon the open area around the Jefferson monument. This was expressed in a resolution adopted in 1922 that “the Northern half of the graveyard . . . shall not be used for future burials.” The line beyond which there are to be no new burials runs from the upward edge of the large ceremonial gate across the graveyard to the downhill side fence.

At its annual meeting in 1952, the Association passed a resolution (by vote of those present) stating that spouses of lineal descendants are entitled to interment in the Monticello graveyard. This action formalized a practice that had been followed since the formation of the graveyard.

It is important to recognize that membership in The Monticello Association is not a prerequisite for burial in the Monticello graveyard. The current criteria for membership in the Association are set forth in its constitution. There has been at least one example of the burial of a descendant of Thomas Jefferson who was not a member of The Monticello Association.

C. Current Membership Application Process

The current application process for membership in The Monticello Association is relatively simple. Requests for membership are addressed to the Association Secretary and are usually accompanied by genealogical information. The Secretary then mails a membership application and dues information to the applicant.

The completed application form is returned to the Secretary, who checks the name against the genealogy published in the *Collected Papers of The Monticello Association, Volume 2* (published in 1984) and/or the Secretary's records of additions to that genealogy. If the applicant is related to a descendant of Thomas Jefferson listed in this genealogy, a family identification number is assigned and recorded on the application form. New members are recorded in the Secretary's files. The completed application form with any dues payment is then sent to the Treasurer. If there is any doubt as to the descent of an applicant, the Secretary consults with the Association Historian, and together they make a decision based upon the available information. The applicant is then notified in writing of this decision.

Although the Association's by-laws provide for a Membership Committee, this committee is not currently active. According to the by-laws, the purpose of the Membership Committee is "to interest eligible persons in the Association and to encourage them to enroll as members...." and to "make nominations at the annual meetings for election of associate members...." It is important to note that under the Association's current by-laws the Membership Committee does not act upon membership applications.

II. RECOMMENDATION ON GRAVEYARD TRUSTEES

Under Virginia law, trustees must be appointed to complete any legal transaction pertaining to a graveyard. Trustees are appointed by the circuit court of the county where the graveyard is located. The Monticello graveyard is located in Albemarle County, Virginia. Trustees have never been appointed for the original portion of the Monticello graveyard that is still owned by the descendants of Thomas Jefferson Randolph. In 1979, trustees were appointed by the Circuit Court of Albemarle County, Virginia, for the Levy addition to the Monticello graveyard. Two of those trustees have since died and three desire to resign. Although the Monticello graveyard contains two sections with different sources of title, it has historically been managed by The Monticello Association as one graveyard. The MAC recommends that new trustees be appointed for the *entire* Monticello graveyard. The section below gives a brief history of the chain of title and deed restrictions on the two sections of the graveyard. The MAC recommends that The Monticello Association adopt a resolution to petition the Circuit Court of Albemarle County, Virginia, for the appointment of trustees for the entire Monticello graveyard.

Background: Chain of Title and Deeds

The current Monticello graveyard contains 0.692 acres and is the aggregate of Parcels B, C, D and E as shown on the plat of survey by Kurt M. Gloeckner, C.L.S. dated January 27, 1975, revised June 12, 1975, attached hereto as Appendix 2.

The original graveyard was reserved by Thomas Jefferson Randolph and Martha Jefferson Randolph when Monticello was conveyed to James T. Barclay by deed dated November 1, 1833 and recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 31, page 170. This original graveyard contains 0.185 acres and is shown as Parcel E on the Gloeckner survey.

The graveyard was enlarged when Jefferson M. Levy conveyed to Thomas Jefferson Randolph IV and Hollins Nicholas Randolph (as trustees) "a lot to contain one half ... acre of land lying next to and contiguous to the present burial ground to the eastward thereof ... for burial purposes only for the descendants of Thomas Jefferson." This conveyance was made by deed dated June 30, 1923, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 185, page 199, and was contemporaneous with the conveyance of Monticello by Mr. Levy to the Thomas Jefferson Memorial Foundation. The Levy addition to the graveyard contained 0.507 acre and is shown as Parcels A, D, and C on the Gloeckner survey.

In 1979, The Monticello Association conveyed a portion of the Levy addition, containing 0.287 acre, to the Thomas Jefferson Memorial Foundation in exchange for a parcel of equal size. This exchange was made by deed dated November 16, 1979, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 687, page 787, and is shown on the Gloeckner survey as being Parcel A, which was conveyed to the Foundation, and Parcel B, which was conveyed to the Association.

In order to make this exchange with the Foundation, six trustees of the Levy addition to the graveyard were appointed by order of the Circuit Court of Albemarle County, Virginia, dated April 11, 1979. (This action of appointing trustees did not affect the original portion of the graveyard, which remained without trustees.) The trustees appointed in 1979 were V.R. Shackelford, Jr., Frank S. Walker, Jr., John Byrd Taylor, William Mann Randolph, III, William Leigh Taylor, Sr., and Jane W. Rotch. John Byrd Taylor and William Leigh Taylor, Sr. are now deceased. V.R. Shackelford, Jr., Frank S. Walker, Jr. and Jane W. Rotch desire to resign as trustees.

The MAC recommends that current trustees be appointed pursuant to Virginia law for the entire graveyard containing 0.692 acres and being the aggregate of the original graveyard (Parcel E, 0.185 acre) and the Levy addition as adjusted by the exchange with the Thomas Jefferson Memorial Foundation (Parcel B, 0.287 acre; Parcel C, 0.085 acre; and Parcel D, 0.135 acre). The MAC recommends that V.R. Shackelford, III, Susan S. Walker, Robert M. Gillespie, William Mann Randolph III, Nancy Morgan and Jane R. Boissevain be appointed to serve as such trustees. V.R. Shackelford, III is the son of V.R. Shackelford, Jr.; Susan S. Walker is the daughter of Frank S. Walker, Jr.; and Jane R. Boissevain is the daughter of Jane W. Rotch. V.R. Shackelford, III, Susan S. Walker, Robert M. Gillespie, and William Mann Randolph III are descendants of Thomas Jefferson Randolph.

The process for appointment of current trustees for the Monticello graveyard begins with the adoption of a resolution by The Monticello Association. This resolution will then be attached to a

petition seeking entry of a court order by the Judge of the Circuit Court of Albemarle County, Virginia, to appoint such trustees.

The MAC recommends that The Monticello Association adopt the following resolution at the May 2000 Annual Meeting:

RESOLUTION

IT IS HEREBY RESOLVED that The Monticello Association petition the Circuit Court of Albemarle County, Virginia, pursuant to Virginia Code Section 57-8 and 57-23 (1950, as amended) for the appointment of trustees for the Monticello graveyard, containing 0.692 acres, and being the aggregate of Parcels B, C, D and E as shown on the attached plat of survey by Kurt M. Gloeckner, C.L.S., dated January 27, 1975, revised June 12, 1975; and

IT IS FURTHER RESOLVED that V. R. Shackelford, III, Susan S. Walker, Robert M. Gillespie, William M. Randolph III, Nancy Morgan, and Jane R. Boissevain be appointed as said trustees.

**III. THOMAS JEFFERSON AND SALLY HEMINGS:
WHERE WE ARE AND NEXT STEPS**

The MAC is considering the following questions pertaining to its task:

1. What evidence of descent is required for membership in The Monticello Association?
2. What evidence of descent is required for burial in the Monticello graveyard?
3. Who has the authority to determine the criteria for membership in The Monticello Association? Who has the authority to determine the criteria for burial in the Monticello graveyard?
4. What is the procedure to act upon applications for membership in The Monticello Association?
5. What is the procedure to act upon requests for burial in the Monticello graveyard?
6. Should the existing organizational documents (constitution and/or by-laws) of The Monticello Association be amended?
7. Should The Monticello Association initiate a legal action to obtain a court interpretation of the applicable deed restrictions for the Monticello graveyard?

Background

To address these questions, the MAC has sought access to the most recent information and analysis of the Jefferson-Hemings controversy. Just after the November 1998 publication of Dr. Eugene Foster's DNA study in the journal *Nature*, Dr. Daniel Jordan, president of the Thomas Jefferson Memorial Foundation (TJMF), appointed a Research Committee charged "to gather and assess critically all relevant evidence about the relationship between Thomas Jefferson and Sally Hemings...." The MAC believed that the Foundation's findings would be essential to its efforts and understood that the Foundation's report would be available in the fall of 1999. As it turned out, the report was not released until January 26, 2000.

The MAC also felt that legal advice was essential. Before last spring's annual meeting of The Monticello Association, then President Robert M. Gillespie sought legal opinion in anticipation that

one or more of the descendants of Sally Hemings might seek membership in the Association and the right to burial in the Monticello graveyard. Professor Denis J. Brion of the Washington and Lee University Law School was asked to study the deed restrictions of the Monticello graveyard with respect to the descendants of any child of Sally Hemings that might have been fathered by Thomas Jefferson. He was asked whether it is mandatory or permissive that such descendants be considered Jefferson descendants or whether it is mandatory that such descendants not be considered descendants of Jefferson. The emphasis in these original questions was on the deed restrictions governing burial in the graveyard and not on membership in the Association. These initial questions also assumed that it was established that Thomas Jefferson was the father of Sally Hemings' children.

Professor Brion made a preliminary analysis of these issues. He concluded that the restriction imposed on the Levy addition to the Monticello graveyard was a restrictive covenant, and that the Thomas Jefferson Memorial Foundation had the right to enforce such covenant by injunction. He also raised the issue of whether the covenant could be enforced at all, in view of the fact that many persons other than descendants of Thomas Jefferson have been buried in the Monticello graveyard. His conclusion was that a court would probably determine that the term "descendant" is confined to Thomas Jefferson's two daughters (Martha and Maria) and their descendants, unless a court ruled that the Randolph-Eppes descendants had waived the restrictive covenant by burial of non-descendants (mostly spouses) in the Monticello graveyard.

Although Professor Brion's report was helpful, the MAC realized that there were prior questions to consider. We still needed to define criteria to be used as evidence of descent both for membership in the Association and for burial in the Monticello graveyard. Although a descendant does not have to be a member of the Association to qualify for burial rights, it is nevertheless usual for qualified persons to seek membership in the Association as well as burial rights.

In order to determine whether descendants of the children of Sally Hemings are also descendants of Thomas Jefferson, it is necessary to establish paternity by Thomas Jefferson of the children of Sally Hemings. Proof of paternity usually requires some acknowledgment by the father, or a birth certificate (which was not available for slaves), or other documentary proof. In the absence of documentary proof, there is a statutory procedure for establishing paternity, used primarily for child support cases and for wills and estates. In order to prove paternity, there must be "clear and convincing evidence," which may be difficult to provide in the absence of documentary evidence.

Authority for defining evidence of descent

Several of the descendants of Sally Hemings have applied for membership in The Monticello Association and seek the right to burial in the Monticello graveyard. In responding to these applications, questions have arisen about the authority of the Executive Committee. Does the Executive Committee have the authority to make a decision on whether there is descent from Thomas Jefferson using any criterion other than a traditional interpretation of the term "lineal descendant" in Article III (A) of the Association constitution (i.e., Randolph-Eppes descendants only)? Or, if a change in the criteria for regular membership were proposed, would it require a written vote of the membership (and a majority vote of all Regular Members to pass) as stipulated by Article VI (A) of the constitution? In the event that a new definition of descendant were

approved by the membership, would that definition apply to the word descendant as used in the restrictive covenant governing the right to burial in the Levy addition of the Monticello graveyard?

As noted above, Professor Brion undertook his original analysis of the legal issues confronting the Association on the assumption that Thomas Jefferson was the father of one or more Hemings descendants. In early 2000, the MAC posed additional questions to Professor Brion with regard to membership rights in the Association as well as burial rights in the Monticello graveyard. With these additional questions, the MAC sought a legal analysis of the powers of the Association and its Executive Committee. The additional questions were:

1. Who is a descendant of Thomas Jefferson and how is that fact determined?
 - 2a. Under current law as applied to the existing constitution of The Monticello Association, is it mandatory that descendants of illegitimate children of Thomas Jefferson be admitted as members, or is it permissible that such persons be admitted as members, or is it mandatory that such persons not be admitted as members?
 - 2b. If it is permissible for the Association under current law as applied to the existing constitution to admit descendants of illegitimate children of Thomas Jefferson as members, how does the Association exercise such authority?
 - 2c. Under current law as applied to the applicable deed restrictions, is it mandatory that descendants of illegitimate children of Thomas Jefferson be given the right to burial in the Monticello graveyard, or is it permissible that such persons be given such burial right, or is it mandatory that such persons not be given such burial right?
 - 2d. If it is permissible that descendants of illegitimate children of Thomas Jefferson be given the right to burial in the Monticello graveyard under current law as applied to the applicable deed restrictions, can the Association grant such burial right?

Professor Brion has agreed to examine these questions, but his response has not been received in time to be incorporated into this Interim Report. No predisposition with respect to a possible recommendation by the MAC should be read into these questions.

Relevant issues

In its deliberations, the MAC has considered many interpretations of the alleged relationship between Thomas Jefferson and Sally Hemings. In many instances, there are widely differing views drawn from the same historical evidence. Some of the relevant points raised are listed below. More details on all these issues can be found in the resources listed in Section 4.

1. Dr. Eugene Foster's DNA test results published in November 1998 provided information on the descendents of two children of Sally Hemings alleged to have been fathered by Thomas Jefferson.
 - A. One of these children was Thomas Woodson, allegedly the first child of Sally Hemings, born in 1790 soon after she returned from France with Thomas Jefferson and his daughters. In the DNA study, five descendants of Thomas Woodson were tested. Four of these showed a shared ancestry. The fifth showed "illegitimacy in the line," and was properly disregarded. The DNA of

the Woodson descendants tested did not match that of the Jefferson descendants. The result of an additional DNA test on another branch of the Woodson family, released in March 2000, also did not show a match with Jefferson DNA.

Some argue that there is insufficient historical evidence to show that Sally Hemings was Thomas Woodson's mother. Thomas Woodson does not appear in Jefferson's Farm Book, while Sally Hemings' other children do. When Madison Hemings listed the children of Sally Hemings in his autobiographical statement of 1873, he did not include Thomas Woodson. On the other hand, each branch of the Woodson family has passed down through the generations significant oral history stating that Thomas Jefferson and Sally Hemings were Thomas Woodson's parents. Woodson family oral history has been considered by some to be the most authoritative of all the branches of Hemings descendants.

B. The second line of Hemings descendants tested by Dr. Foster was that of Eston Hemings, Sally's youngest son, born in 1808. Here the DNA did match the Jefferson pattern, leading to the conclusion that Eston was most likely fathered by a Jefferson, but the test itself cannot provide evidence as to which Jefferson that might have been. According to the TJMF report, the oral tradition in Eston's family held that they were descended from an uncle, cousin, or nephew of Thomas Jefferson.

C. Randolph family history has suggested that one or both of Thomas Jefferson's nephews, Samuel and Peter Carr, fathered one or more of Sally Hemings' children. In the 1998 tests, DNA from descendants of John Carr (grandfather of Samuel and Peter Carr) was compared to that of Eston Hemings' descendants. There was no match, thus refuting the claim that a Carr was the father of Eston Hemings.

D. Since no male-line descendants of Sally's other three children, Beverly, Harriet, and Madison, have been identified to date, no DNA testing has been possible on their lines.

2. Thomas Jefferson was born into a society where the institution of slavery was legal. His family owned slaves, as did his wife's family, and Jefferson remained a slave-owner until his death.
3. The institution of slavery, and the legal system defining it, deprived slaves and children of slaves of public records of their births, marriages, and deaths. Documentary evidence of lineal descent may therefore never be available for descendants of slaves.
4. Sally Hemings' children, Beverly, Harriet, Madison, and Eston, were the only set of siblings to have been freed or permitted to run away from Monticello. Beverly and Harriet left Monticello in 1822 and were not pursued. (According to his overseer, Jefferson provided funds for Harriet's fare to Philadelphia). Madison and Eston were freed at Jefferson's death. Thomas Jefferson freed very few other slaves. Some of the others freed were also relatives of Sally Hemings, but others of her relatives remained slaves and were later sold at auction. Sally herself appears to have been freed by Jefferson's daughter Martha after Thomas Jefferson's death. She lived with her sons Madison and Eston in Charlottesville until her death.
5. Some historical events can be interpreted as evidence of a long and intimate relationship between Thomas Jefferson and Sally Hemings, but there is no legal proof of that relationship, and there is no reason to believe that additional proof exists.

6. There is evidence that Thomas Jefferson was at Monticello for the necessary period of conception before the birth of each of Sally Hemings' children and therefore could have been their father. (This list excludes Thomas Woodson, who does not appear in Jefferson's Farm Book records). Some people argue that Randolph Jefferson (Thomas' brother), one of his sons, or another Jefferson relative, was the father of Eston Hemings and perhaps of one or more of his siblings. There is little evidence of the whereabouts of any of the other Jeffersons during the periods of conception of Sally Hemings' children. Some have argued, however, that other members of the Jefferson family were more likely to visit Monticello when Jefferson was in residence than when he was not, and therefore that others could also have been present during the periods of conception of Sally Hemings' children. With the exception of an invitation to Jefferson's brother Randolph near the time of Eston's conception, there is little evidence specifically pointing to another male Jefferson's presence at Monticello during the conception periods. In the case of Randolph, there is no evidence as to whether or not he accepted that invitation. The TJMF report notes that other correspondence suggests that Randolph did not always come to Monticello when invited, and that recorded visits tended to be on his own initiative, rather than at Thomas' invitation.
7. Several eminent historians, including Dumas Malone, have examined the available facts and concluded that Thomas Jefferson was not the father of any of the Hemings children and did not have a significant relationship with Sally Hemings. On the other hand, the analysis of these historians has been challenged by Professor Annette Gordon-Reed's study of the controversy. Professor Gordon-Reed's study argued that these historians had overlooked black sources that contradicted their theses. Her analysis of primary and secondary sources points to the likelihood that Thomas Jefferson was the father of Sally Hemings' children Beverly, Harriet, Madison, and Eston.
8. The only documentary reference by Thomas Jefferson to a relationship outside of marriage was in the cover to a letter written to the Secretary of the Navy while Thomas Jefferson was President. Many commentators believe that this letter was part of a negotiated settlement of Jefferson's admitted approach to the wife of John Walker when Jefferson was a young man. The letter itself has been lost or destroyed. Jefferson's statement has been interpreted by some historians to include a denial of a relationship with Sally Hemings. Others believe that this denial did not necessarily mean to include the alleged relationship with Sally Hemings. The statement was as follows "You will perceive that I plead guilty to one of their charges, that when young and single I offered love to a handsome lady. I acknowledge its incorrectness. It is the only one founded in truth among all their allegations against me."
9. The 1833 deed that reserved the original Monticello graveyard described it as a "family graveyard." Of the 198 persons buried in the original portion and the Levy addition of the Monticello graveyard since 1773, 82 are not descendants of Thomas Jefferson. Most of these are spouses of descendants, but the list also includes an assortment of other cousins, neighbors, and persons unrelated by blood to Thomas Jefferson. (See Appendix 4 for more information.)
10. One of the purposes of the Association, as stated in its constitution, is "to endeavor in every practicable way to protect and perpetuate the reputation and fame of Thomas Jefferson." Some believe that the relationship with Sally Hemings, if true, makes Thomas Jefferson a more human person and acknowledges the innate contradictions of the slavery system. Others argue that

Jefferson denied the charges of a relationship with Sally Hemings and that any affirmation of that relationship is tantamount to calling Jefferson a liar and a hypocrite.

Forming a recommendation

In the months since its appointment, the MAC has assembled large quantities of information dealing with the Jefferson-Hemings issue. It has examined the report of the TJMF Research Committee, its Minority Report, and its response to the Minority Report. It has considered the views of a wide range of individuals, both within the family and outside it, read newspaper stories, magazine articles, and books, and reviewed historical records of The Monticello Association.

When the MAC has received the report on legal issues from Professor Brion (described earlier in this section), it will proceed with its primary task of formulating a recommendation for the Executive Committee. While the experience of this past year has taught the MAC not to anticipate how long it will take to finalize such a recommendation, it earnestly intends to complete and publish a final report in time for consideration at the Annual Meeting in May 2001. In the meantime, we welcome comments from Monticello Association members, Hemings descendants, and interested others. Comments may be sent to the committee chair at the address noted in the Introduction to this report.

The MAC has a formidable, maybe impossible, task, but it is determined to use its best judgment in completing its work. The committee recognizes that its recommendations may not satisfy the expectations of all persons. Despite the controversy involved in its mission, the committee will seek to incorporate in its final report an appreciation of Thomas Jefferson and his significant role in our nation's development, both past and future.

IV. ADDITIONAL SOURCES OF INFORMATION

Several websites contain considerable further information and links to other sources on Thomas Jefferson, Sally Hemings, and the Monticello Association. These include the websites of The Monticello Association (www.monticello-assoc.org), the Thomas Jefferson Memorial Foundation (www.monticello.org), and the Public Broadcasting Service (www.pbs.org), which aired a Frontline program entitled *Jefferson's Blood*, May 2, 2000. Some details are given below. The MAC welcomes suggestions of other resources, which should be sent to the committee's chairman at the address provided in the Introduction of this report.

INFORMATION ON THE MONTICELLO ASSOCIATION

Website

www.monticello-assoc.org

The site includes the following:

“History of the Graveyard at Monticello” by Robert Kean (from *Collected Papers Vol. 1*).

- ◆ “The First Fifty Years of The Monticello Association,” by Robert Kean (from *Collected Papers Vol. 1*)
- ◆ “The Monticello Association 1963-83” by George Esser (from *Collected Papers, Vol. 2*)
- ◆ Constitution and by-laws of The Monticello Association
- ◆ Information on Sally Hemings

- ◆ Links to other sites

Publications

The *Collected Papers of The Monticello Association, Volume I* (1965) contains historical and biographical essays including (but not limited to):

- ◆ History of the Monticello graveyard
- ◆ First 50 years of The Monticello Association
- ◆ The ancestry of Thomas Jefferson
- ◆ Martha Jefferson and Thomas Mann Randolph
- ◆ Founders of The Monticello Association
- ◆ Inscriptions on gravestones in the Monticello graveyard
- ◆ Index of descendants of Thomas Jefferson and his wife Martha Wayles
- ◆ Maria Jefferson and John Wayles Eppes
- ◆ Constitution and by-laws of The Monticello Association

The *Collected Papers of The Monticello Association, Volume II* (1984) contains additional historical and biographical essays including (but not limited to):

- ◆ The Monticello Association 1963-83
- ◆ Martha Jefferson Randolph and John Charles Randolph Taylor
- ◆ Charts showing descent from Thomas Jefferson of the Bankhead, Coolidge, Eppes, Kean, Meikleham, Randolph, Ruffin, Shine, Taylor, and Trist branches of the family through the 19th century.
- ◆ List of persons buried in the Monticello graveyard

Collected Papers of The Monticello Association, Volumes 1 and 2, are available from:

The Monticello Association

P.O. Box 6421

Ellicott City, MD 21042-6421

Cost: \$30 for each volume, payable to The Monticello Association.

THE THOMAS JEFFERSON MEMORIAL FOUNDATION

(that owns and operates Monticello)

Website

www.monticello.org

Not surprisingly, this site is a comprehensive resource on Monticello and Thomas Jefferson, including information about the Jefferson-Hemings controversy and links to many books and articles. It has a web version of the Foundation's Research Committee report on Jefferson and Hemings, the Minority Report of that committee, the Foundation's response to the Minority Report, and links to relevant articles (such as the original article on DNA results in the journal *Nature*).

Of particular note is Annette Gordon-Reed's book, *Thomas Jefferson and Sally Hemings: An American Controversy*, perhaps the most closely-reasoned book devoted solely to this controversy. Originally published in 1997, has been updated to include analysis of the 1998 DNA study.

PBS FRONTLINE PROGRAM: JEFFERSON'S BLOOD

Website

www.pbs.org

On May 2, 2000, PBS' Frontline aired a program entitled *Jefferson's Blood* examining the legacy of Thomas Jefferson and Sally Hemings' alleged relationship, with particular focus on its effect on Hemings descendants today and what it means to be black or white in America then and now. The main PBS website has a link to this program, which includes video excerpts, transcripts, and a comprehensive web of other information on Jefferson and Hemings and related topics.

APPENDIX 1

Monticello Association Constitution and By-Laws

CONSTITUTION AND BY-LAWS OF THE MONTICELLO ASSOCIATION

ARTICLE I—NAME

The name of this Association shall be THE MONTICELLO ASSOCIATION.

ARTICLE II—PURPOSE

(A) The purpose of the Association shall be:

(First) to preserve, care for, and adorn the graves and grounds comprising the Monticello graveyard; and

(Second) to endeavor in every practicable way to protect and perpetuate the reputation and fame of Thomas Jefferson; and

(Third) to encourage, by means of meetings of the Association, publication of annual reports, and other appropriate activities, bonds of association and friendship among the descendants of Thomas Jefferson.

(B) The property rights of the lineal descendants of Colonel Thomas Jefferson Randolph as owners of the original Monticello graveyard are affirmed and shall be defended by the Association; and no proposition looking to the transfer of ownership from said descendants shall be initiated or supported by the Association until it shall have received the approval in writing of two-thirds of the adult descendants of said Colonel Thomas Jefferson Randolph having proprietary interest in the graveyard.

(C) The Association affirms the rights of the descendants of Thomas Jefferson to burial in the addition to the Monticello graveyard as provided in the covenant under which this property was deeded.

ARTICLE III—MEMBERSHIP

(A) Regular Members. Any lineal descendant of Thomas Jefferson who applies for membership, and annually pays dues as stated in the By-Laws of this Association, shall be a Regular Member of the Association, provided that a regular member whose dues are more than one year in arrears shall not be considered a member in good standing. Regular members shall be entitled to participate in all proceedings of the Association except that the right to vote and to hold office is limited to regular members in good standing who have reached the age of 18 years.

(B) Honorary Members. Persons in an official position, who in that position have assisted the Association and shown interest in furthering its aims, may upon nomination by the Executive Committee of the Association, be elected Honorary Members by a two-thirds affirmative vote of the members present at any duly called meeting at which a quorum is present.

- (C) Associate Members. Adopted children, step-children and spouses of regular members, including widows and widowers of regular members, who assist the Association and show interest in furthering its aims, as evidenced by making contributions to the Association, or by attending its meetings, or by corresponding with the Secretary of the Association, may be elected Associate Members by an affirmative vote of a majority of the members present at any duly called meeting at which a quorum is present.
- (D) Honorary and Associate members may attend and take part in meetings of the Association, but they may not vote or hold office.
- (E) Nothing in Article III of this Constitution shall change the status of Honorary or Associate members enrolled at the time of its adoption.

ARTICLE IV—OFFICERS

- (A) The officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer, who shall be elected annually at the Annual Meeting, or by mail ballot if no meeting be held.
- (B) The President shall preside at all meetings of the Association, approve the minutes thereof, shall be the chairman of the Executive Committee, shall appoint a Custodian of the graveyard, and shall appoint committees as stated in the By-Laws of the Association.
- (C) The Vice-President shall preside in the absence of the President from meetings, and shall perform the duties of the President when authorized by him, or when the presidency shall become vacant.
- (D) The Secretary shall record the minutes of the meetings of the Association, shall publish its annual report, and shall keep a record of the names and addresses of the members of the Association. The Treasurer shall keep the accounts of the Association, shall collect and hold its funds, and shall disburse the same under the direction of the Executive Committee.
- (E) The President, Vice-President, Secretary, Treasurer, and the immediately preceding Past-President, shall constitute the Executive Committee of the Association, which shall transact the business of the Association in accordance with its Constitution and By-Laws, and as may be directed by vote of the Association.
- (F) There shall be a Custodian of the graveyard, appointed by the President. The Custodian shall have custody of the keys of the graveyard, and shall maintain and care for the graveyard under the direction of the Executive Committee of the Association.
- (G) There shall be an Historian of the Association, elected at the annual meeting for a term of one year, or until a successor is elected and qualified. It shall be the duty of the Historian to receive and preserve all documents, articles, papers, or other data of a genealogical or historical nature pertaining to the purposes of the Association, which may from time to time, be given to the Association.

- (H) There may be two Trustees, appointed by the Executive Committee subject to confirmation by a majority affirmative vote of the next meeting of the Association following such appointment. They shall serve at the pleasure of the Executive Committee, or until their successors are appointed, as above. These Trustees shall be, (1) an Individual Trustee who shall be a member of the Association, not a member of the Executive Committee, and (2) a Corporate Trustee, which shall be a Bank or Trust Company in the Commonwealth of Virginia. It shall be the duty of the Trustees to receive and hold in trust such funds as shall be delivered to them by the Association, to invest and reinvest as they deem best, without being restricted to those securities expressly authorized by law for fiduciaries, and to exercise such powers as may be necessary for the management of such invested funds, and to pay therefrom the expenses thereby incurred. They shall pay to the Treasurer of the Association, annually or more frequently as may be agreed, the net income of the trust fund, and shall render a report annually to the Association.

ARTICLE V—PROXIES

General proxies shall not be recognized, but members not able to attend any meeting shall have the privilege of filing with the Secretary their votes for officers and upon specific questions upon which they may desire to record a vote in case such questions may be brought before the meeting. Any such vote in writing, except for officers, will be subject to challenge by any member present as to its applicability to the question before the Association, and it may be thrown out by a majority of the votes of the members actually present, if not deemed pertinent to the question under consideration.

ARTICLE VI—AMENDMENT

- (A) Amendments to the Constitution shall require the affirmative vote in writing of a majority of the voting members of the Association. Such amendment shall become effective three months after the affirmative vote of such majority, which shall be announced by the President.

By-Laws of The Monticello Association

1.—Fiscal Year.

- (A) The Fiscal Year of the Association shall begin on January first and extend through December thirty-first of each calendar year.

2.—Dues.

- (A) Dues of Regular Members, except Regular Life Members, shall be assessed at ten dollars per year for adults, one dollar for juniors.

(B) Dues shall not be assessed Associate or Honorary Members.

3.—Meetings.

(A) The annual Meeting of the Association shall be held on a Sunday in May, selected by the Executive Committee, at such hour and place in the City of Charlottesville, Virginia, or in its vicinity, as may be designated by the President.

(B) Called meetings may be held at such time and place as may be designated by the President, upon application in writing of ten voting members of the Association in good standing.

(C) Due notice in writing of all meetings of the Association shall be sent to members, not less than fifteen days in advance of the designated date.

4.—Quorum.

(A) Ten voting members in good standing shall constitute a quorum for the transaction of business of the Association.

(B) In case the attendance of ten voting members cannot be engaged by a date one week in advance of the annual meeting, or if a quorum is not obtained at an annual meeting, the election of officers shall be held by mail ballot, the results of which shall be certified to the Association by the Executive Committee.

5.—Order of Business.

(A) The order of business at meetings of the Association shall be:

1. Roll Call
2. Reading of the Minutes of the last meeting
3. Report of the Secretary
4. Report of the Treasurer
5. Reports of other Officers and of Committees
6. Unfinished business
7. Election of Officers
8. Miscellaneous and New Business
9. Adjournment

(B) This order of business may be changed for any meeting by vote of a majority of the members present.

6.—Life Membership.

(A) Any Regular or Associate Members who makes a donation of two hundred and fifty dollars or more to the Association shall thereafter remain in good standing as a Life Member of the Association.

7.—Termination or Suspension of Membership.

(A) Regular Members who become more than three years in arrears in the payment of dues; and Associate Members who for a period of three years have failed to show interest in the Association as evidenced by the making of a contribution, or attendance at a

meeting, or correspondence with the Secretary, shall be dropped from the active rolls of the Association.

- (B) Associate Members so dropped may be re-elected to membership upon appropriate qualification for such re-election, and Regular Members so dropped are automatically reinstated as members in good standing upon payment of current dues.

8.—Committees.

- (A) Standing Committees of the Association shall be as follows, the members and chairmen thereof being appointed annually by the President, subject to the limitations established by these By-Laws.
- (B) A Committee on Interments; to consist of the Custodian (ex officio) and not less than two nor more than four other members who shall serve for one-year terms. The Committee on Interments shall undertake to determine space allotments in the graveyard desired by individuals and family groups, and shall advise members regarding locations for interments, to guide them in accordance with stated policy of the Association, and to promote an orderly and desirable plan of the graveyard. It shall make a report annually to the Association.
- (C) A Membership Committee; to consist of a Chairman, the Secretary (ex officio), the Treasurer (ex officio), the Historian (ex officio), and such other members as may be necessary. The Membership Committee shall work to interest eligible persons in the Association and to encourage them to enroll as members. It shall make nominations at the annual meetings for election of associate members, and it shall make a report annually to the Association.
- (D) On Standing Committees, ex officio members shall not serve as chairmen; appointed members may be re-appointed.
- (E) The President may, from time to time, appoint temporary committees as needed.

9.—Amendments.

- (A) These By-Laws may be amended by a two-thirds affirmative vote of the voting members in good standing at any duly called meetings of the Association at which a quorum is present. Such amendment shall become effective three months after such affirmative vote, which shall be announced by the President.

Note: This document was adopted by ballot of the membership in 1953 and incorporates amendments to April, 2000.

APPENDIX 2

Plat of the Monticello Graveyard

APPENDIX 3

Monticello Chain of Title—Sequence of Ownership

MONTICELLO CHAIN OF TITLE—SEQUENCE OF OWNERSHIP

- 1826 Thomas Jefferson conveys the Monticello estate to Thomas Jefferson Randolph in trust for Martha Jefferson Randolph, and after her husband's death, to Martha Jefferson Randolph in fee simple. A.C. Will Book 8, p. 248.
- 1833 Thomas Jefferson Randolph and his mother Martha Jefferson Randolph convey Monticello to James T. Barclay, but they "reserve to themselves the family graveyard with free access to the same." [This is the parting of the graveyard from the bulk of Monticello.] A.C. Deed Book 31, p. 170.
- 1836 Martha Randolph conveys "any property not otherwise disposed of" to Thomas Jefferson Randolph. By implication this includes the graveyard. A.C. Will Book 12, p. 270.
- 1841-72 Thomas Jefferson Randolph pays taxes on the specifically named "Monticello Graveyard." It is listed as containing a half-acre. A.C. Land Tax Books 1841-1872.
- 1875 Thomas Jefferson Randolph makes no specific provision for the Monticello Graveyard in his will. The graveyard thus passes, undivided, to his heirs-at-law. A.C. Will Book 31, p. 170.
- 1876-79 Albemarle County Land Books continue to list the half-acre Monticello Graveyard as the property of the "Thomas Jefferson Randolph estate." A.C. Land Books 1876-1879.
- 1878 Congress proposes a joint resolution to appropriate money for a monument to Jefferson "on condition that the owners of the graveyard should quitclaim to the United States Government the grave and a lot two rods square containing it." Congressional Record for the Forty-Seventh Congress, pp. 2875-2876.
- 1879 On March 26 the *Jeffersonian Republican* restates the Jefferson family claim to the graveyard at Monticello. It includes reference to the 1830 Randolph-Barclay transaction.
- 1879 On May 14 Wilson Cary Nicholas Randolph, son of Thomas Jefferson Randolph writes a heated letter to the editor of the *Baltimore Gazette* in response to a letter written and published in the paper on May 2. It states that "legal rights to the Monticello graveyard are in the descendants of Thomas Jefferson Randolph-they alone can make the government a title."
- 1882 Congress appropriates \$10,000 for a monument to be placed on Jefferson's grave. Congressional Record for the Forty-Seventh Congress, p. 2511.
- 1883

- 1882 A June 9 article in the *Charlottesville Chronicle* rejects the proposition that Jefferson's remains be removed to "the Washington Cemetery." Jefferson heirs also protest, and their lawyer's letter states that "said owners of the graveyard being the heirs of the late Thomas Jefferson Randolph . . . are, by the laws of Virginia . . . sole custodians of the remains of Jefferson, which they will under no circumstances allow to be removed from the spot which he himself selected as their last resting place."
- 1882-98 Albemarle County Land Books continue to list the half-acre Monticello Graveyard as the property of the "Thomas Jefferson Randolph estate." After 1898, however, this parcel disappears from record. A.C. Land Books 1882-1898.
- 1913 The Monticello Association is formed (called originally, the Monticello Graveyard Association) and a constitution and by-laws are adopted. The first-state purpose of the Association is to care for the graves and grounds of the Monticello Graveyard. Shackelford, *Collected Papers of the Monticello Association*.
- 1923 Jefferson Levy conveys to Thomas Jefferson Randolph IV and Hollins Nicholas Randolph "a lot to contain one half . . . acre of land lying next to and contiguous to the present burial ground to the eastward thereof . . . for burial purposes only for the descendants of Thomas Jefferson." A.C. Deed Book 185, p. 199.
- 1923 Jefferson M. Levy's conveyance of Monticello to the Thomas Jefferson Memorial Foundation includes a reservation to the descendants of Thomas Jefferson Randolph "ingress to, egress from, and the right of burial in the Thomas Jefferson graveyard . . . and *also right of ingress to and egress from the additional half acre contiguous to the same . . .*" A.C. Deed Book 185, p. 123.
- 1979 The Circuit Court of Albemarle County approves new Monticello Association trustees for the Monticello Graveyard. By further decree, these trustees are authorized to exchange a portion of the graveyard for another adjacent parcel owned by the Thomas Jefferson Memorial Foundation. A.C. Deed Book 670, p. 464.
- 1980 The exchange of land for the Monticello Graveyard is effected and entered into record. A.C. Deed Book 687, p. 790.
- 1997 The Monticello Association conveys an easement to the Thomas Jefferson Memorial Foundation allowing the construction of apparatus for accessibility along a portion of the graveyard. A.C. Deed Book 1616, p. 298.
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APPENDIX 4

Analysis of Non-descendant Burials in the Monticello Graveyard

Analysis of Non-Descendant Burials in the Monticello Graveyard 1773-1999

Compiled by Jane W. Rotch

TOTAL NUMBER OF PERSONS BURIED		198
Descendants of Thomas Jefferson through his daughters, Martha and Maria		116
Non-Descendants of TJ		82
NON-DESCENDANTS DIVIDED INTO GROUPS		
Spouses or parents of above and other (living) descendants (Thomas Jefferson, his spouse and his mother are included in this group, for convenience)		61
Dabney Carr Connection		7
Harrison-Garrett Connection		7
Miscellaneous Early (buried in TJ's lifetime)		3
Miscellaneous Later (buried after TJ's lifetime)		<u>4</u>
Total of Non-Descendants		82
SUMMARY OF BURIAL TOTALS		
1773-1872	First Hundred Years	41 burials 16 descendants 25 non-descendants
1873-1912	Next Forty Years	20 burials 17 descendants 3 non-descendants
1913-1999	Period since formation of Monticello Association	137 burials 83 descendants 54 non-descendants
Total		116 descendants
1773-1999		82 non-descendants
		198 burials

NOTES ON ABOVE GROUPS

Dabney Carr Connection

Dabney Carr (DC) was the first burial in the graveyard. Also buried are his wife, one son, two grandsons and two great-grandsons:

Year of Death	Name	<i>Relationship to Dabney Carr</i>
1773	Dabney Carr (No. 14)	Himself
1811	Martha Jefferson Carr (No. 13)	wife, Thomas Jefferson's sister
1823	Wilson Jefferson Cary (No. 17)	DC's grandson
1854	Dabney S. Carr (A-2)	DC's grandson
1855	Samuel Carr (No. 15)	DC's son
1860	John Smith Carr (A-12)	DC's great-grandson
1862	Samuel Smith Carr (A-1)	DC's great-grandson

Harrison-Garrett Connection

William Mortimer Harrison (WMH) was a double first cousin, once removed, of Thomas Jefferson (TJ). He was accidentally drowned at the age of ten, while he was a student at a school run by TJ's nephew, Peter Carr (cf. Jane Rotch's article on WMH in Monticello Association Annual report for 1993).

Six burials are connections of WMH, namely his brother-in-law and that brother-in-law's family. WMH's younger sister, Nannie (born seven years after WMH died) married John B. Garrett, M.D. as his second wife. John B. Garrett (JBG), his first wife, his parents, a sister and her infant daughter are all buried in the graveyard at Monticello:

Year of Death	Name	<i>Relationship to John B. Garrett</i>
1812	William Mortimer Harrison (No. 18)	JBG's second wife's older brother
1843	Evalina G. Duke (F-1)	Sister of JBG
1843	S.J. Duke, infant daughter of Evalina G. Duke (F-1)	Niece of JBG
1845	Elizabeth Ann Garrett (F-4)	First wife of JBG
1855	John B. Garrett, M.D. (F-5)	Himself
1860	Alexander Garrett (G-4)	Father of JBG
1863	Evelina Garrett (G-3)	Mother of JBG

Miscellaneous Early Burials (burials during TJ's lifetime)

<i>Year of Death</i>	<i>Name</i>	<i>Identity</i>
1788	Mrs. Philip Mazzei, who was living at the nearby plantation, Colle. (Gravesite unknown) She died while both her husband and TJ were abroad.	Wife of TJ's friend, Philip Mazzei, a Florentine merchant, trying to raise wine grapes at Colle. (See Robert Hill Kean's <i>History of The Graveyard at Monticello</i>)
1805	Mary Stewart (F-7)	Wife of a blacksmith who did work for TJ (see R. H. Kean's <i>History</i>).
1820	Wilson Cary Nicholas (No. 19)	TJ's grandson's father-in-law

Miscellaneous Later Burials (burials after TJ's lifetime)

<i>Year of Death</i>	<i>Name</i>	<i>Identity</i>
1838	Louis Leschot (G-6)	Native of Switzerland
1853	Sophie Leschot (G-7)	Native of Switzerland, wife of Louis
1943	Alexander George McAdie (B-24)	Husband of editor of 3 rd edition, <i>The Domestic Life of Thomas Jefferson</i> (see below).
1961	Mary Randolph Brown McAdie (B-25)	Editor of 3 rd edition of Sarah Nicholas Randolph's book, <i>The Domestic Life of Thomas Jefferson</i> . Former student at Edgehill school, Patapsco School, and Sarah Nicholas Randolph's own school in Baltimore.