



BOOK OF MORMON CENTRAL

<http://bookofmormoncentral.com/>

"Entered at Stationers' Hall": The British Copyright Registrations for the Book of Mormon in 1841 and the Doctrine and Covenants in 1845

Author(s): Edward L. Carter

Source: *BYU Studies Quarterly*, Vol. 50, No. 2 (2011), pp. 71–94.

Published by: BYU Studies

Abstract: On April 16, 1840, eight members of the Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints met in Preston, England. One of the topics they discussed was the need to secure copyright protection for the Book of Mormon and the Doctrine and Covenants in England. The Quorum of the Twelve Apostles recognized the key to gaining copyright protection for Latter-day Saint scriptures in Great Britain would be registration at Stationers' Hall in London in accordance with the requirements of the Statute of Anne, Britain's copyright law since 1710. This article explains the legal process and shows how the Apostles achieved British copyright registration of the Book of Mormon on February 8, 1841, and Wilford Woodruff registered the Doctrine and Covenants under the Statute of Anne on June 7, 1845. The five-year process was full of twists and turns as the Apostles faced competition from apostates who planned to obtain the copyright so they could prevent the Church from publishing the Doctrine and Covenants in England.



BYU Studies is collaborating with Book of Mormon Central to preserve and extend access to BYU Studies and to scholarly research on The Book of Mormon.

<http://byustudies.byu.edu/>

“Entered at Stationers’ Hall”

The British Copyright Registrations for the Book of Mormon in 1841 and the Doctrine and Covenants in 1845

Edward L. Carter

On April 16, 1840, a council meeting of eight members of the Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints convened in Preston, England. Just ten days earlier, an emaciated Brigham Young had arrived by ship at Liverpool—after a grueling twenty-eight-day sea voyage from New York on the *Patrick Henry*—along with Heber C. Kimball, Parley P. Pratt, Orson Pratt, and George A. Smith.¹ Elders Wilford Woodruff and John Taylor had arrived in Preston some weeks earlier after leaving New York for England in late 1839.² In responding to the call to meet in Preston, Woodruff left a fruitful area in Herefordshire, where he had baptized 160 members of the Methodist United Brethren.³ At the time of the April 16 meeting, Willard Richards had been an Apostle for all of two days, and Brigham Young had been formally recognized as President of the Quorum of Twelve Apostles for the same amount of time.⁴

Not long after his arrival in England, Brigham Young was preoccupied with questions about publishing the Book of Mormon and Doctrine and Covenants there. He wrote to Joseph Smith to say that demand was great for the Book of Mormon in England but that import duties were so high it would not be feasible to bring copies from America.⁵ “If I should act

1. Joseph Smith Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed., rev., 7 vols. (Salt Lake City: Deseret Book, 1971), 4:111, 115 (hereafter cited as *History of the Church*).

2. *History of the Church*, 4:46.

3. *History of the Church*, 4:123.

4. *History of the Church*, 4:114, 115.

5. *History of the Church*, 4:126.

Edward L. Carter

It all started with a tap on the head by a four-hundred-year-old “space bonnet.”

In November 2009, I graduated from the University of Edinburgh School of Law with an LL.M. degree in Intellectual Property. At the ceremony, the other graduates and I walked across the stage and were tapped on the head by a university official holding a cap made from the breeches of the sixteenth-century Scottish religious and educational reformer John Knox. For



150 years, Edinburgh graduates have been tapped on the head in a similar fashion with the same Geneva Bonnet, a portion of which traveled into space on the Space Shuttle *Discovery* with Edinburgh graduate Piers Sellers in 2006.

For two years in the Edinburgh program, I had been studying modern copyright law. But the experience with the Geneva Bonnet and other traditions at the University of Edinburgh, which was founded in 1583, turned me toward history. I began to learn more about the Statute of Anne, Great Britain’s 1710 copyright law.

When I traveled to England in June 2010, I visited Preston’s Avenham Park, where the first Latter-day Saint converts in England were baptized in the River Ribble. It struck me then that the intersection of copyright law history and the history of The Church of Jesus Christ of Latter-day Saints would prove interesting. I went to the British Library at St. Pancras, London, and was somewhat surprised to learn that I could simply ask to see and handle both an 1830 Book of Mormon from New York and an 1841 Book of Mormon printed in Liverpool.

As I handled the 1841 book, I noticed the words “Entered at Stationers’ Hall” on the reverse of the title page. That eventually led me to the Fleet Street area of London to visit the Stationers’ Company, where Wilford Woodruff and Heber C. Kimball registered the Book of Mormon in 1841.

The rest, as they say, is history. Four-hundred-year-old space bonnet history.

according to my feelings,” Young said, “I should hand the Book of Mormon to this people as quickly as I could.”⁶ With regard to the Doctrine and Covenants, Young wondered, “Shall we give it to them as quickly as we can?”⁷ In tandem with plans to publish the books of scripture in England, the early Latter-day Saint leaders felt compelled to secure copyright protection to ensure their ability to control the texts as well as guarantee correct attribution.

The Prophet Joseph Smith and other Church leaders were acquainted with statutory copyright law in the United States, given Joseph Smith’s copyright registration of the Book of Mormon in New York in 1829.⁸ In reality, though, Joseph Smith’s initial effort to secure a copyright in the Book of Mormon under the U.S. Copyright Act may have fallen short of statutory requirements, and it was a common-law right in the unpublished manuscript that could have been the key to Joseph Smith’s successful arbitration of a copyright dispute over the book with Abner Cole.⁹ While a common-law ownership right in unpublished manuscripts was recognized by the U.S. Supreme Court in *Wheaton v. Peters*,¹⁰ the British House of Lords in 1774 had held in *Donaldson v. Beckett*¹¹ that there was no common-law copyright in manuscripts, published or unpublished. The Quorum of the Twelve Apostles, meeting in Preston in April 1840, recognized the key to gaining copyright protection for Latter-day Saint scriptures in Great Britain would be registration at Stationers’ Hall in London in accordance with the requirements of the Statute of Anne, Britain’s copyright law since 1710.

During the April 16 meeting, the Apostles settled on a name (*Latter-day Saints Millennial Star*) and editor (Parley P. Pratt) for their monthly periodical and determined to establish a committee to oversee a collection

6. *History of the Church*, 4:126.

7. *History of the Church*, 4:126.

8. Nathananiel Hinckley Wadsworth, “Copyright Laws and the 1830 Book of Mormon,” *BYU Studies* 45, no. 3 (2006): 77.

9. Wadsworth, “Copyright Laws,” 78.

10. *Wheaton v. Peters*, 33 U.S. 591, 661 (1834). Although *Wheaton v. Peters* was decided after Joseph Smith’s 1830 arbitration with Cole, it is possible that the parties in the arbitration already considered that a common-law right of first publication or ownership existed. No less an authority than James Madison, in 1788 in *The Federalist*, no. 43, had argued for the existence of a common-law copyright. See Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter (New York: New American Library, 1961), 268.

11. *Donaldson v. Beckett*, 2 Brown’s Parl. Cases 129, 1 Eng. Rep. 837; 4 Burr. 2408, 98 Eng. Rep. 257 (House of Lords 1774); full text at <http://www.copyrighthistory.com/donaldson.html>.

of hymns.¹² Elder John Taylor made a motion, seconded by Elder Parley P. Pratt, “that the copyright of the Book of Doctrine and Covenants and the Book of Mormon be secured as quick as possible.”¹³ Subsequently, Elder Wilford Woodruff moved, and Elder Willard Richards seconded, that a committee consisting of Brigham Young, Heber C. Kimball, and Parley P. Pratt be appointed to secure the British copyright in those two works of modern scripture that had emerged in the preceding decade in the United States of America via the Prophet Joseph Smith.¹⁴ The committee’s copyright registration work would take five years to come to fruition, and the results of that work—the Church’s first formal encounter with copyright law outside North America—would prove of great benefit to the restored gospel of Jesus Christ.

The committee of Apostles achieved British copyright registration of the Book of Mormon on February 8, 1841. Wilford Woodruff registered the Doctrine and Covenants under the Statute of Anne on June 7, 1845. The five years between the Quorum of Twelve Apostles’ resolution to secure British copyrights and the accomplishment of that goal were full of twists and turns. The copyright registration of the Doctrine and Covenants was also full of intrigue and culminated with Woodruff thwarting a piracy effort. The British copyright history for Latter-day Saint scriptures ultimately demonstrates God’s hand in furthering the spread of the restored gospel of Jesus Christ. The history also reveals early Latter-day Saint attitudes about copyright law itself as both recognition of individual natural rights and creation of societal incentive to advance learning and culture.

Roots of Copyright Law in Great Britain

The history of British copyright law is inextricably tied to religion and religious texts. Not long after William Caxton introduced printing in Britain in the late fifteenth century, the Catholic Church and the British Crown took pains to exert control over the publishing industry. One historian said religious authorities were “unreasonably frightened . . . at the New Learning, and at the independence and lawlessness of mind and enthusiasm that accompanied the New Learning.”¹⁵ Meanwhile, the printing guilds or trade unions conspired with the monarchy to exert censorship and control over printing of books.

12. *History of the Church*, 4:119.

13. *History of the Church*, 4:119.

14. *History of the Church*, 4:119.

15. Augustine Birrell, *Seven Lectures on the Law and History of Copyright in Books* (London: Cassell and Co., 1899), 49.

After King Henry VIII broke with Rome in the 1530s and established himself as head of the Church of England, he also took steps to control printing. By proclamation in 1538, Henry prohibited unlicensed publication of religious and other books as well as the importation of English-language books from continental Europe.¹⁶ Thus Henry established the basis for pre-publication licensing in Britain. Although Henry was concerned with the “propriety of the written word and not the property therein,”¹⁷ early government censorship of printing nonetheless also served as a forerunner to the private control of printing through copyright law.¹⁸

During the sixteenth century, the Crown issued “letters patent” that allowed certain publishers the exclusive right to publish designated works. For example, the King’s own printer was the only individual allowed to publish Acts of Parliament, Bibles, law books, almanacs, educational works, and “all books of the rites and services of the resettled Church of England.”¹⁹ Letters patent were essentially grants of monopoly and were not limited to the book trade. The system of granting letters patent, or exclusive rights of reproduction and distribution, to printers could be said to contain the seeds of modern copyright law.

The Worshipful Company of Stationers played a particularly important role in the development of copyright law in Great Britain. The origins of the Stationers’ Company predate printed publication in Britain. In the early fifteenth century, the City of London allowed certain writers, illustrators, bookbinders, and booksellers to form a craft guild.²⁰ The power of the stationers within civic life was cemented when Queen Mary granted a royal charter in 1557 that bestowed on the Stationers’ Company corporate legal status, rights of self-regulation, and participation in city governance as a livery company.²¹ The key provision of the charter granted the Stationers’ Company the exclusive right of printing books in England, and this right was to be enforced under a provision in the *Injunctions* issued by Mary’s

16. Ronan Deazley, “Commentary on Henrician Proclamation 1538,” in *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabeCom/%22uk_1538%22.

17. Deazley, “Commentary on Henrician Proclamation,” section 5.

18. Lyman R. Patterson, *Copyright in Historical Perspective* (Nashville: Vanderbilt University Press, 1968), 21.

19. Birrell, *Seven Lectures*, 55. See also Marjorie Plant, *The English Book Trade: An Economic History of the Making and Sale of Books* (London: George Allen and Unwin, 1939), 100–101.

20. Ronan Deazley (2008), “Commentary on the Stationers’ Royal Charter 1557,” in *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabeCom/%22uk_1557%22.

21. Deazley, “Commentary on the Stationers’ Royal Charter.”

successor, Elizabeth, which required publications to receive a license and be entered on the Stationers' Company register books.²² The bargain struck between the monarchy and the stationers thus proposed to give the Crown an arm through which to prevent publication of heresy and sedition while granting the stationers monopoly control over printing. In practice, however, this censoring of printed texts was ineffective and few publications actually received licenses.

In 1603, the Stationers' Company was successful in obtaining perpetual rights from James I for recalled patents on certain primers, psalters, and almanacs.²³ This collection constituted the stock of the company in which member stationers held shares. Later, the Court of Star Chamber "brought the authority of the Crown to bear" on unlicensed, heretical, and libelous printers.²⁴ The Star Chamber in 1637 issued a detailed decree regulating printing, and that decree later became the basis for Parliament's 1662 Licensing Act under Charles II. The 1637 Star Chamber decree prohibited unlicensed printing and also penalized unauthorized importation of books for which the Stationers' Company possessed letters patent or which had been entered on the company's register books.²⁵ Licensed printers possessed a duty "to testify that the book contained nothing that was contrary to the Christian faith and the doctrine and discipline of the Church of England, nor against the State or Government, nor contrary to the good life or good manners."²⁶

The 1637 decree also mandated that no businesses other than official booksellers could sell Bibles, unless the shopkeeper had spent seven years as an apprentice to a bookseller, printer, or bookbinder. The same decree gave the Stationers' Company search-and-seizure powers to uncover unlicensed printers and their works. Finally, the decree mandated that printers deliver a copy of every new work to Stationers' Hall for transport to the Bodley (now Bodleian) Library at Oxford.²⁷

After the demise of the Star Chamber in 1640, the House of Commons took up the cause of regulating printing by virtue of a series of orders and committees to investigate unlicensed printing, including unlicensed printing by some of the stationers. By this time, the Stationers' Company exerted great influence over printing in Britain. The Stationers' Company had authority, first from the Star Chamber and later from Parliament, to control the entry of new

22. Deazley, "Commentary on the Stationers' Royal Charter."

23. Plant, *English Book Trade*, 110.

24. Birrell, *Seven Lectures*, 58.

25. Birrell, *Seven Lectures*, 160.

26. Birrell, *Seven Lectures*, 61.

27. Birrell, *Seven Lectures*, 63.



Stationers' Hall near Paternoster Row. Copperplate engraving, Benjamin Cole, circa 1770. This image, showing some minor revision, was prepared for inclusion in the part-work edition of John Stow's *A Survey of the Cities of London and Westminster*. Benjamin Cole (1723–67) originally produced this engraving for the part-work edition of William Maitland's *History of London* (London: 1753–56). Courtesy David Tilleke, antiqueprintshop.com.

publications in register books, and without entry in register books no publication was considered legal. Further, whoever the register books designated as the owner or proprietor of a book possessed exclusive right to control the printing of that particular book. The importance of entering a work in the register books was emphasized by the centuries-old tradition of the company; entries as early as Shakespeare's First Folio in 1623 began with the notation "Entered for their copies" or "Entered for his copy" followed by a description of the work.²⁸ Published works also carried the notice "Entered at Stationers' Hall."

British Statutory Copyright Law Leading Up to 1841

After Parliament defied the King and allowed the Licensing Act to expire in 1694, the Stationers' Company repeatedly petitioned Parliament for a bill to protect printing. Tradition says the bill that eventually became the Statute of Anne, the world's first copyright statute, was drafted by Jonathan Swift, although no copies of this draft remain and it was reportedly much altered in Parliament before adoption.²⁹ Though it has been said that the Statute of Anne is "rigged with curses dark,"³⁰ this statute took the salutary step of vesting copyright in authors rather than printers; the statute also limited the term of copyright protection to fourteen years, with another fourteen-year term renewable if the author was still alive. Given the House of Lords' 1774 rejection of common-law copyright, compliance with the provisions of the Statute of Anne was the only viable option for Joseph Smith, Brigham Young, and other early Latter-day Saint leaders to guarantee they could control the destiny of the Book of Mormon and Doctrine and Covenants in Great Britain.

In the Statute of Anne, Parliament attempted both to remedy a private wrong and promote a public good. In the preamble to the statute, Parliament stated that part of its purpose was to thwart publishers who had been printing books "without the consent of the authors or proprietors of such books" and thus had caused "too often . . . the Ruin of them and their families." At the same time, Parliament expressly sought to encourage "learned men to compose and write useful books" by guaranteeing them a limited-in-time monopoly over the publication of their books. Thus, Great Britain adopted an incentive rationale for protecting intellectual property; society allowed a limited monopoly in exchange for the hope that authors would continue to produce works beneficial to society. Recognition of the natural rights of an author, in the Lockean sweat-of-the-brow sense, was

28. Birrell, *Seven Lectures*, 77.

29. Birrell, *Seven Lectures*, 93.

30. Birrell, *Seven Lectures*, 19.

not prominent in the statute itself but still persisted as an important value among authors, if not printers and legislators.

The statute made the register book at the Stationers' Company the official record of book authors' ownership, and it also created a right for anyone to search the register book and obtain a certificate of entry, or proof of copyright registration. Authors registering a copyright at Stationers' Hall initially were required to deposit there nine copies of the work "upon the best paper," and thereafter the proprietor, bookseller, or stationers distributed the copies to the British Museum, Oxford, Cambridge, four universities in Scotland, Sion College in London, and a library in Edinburgh.³¹ A penalty of £5 applied to any registrant who failed to provide the requisite copies for the libraries. Unless a printer had written authorization from an author to publish a book, the printer could be forced to surrender unauthorized copies and pay a penalty of one penny per page in his possession. All the provisions of the Statute of Anne initially applied throughout Great Britain, meaning England, Scotland, and Wales but not Ireland. In 1801, Parliament extended the statutory copyright scheme to Ireland.

Leading up to a revision of the Statute of Anne in 1814, the deposit requirement was the subject of much debate and controversy, with printers claiming the requirement was too burdensome economically.³² As a result, Parliament in 1814 placed the burden on eleven libraries to request copies within twelve months of publication.³³ There remained a requirement on all publishers to deliver a single copy of the work at Stationers' Hall for transfer to the British Museum. In 1837, the deposit requirement was changed from a potential of eleven copies to five, designated for the British Museum, Bodleian Library at Oxford, Public Library at Cambridge, Library of the Faculty of Advocates at Edinburgh, and Trinity College at Dublin.³⁴ At the same time, an author's copyright term was extended to the longer of either the duration of his natural life or a total of twenty-eight years from

31. Statute of Anne (1710), *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabe/%22uk_1710%22.

32. Ronan Deazley, "Commentary on Copyright Act 1814," in *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, http://www.copyright-history.org/cgi-bin/kleioc/0010/exec/ausgabeCom/%22uk_1814%22.

33. Copyright Act (1814), *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabe/%22uk_1814%22. In addition to the nine libraries mentioned in the original Statute of Anne, legislation in 1801 had added two libraries in Dublin.

34. See John J. Lowndes, *An Historical Sketch of the Law of Copyright* (London: Saunders and Benning, 1842) 77–78.

publication.³⁵ A copyright registration fee of two shillings was established, made payable to the Stationers' Company.

Finally, a word must be said about the status of works printed outside Britain and then carried in, as the Book of Mormon was when Latter-day Saint missionaries first arrived in 1837. It was held in the 1835 case *D'Almaine v. Boosey* that foreign authors could enjoy copyright protection for their works in Britain only if the works were first published in Britain rather than being published elsewhere and then imported.³⁶ In the 1838 International Copyright Act, Parliament provided that copyright protection could be given in Britain for works published in another nation as long as the works were registered and deposited at the Stationers' Company and reciprocal copyright protection would be given for British works registered in that other nation.³⁷ The goal was to encourage other nations to reciprocate for British authors, but no such agreement was in place with the United States in 1841. Thus, the Book of Mormon could not have received statutory copyright in Great Britain in 1841 if it had not been published there.

Preparing to Publish Scripture in England

Perhaps given his experience with Cole, Joseph Smith exhibited an immediate preoccupation with securing international copyrights as missionaries began carrying, and considering publishing, the Book of Mormon and Doctrine and Covenants outside the United States. About the same time Brigham Young contemplated printing the books in England, Joseph Smith wrote from Nauvoo, Illinois, to Orson Hyde and John E. Page in Ohio (en route to Palestine) that they had his permission to have the Book of Mormon and Doctrine and Covenants translated into German and published in Germany.³⁸ If they were successful, Smith requested that they secure the German copyright in his name.

The Prophet's concern that authentic authorship be established through copyright law could have been connected to the spread of rumors even

35. Copyright Act (1814), *Primary Sources on Copyright (1450–1900)*, s. 9. See also Birrell, *Seven Lectures*, 144.

36. Ronan Deazley, "Commentary on *International Copyright Act 1838*," in *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabeCom/%22uk_1838%22.

37. International Copyright Act, 1838, 1 & 2 Vict. c.59, §§ 1, 5, 9; see also David Whitaker, "The Registering Office and the Administration of Legal Deposit," in *The Stationers' Company: A History of the Later Years, 1800–2000*, ed. Robin Myers (London: The Worshipful Company of Stationers and Newspaper Makers, 2001), 63–64.

38. *History of the Church*, 4:123–24, 129.

before the Book of Mormon was printed in Europe for the first time. In early 1841, even as the Church worked to achieve printing of the Book of Mormon in England, newspapers there and in Scotland were spreading rumors that the Book of Mormon was merely a “religious romance” written by the Reverend Solomon Spaulding and misappropriated by Sidney Rigdon.³⁹ British tradition and statute dictated that the copyright owner listed in the register books of the Stationers’ Company was given exclusive legal right to control reproduction and distribution of a work, and therefore Joseph Smith must have felt compelled to ensure the Book of Mormon would be registered at Stationers’ Hall in his name.

About a month after the Quorum of the Twelve issued its charge to obtain copyrights “as quick as possible,” Young, Woodruff, and Richards secured a £250 loan—later forgiven without repayment expected—from John Benbow to print 3,000 copies of a hymnbook and at least some of a desired 3,000 copies of the Book of Mormon.⁴⁰ Within days, Young was seeking bids from book printers in Manchester and, later, Liverpool.⁴¹ The newly printed hymnbook was introduced to the British Saints at a conference in Manchester on July 6, 1840.⁴² On July 19, Lorenzo Snow sent word from America to Brigham Young authorizing the Twelve to print the Book of Mormon and Doctrine and Covenants in England.⁴³

During this time numerous anti-Church publications were created and distributed both in England and the United States. In response to two of these attacks, including one imported from the United States by a British citizen who had gone there, Parley P. Pratt published a pamphlet announcing the forthcoming publication of the Book of Mormon in England. In his pamphlet *A Reply to Mr. Thomas Taylor’s “Complete Failure” &c., and Mr. Richard Livesey’s “Mormonism Exposed,”* Pratt had written to British readers that “the Book of Mormon is abundantly supported; that is, there are predictions in it which have been fulfilled since it was published in English, which would convince any unprejudiced mind who is acquainted with its contents, that it is a production of the spirit of truth.”⁴⁴ Further, Pratt made clear that the purpose of obtaining the British copyright in the Book of Mormon was not to profit financially but rather to ensure the Church the

39. *The Newcastle* (Newcastle-upon-Tyne, England) *Courant etc*, January 1, 1841, issue 8667, reprinting an article from the *Scotsman* in Edinburgh, Scotland.

40. *History of the Church*, 4:131.

41. *History of the Church*, 4:131–32, 134.

42. *History of the Church*, 4:148.

43. *History of the Church*, 4:161–62.

44. Parley P. Pratt, *A Reply to Mr. Thomas Taylor’s “Complete Failure” &c., and Mr. Richard Livesey’s “Mormonism Exposed”* (Manchester: W. R. Thomas, 1840), 5.

ability to control its message and distribution. “Five thousand copies of the Book of Mormon will soon be issued from the press in this country,” Pratt wrote. “The public can have them, or any of the works which we have now on hand. We have no secrets in our system, but on the other hand have taken unwearied pains to lay our principles before the public.”⁴⁵

As 1840 drew to a close, Brigham Young returned to Liverpool after preaching throughout the country, and he vowed to remain in Liverpool until the Book of Mormon was published.⁴⁶ The Liverpool book publishing industry at the time was relatively small. A history of English book printers, or booksellers, noted that the mid-nineteenth-century Liverpool book trade was “of a very recent growth.”⁴⁷ A typical Liverpool bookseller had a modest enterprise: “He started in Dale Street, in 1829, with a stock of books only large enough to fill the bottom shelves of his window; and at the back of his shop, scarce hidden, he kept his bed and household utensils.”⁴⁸ Religious works abounded in the Liverpool publishing industry, and Bibles especially proliferated in bookshops due to sackloads brought from Ireland. By 1873, there were about sixty booksellers in Liverpool.⁴⁹

Liverpool bookseller John Tompkins had submitted a bid to Brigham Young to print 5,000 copies of the Book of Mormon for £210.⁵⁰ For that amount, Tompkins did not provide the paper or bind the books, so Young had to make separate arrangements for those. Although the contract was signed on June 17, 1840, the first books did not arrive at the bindery until January 8, 1841.⁵¹ Tompkins published only 4,050 of the promised 5,000 copies, and not long after that he went out of business.⁵² The Liverpool edition was based on the 1837 Kirtland edition of the Book of Mormon, which Stationers’ Hall would identify as the “Second American Edition.” The 1841 Liverpool edition became the basis for virtually all subsequent

45. Pratt, *Reply*, 8.

46. *History of the Church*, 4:252.

47. Henry Curwen, *A History of Booksellers: The Old and the New* (London: Chatto and Windus, 1873), 454–55.

48. Curwen, *History of Booksellers*, 455.

49. Curwen, *History of Booksellers*, 457.

50. James B. Allen, Ronald K. Esplin, and David J. Whittaker, *Men with a Mission: The Quorum of the Twelve Apostles in the British Isles* (Salt Lake City: Deseret Book, 1992), 250–51.

51. Allen, Esplin, and Whittaker, *Men with a Mission*, 251.

52. Hugh G. Stocks, “The Book of Mormon 1830–1879: A Publishing History” (master’s thesis, UCLA, 1979), 73–74, available at L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

editions of the book.⁵³ The Saints in England did not sell all of the 1841 books until 1848.⁵⁴

Upon receiving the books on January 8, Brigham Young and Willard Richards began writing an index, and the index was completed and added to the Book of Mormon on January 21, 1841.⁵⁵ This version of the book omitted the preface—explaining the lost 116 manuscript pages given to Martin Harris—that was written by Joseph Smith and included in the 1830 Book of Mormon. Like the 1830 edition, the 1841 printing included the title page that Joseph Smith said was translated from the last leaf of the plates, though there are minor differences in the texts of the respective title pages of the 1830 and 1841 editions. The title page of the 1841 Book of Mormon published in Liverpool says the book was published by “J. TOMPKINS, *Liverpool, England*: FOR BRIGHAM YOUNG, HEBER C. KIMBALL AND PARLEY P. PRATT.” The title page also says the book was printed “*By order of the Translator*”—Joseph Smith. The book called itself the “*First European, from the Second American Edition*.” The reverse of the title page is blank except for the simple notation, “Entered at Stationers’ Hall.”

Entering the Book of Mormon at Stationers’ Hall

Although Young, Kimball, and Pratt made up the committee charged with obtaining the Book of Mormon copyright, the two individuals who actually carried copies of the book to Stationers’ Hall in London for registration were Kimball and Wilford Woodruff. Kimball and Woodruff first visited Stationers’ Hall on February 2 to inquire about the process for securing the copyright. Their visit to Stationers’ Hall that day was preceded by observation of a large fire in Finsbury Square,⁵⁶ about a mile from the Stationers’ Company in central London. A contemporary publication recording all the fires in London in 1841 documented a large fire on February 2, beginning at 10:15 AM at “Painter & Co.’s furniture-warehouse, Finsbury-place, North.”⁵⁷ A large crowd of people were reported to have been present and seventeen buildings were damaged. After viewing the fire, Woodruff wrote that they were told at Stationers’ Hall

53. Allen, Esplin, and Whittaker, *Men with a Mission*, 251.

54. Stocks, “Book of Mormon,” 75. See also Peter Crawley, *A Descriptive Bibliography of the Mormon Church*, 2 vols. (Provo, Utah: Religious Studies Center, Brigham Young University, 1997), 1:148–51.

55. *History of the Church*, 4:274, 286.

56. Stanley B. Kimball, ed., *On the Potter’s Wheel: The Diaries of Heber C. Kimball* (Salt Lake City: Signature Books in association with Smith Research Associates, 1987), diary 2, part 1, pp. 41–42.

57. *Mechanics’ Magazine: Museum, Register, Journal and Gazette* 36, no. 969 (March 5, 1842), edited, printed, and published by J. C. Robertson.

that they would need to bring five copies of the Book of Mormon and pay three shillings—two for the registration and one for the certificate of entry.⁵⁸

Woodruff and Kimball returned to Stationers' Hall on February 8. In doing so, they made their way to Ludgate Hill and passed within a stone's throw of St. Paul's Cathedral. They carried five copies of the Book of Mormon recently printed in Liverpool by Tompkins. This area of London—identified with Fleet Street—had long been home to a concentration of publishers, due to the presence of Stationers' Hall.⁵⁹ Both St. Paul's Cathedral and Stationers' Hall had been rebuilt on their present sites after the Great Fire of London in 1666.⁶⁰ By 1841, a stately Stationers' Hall sat on London's Ave Maria Lane, in a small courtyard and on property purchased by the company from the Earl of Abergavenny in 1611.⁶¹ The former brick exterior of the Hall itself had been re-covered with stone in approximately 1800.⁶² It was here, just a few blocks east of Fleet Street itself and north of the River Thames, that the Book of Mormon was first entered on the Stationers' Company registers.

Stationers' Hall was more than just a place to register books. It was also a meeting place for members of the company, who represented important figures in London society. It contained a large assembly hall that could be rented for weddings and other formal occasions to bring in additional income.⁶³ Stationers' Hall in 1841 also had offices for the master, wardens, and clerk who ran the affairs of the company. Finally, the Hall had storage space for various registers and other printed materials, although the storage of registry books was surprisingly *ad hoc*, given that the registers constituted the company's most valuable possessions.

Registration of published works, with the exception of those published under letters patent, was required in Great Britain between 1557 and 1912,

58. Wilford Woodruff, *Wilford Woodruff's Journal, 1833–1898, Typescript*, ed. Scott G. Kenney, 9 vols. (Midvale, Utah: Signature Books, 1983–84), 2:35 (February 2, 1841).

59. Cyprian Blagden, *The Stationers' Company: A History, 1403–1959* (London: George Allen and Unwin, 1960), 276.

60. Reginald T. Rivington, *The Worshipful Company of Stationers: A Short Account of Its Charter, Hall, Plate, Registers, and Other Matters Connected with Its History* (London: Geo. W. Jones, 1928), 9.

61. Rivington, *Worshipful Company of Stationers*, 9.

62. Ann Saunders, "The Stationers' Hall," in *Stationers' Company: A History of the Later Years, 1800–2000*, ed. Robin Myers (Chichester, Engl.: Published for the Worshipful Co. of Stationers & Newspaper Makers by Phillimore, 2001), 156–57.

63. Ann Saunders, "The Stationers' Hall," in *The Stationers' Company and the Book Trade, 1550–1990*, ed. Robin Myers and Michael Harris (Winchester: St. Paul's Bibliographies, 1997), 2.

when Parliament eliminated the registration requirement for copyright protection.⁶⁴ The value of the registry books to the Stationers' Company grew over time after the 1557 royal charter:

The Company's records helped to safeguard its interests and even at times, the personal safety of its members. Above all the register of copies, which the government intended to be an instrument for controlling seditious and heretical publication, was seen by the Stationers as a way of scotching infringement of its copyrights and of restricting trade to its own advantage. The register backed the Company's statutory powers of search and seizure which were also used for its own ends.⁶⁵

When the Book of Mormon was entered in the registry on February 8, 1841, the entry was recorded by George Greenhill, who since 1797 had held the title of Treasurer of the English Stock, Warehouse Keeper, and Registering Officer.⁶⁶ George Greenhill was the son of a London bookseller named Thomas Greenhill, who had a successful shop on Mansion House Street and then later on Gracechurch Street.⁶⁷ George Greenhill became a master in the Company of Stationers in 1787 but was bound to his father until being freed in 1795.⁶⁸ As treasurer and registering officer, Greenhill lived in a house adjoining the Hall. It was there his son, Joseph, was born in 1803.

George Greenhill would resign as Registering Officer in 1849, having by that time completed fifty-two years of service. Upon George Greenhill's retirement, Joseph Greenhill took over his duties as treasurer, warehouse keeper, and registering officer and remained in that capacity until 1883.⁶⁹ Thus, a Greenhill made the entries in the registry books for a total of eighty-six consecutive years. Although Joseph Greenhill would be "pensioned off" in 1883 because of a permanent decline in the company's financial fortunes, the Stationers' Company was still in strong financial health in the early decades of the nineteenth century, and so times were relatively good when George Greenhill received the Latter-day Saints at Stationers' Hall in February 1841.⁷⁰

On February 8, 1841, George Greenhill made a total of seven copyright registration entries at Stationers' Hall. The first work entered that day was the Book of Mormon, and it was followed in succession the same day by

64. Rivington, *Worshipful Company of Stationers*, 13.

65. Robin Myers, *The Stationers' Company Archive: An Account of the Records 1554-1984* (Winchester: St. Paul's Bibliographies, 1990), xvii.

66. Whitaker, "Registering Office," 72-73.

67. Whitaker, "Registering Office," 73.

68. Whitaker, "Registering Office," 73.

69. Whitaker, "Registering Office," 72-73.

70. Blagden, *Stationers' Company*, 253, 265.

the life story of a minister, a book of arithmetic and commercial tables, a book of philosophy, an English grammar book as applied to interpretation of the Bible, an explanatory and illustrated account of the workings of locomotives and railways, and a collection of Italian music and lyrics.⁷¹ In contrast with the 1830 U.S. copyright registration entry,⁷² the 1841 Book of Mormon copyright registration entry is brief. British copyright law in 1841 did not require inclusion of a title page for registration, and the Book of Mormon registration entry made by George Greenhill constitutes only eight lines (see figure 1).

At Stationers' Hall, Woodruff and Kimball paid three shillings—two for the copyright entry itself and one to obtain a certificate of entry.⁷³ Kimball returned to Stationers' Hall on February 18 to retrieve the entry certificate, which repeated the information recorded in the register book by Greenhill.⁷⁴ Young, Kimball, and Pratt presented the certificate to the Quorum of the Twelve Apostles at a meeting in Manchester on April 2, 1841.⁷⁵ The minutes of this meeting in both the *Millennial Star* and in an official Church history demonstrate some minor differences with Greenhill's handwritten entry for the Book of Mormon in the actual register book. Most of the differences concern punctuation and capitalization and are not substantive. The *Millennial Star* version omits Tompkins's name as the printer. In addition, the handwritten Greenhill entry in the register book contains two large check marks, one each directly to the right of the respective lines reading "By Joseph Smith, Jun.—First European" and "from the Second American Edition." The origin and purpose of the check marks are unknown.

It was significant that Greenhill noted five copies of the Book of Mormon were delivered at Stationers' Hall that day in conjunction with entry in the register books. Not all the authors or proprietors of the works registered by Greenhill on February 8, 1841, deposited five copies; some deposited only one copy. While the statute required one mandatory copy for the British Museum, and the Latter-day Saints could have waited to see if the four other libraries requested their copies, the Apostles perhaps desired as part of their missionary work to spread the book as widely as possible. Thus, placing the Book of Mormon immediately in libraries at Oxford, Cambridge, Dublin,

71. George Greenhill, *Stationers' Hall: Entries of Copies 1839–1841 and Entries of Copies 1841–1842*, 542. (The records were accessed in the British Library Manuscripts Reading Room at St. Pancras, London, microfilm no. 8520 [reel 18], shelfmark M985/18).

72. Wadsworth, "Copyright Laws," 97–99

73. Woodruff, *Journal*, 2:40.

74. Kimball, *On the Potter's Wheel*, 45.

75. *History of the Church*, 4:325.

542

February 8. 1841.

<p>Published by J. Tompkins deposited Property of Joseph Smith, Jun.</p>	<p>Then Entered for his Copy. The Book of Mormon: an Account written by the hand of Mormon, upon Plates taken from the Plates of Nephi. Translated By Joseph Smith, Jun. - First European from the Second American Edition - Received five Copies - <u>Geo. Greenhill</u></p>	<p>✓ ✓</p>
<p>Published by Smith 1832 Stationers Court</p>	<p>Then Entered for their Copy. The Life and Remains of the Rev. Robert Gouman, D. D. the Founder and for above Forty Years the eminent Minister of St. Dunns Church, and formerly Curate to the Rev. T. Robinson, M. A. of Leicester. By Robert Fletcher Gouman, Esq. Received five Copies - <u>Geo. Greenhill</u></p>	
<p>Do</p>	<p>Then Entered for their Copy. James's Arithmetical and Commercial Tables for the Use of Schools; to which are added several useful Miscellaneous Articles, and explanatory Notes. Fourth Edition Received five Copies - <u>Geo. Greenhill</u></p>	
<p>Do</p>	<p>Then Entered for their Copy. Races Philosophicæ; or the Philosophy of Things as developed from the Study of the Philosophy of Words. By Edward Johnson, Esq. Author of "Life, Health, and Disease." 1841. 2nd Edition - <u>Geo. Greenhill</u></p>	

FIGURE 1. George Greenhill, registering officer at the Worshipful Company of Stationers in London from 1797 to 1849, made this handwritten entry to register the British copyright of the Book of Mormon on February 8, 1841. Greenhill noted that the book was "property of Joseph Smith, Jun.," who was also listed as translator. The origin and purpose of the two large check marks at right are unknown, and similar check marks do not appear on other nearby entries made by Greenhill. Courtesy Records of the Worshipful Company of Stationers, 1554-1920.

and Edinburgh would have been desirable and well worth the cost of four copies of the book. Having accomplished the registration, paid the statutorily required fees, and delivered the requisite number of copies, the Apostles had completed all the necessary steps for copyright protection under the Statute of Anne at that time.

Young, Kimball, and Taylor returned to Nauvoo on July 1, 1841, after completing what was termed an “interesting mission” in England, publishing the Book of Mormon there and securing the copyright for the book in Joseph Smith’s name.⁷⁶ There is one final note to the story about the Book of Mormon copyright registration in London. In February 1845, four years after the registration took place, Brigham Young wrote from Nauvoo to ask Woodruff in England to “call at Stationer’s Hall, London, the first opportunity, and get or by some means procure a copy of the ‘copyright of the *Book of Mormon*’ and safely keep it until further notice.”⁷⁷ Presumably, Young meant the certificate of entry, similar to what had been obtained by Kimball on February 18, 1841. Young did not explain why he wanted the registration record, but Woodruff was unable to obtain it. Woodruff recorded in his diary that on October 15, 1845, an individual named E. H. Davis searched the Stationers’ Company records and could not find the Book of Mormon registration.⁷⁸ “It seems the Clerk is guilty of a breach of trust,” Woodruff wrote in his journal.⁷⁹

It is not surprising that a record at Stationers’ Hall might be temporarily misplaced after four years. At one point in the eighteenth century, the Stationers’ Company allowed certain people to “check out” the registry books and take them out of Stationers’ Hall for research and other purposes, but that practice was discontinued after stray pencil marks and initials were found in the registers.⁸⁰

About a decade prior to the copyright registration of the Book of Mormon, in 1830, the Stationers’ Company ordered a committee to report on storage of its records. The committee report was not flattering. Among other things, the committee said, the Stationers’ Company had once stored its records in a damp stone repository in the cellar.⁸¹ In the same report,

76. *History of the Church*, 4:381.

77. *History of the Church*, 7:373.

78. Woodruff, *Journal*, 2:19. This note is at the beginning of Woodruff’s journal for 1841. The entry for October 15, 1845, does not mention Woodruff himself being in London, and, in fact, it seems to indicate he was in Liverpool that day. Woodruff, *Journal*, 2:606.

79. Woodruff, *Journal*, 2:19.

80. Myers, *Stationers’ Company Archive*, xx.

81. Myers, *Stationers’ Company Archive*, xxi.

“the Clerk told the court that the books and documents were kept in ‘two wooden presses, standing at the Head of the Staircase leading from the Hall to the entrance from Ludgate Street and . . . in a Case in the Court Room.’ The first contained the Court Books, membership records, entry books of copies, Wardens’ Accounts and vouchers with ‘several other miscellaneous Books.’”⁸²

In 1833, the Company ordered a committee to consider a new repository for document storage, but by 1839 nothing had happened and so the Company again ordered consideration of a new storage structure in its courtyard.⁸³ When the Latter-day Saint Apostles arrived in 1841, the new storage structure still had not been built. Thus, the registry book containing the Book of Mormon copyright easily could have been misplaced for a time, though today there are many libraries with a microfilm copy (see figure 1).

Race to Secure the Copyright in the Doctrine and Covenants

While the initial charge to Young, Kimball, and Pratt in 1840 had been to secure the copyright both of the Book of Mormon and the Doctrine and Covenants, securing the British copyright of that latter work would not be accomplished until 1845. The historical circumstances of the Latter-day Saints’ efforts to fulfill that part of the charge elucidate further the early Saints’ perspective on copyright law as it pertained to their sacred religious texts. In addition, this part of the history demonstrates vividly that copyright law was for the Saints a guarantor of accurate attribution of authorship rather than a financial windfall.

Brigham Young wrote in his journal in August 1844 that Wilford Woodruff was being sent back to England “to take charge of all the Churches Printing and emigration Business. Br. H. Clark goes with him.”⁸⁴ By February 1845, Elder Woodruff had arrived in England and, in a letter to the Latter-day Saints, he wrote, “We shall probably publish the ‘Book of Doctrine and Covenants’ in England, as soon as circumstances will permit.”⁸⁵

Woodruff may have been motivated to publish the Doctrine and Covenants by years of criticism about the book’s secrecy. In contrast with the Book of Mormon, which he desired to publish immediately, Brigham Young had questioned in 1840 whether the people of Britain should be given the

82. Myers, *Stationers’ Company Archive*, xxi.

83. Myers, *Stationers’ Company Archive*, xxi.

84. Brigham Young, Journal, July 1837–March 1845, 51, Church History Library, The Church of Jesus Christ of Latter-day Saints, Salt Lake City.

85. Manuscript History of the British Mission, February 1845, 4, Church History Library.

revelations in the Doctrine and Covenants immediately or not. Newspapers in England had speculated about why the Doctrine and Covenants was kept secret, with the *Preston Chronicle* writing in 1841 that Latter-day Saints allowed it “to be seen only by the initiated, and to be put into the hands only of those on whom they can depend.”⁸⁶ Further, the fact that copies had not been printed in England and were not readily available was pointed to as evidence of the Doctrine and Covenants’ mystery and danger. Opponents of the nineteenth-century Mormons in England criticized several revelations recorded in the Doctrine and Covenants and said of the Saints’ reluctance to share some revelations, “They *dare* not *place* the *book* before the *eye* of the *public*, because the *subject matter* is decidedly *evil*.”⁸⁷

It was in the midst of his efforts to publish the Doctrine and Covenants in England that Woodruff wrote, on March 1, 1845, in his journal:

I recieved a letter to day from a friend containing a copy of a letter Dated Pittsburgh Jan 30, 45 written by John Greenhow at Pittsburgh to his Father in Kendal Stating that he was getting the doctrins & Covenants Stero-typed in that place & was going to bring the plates to England to Print the work here & get the copyright secured so that the Church of Jesus Christ of Latter Day Saints could not Print them. This certainly is a bold move for an apostate or apostates to undertake to Print the works of the Church & rob them out of it. I view it nothing more than the mercy of God in Putting the knowledge of this thing into my hands. I spent the day in examining the Law to see what I could learn concerning securing copy rights.⁸⁸

Clearly, Woodruff perceived that this threat against the Church would, if successful, deprive the Church of a core aspect of its mission, namely, the dissemination of its sacred texts. The journal entry also shows Woodruff felt compelled to act on behalf of the Church, and he did not hesitate to make plans to vindicate the Church’s rights under copyright law. Although Woodruff presumably was familiar with British copyright law after his 1841 experiences, the law had undergone a revision in 1842 that required his study.

In his journal entry of the next day, Sunday, March 2, 1845, Elder Woodruff recorded that he and his counselors “called upon God our heavenly Father by prayer in unity for Him to bless us & frustrate the designs of our enemies & overthrow the plans which they have lade to rob the Church & injure the cause of God.”⁸⁹ Interestingly, Woodruff distinguished between the threat of robbery to the Church—an economic concern of copyright

86. *Preston (England) Chronicle*, April 17, 1841, issue 1494.

87. *Preston Chronicle*, November 24, 1838, issue 1369; italics in original.

88. Woodruff, *Journal*, 2:519.

89. Woodruff, *Journal*, 2:519.

law—and the threat of injuring the cause of God—a reference to the moral rights concerns of copyright law over not only accurate attribution of authorship, or the right of paternity, but also preservation of the purity of the text, accounted for through the right of integrity.

Further, in his journal entry of March 2, 1845, Elder Woodruff recorded that he wrote to Brigham Young about the copyright infringement threat and also wrote to Stationers' Hall to seek guidance concerning the method of securing copyright protection in the Doctrine and Covenants.⁹⁰ The next day, March 3, Woodruff requested a copy of the Doctrine and Covenants from a Church member, presumably to pursue copyright registration. Two days later, he recorded that he received correspondence from London about the Doctrine and Covenants, and perhaps the letter was from Stationers' Hall, but more likely it came from those involved in printing the book. On Sunday, March 9, he spoke at the Preston quarterly conference to an overflow congregation about "the importance of building the Temple also of Printing the doctrins & Covenants."⁹¹

By mid-April the book was at the press with plans to publish 3,000 copies, and on May 12, Woodruff wrote to Heber C. Kimball, telling him the Doctrine and Covenants would be "out of press in about ten days."⁹² On May 18, Elder Woodruff spoke at a Church conference in Carlisle emphasizing the importance of purchasing the new book.⁹³ He left Liverpool in early June for London to secure the copyright, which he accomplished on June 7. On that same day, he again wrote in his journal about Greenhow's plan to print the book for \$300 and then secure the copyright, and he also recorded gratefully how God had enabled him to become aware of and thwart that plan.⁹⁴ Woodruff recorded that he "secured the copyright in my own name at the Stationers Hall in London" and personally carried one copy of the book to the British Museum in accordance with the statutory requirement.⁹⁵

Elder Woodruff's journal entry of June 7, 1845, also emphasized the motivation for his actions: he felt it necessary to act to stave off misappropriation of intellectual property that belonged to the Church, given that Joseph Smith—in whose name the scriptures were initially to be copyright-registered—had been martyred in 1844. He referred to "us" when he

90. Woodruff, *Journal*, 2:519–20.

91. Woodruff, *Journal*, 2:522.

92. Wilford Woodruff to Heber C. Kimball, May 12, 1845, Church History Library.

93. Manuscript History of the British Mission, May 18, 1845, 1. See also Woodruff, *Journal*, 2:549.

94. Woodruff, *Journal*, 2:554.

95. Woodruff, *Journal*, 2:554.

spoke of those from whom the “privilege of printing” would be deprived if Greenhow’s scheme were to have succeeded. He stated that the secret was to be kept “from me or any of the Church,” but God facilitated his learning about the scheme so he could act on behalf of the Church to secure the copyright at Stationers’ Hall.

In his prompt efforts to secure legal protection and thwart Church enemies via copyright law, Woodruff fulfilled a dream he recorded on March 2, 1845, the day after he learned of the plot by John Greenhow and Samuel Bennett, and the day on which he wrote his letter to Brigham Young about the scheme:

2d Sunday I dreamed last night of seeing two large snakes coming out of a large tree. Their object seemed to be to bite me. Soon a third one appeared, but I thought they had no power to harm me. Soon I met another one which I dragged with my foot a long distance in the road. He tried to bite me. I soon trod on his neck. He run his tongue out, but I killed him.⁹⁶

Significance of the British Copyright Registrations

At the meeting of the Quorum of the Twelve Apostles in Manchester on April 2, 1841, nine members of the Council met, and Brigham Young, Heber C. Kimball, and Parley P. Pratt—“the committee appointed about a year ago to secure a copyright for the Book of Mormon, in the name of Joseph Smith, Jun.—presented the . . . certificate”⁹⁷ of copyright entry for the Book of Mormon that Kimball had obtained from Greenhill, the Registering Officer of the Stationers’ Company. Thereupon, “the quorum voted that they accepted the labors of said Committee” and resolved “that as the quorum of the Twelve have had nothing to do with the printing of the Book of Mormon, they will not now interfere with it, but that the said Committee settle the financial or business matters thereof with Joseph Smith, Jun., to whom the profits rightly belong.”⁹⁸

It is important to note from the above minutes that the council felt its charge had been to “secure a copyright for the Book of Mormon, *in the name of Joseph Smith, Jun.*”; that the full council felt it had not, as a council, caused the printing of the Book of Mormon; and that the profits from sales of the book “rightly belong” to the Prophet Joseph Smith and that the “committee” (not the full council) was to “settle the financial or business matters thereof with Joseph Smith, Jun.” Even though the minutes of the April 16, 1840, meeting—in which the committee had received its charge to secure

96. Woodruff, *Journal*, 2:519.

97. *History of the Church*, 4:325.

98. *History of the Church*, 4:325.

the copyrights—did not specify it, the choice had been made to register the Book of Mormon in Joseph’s name.

Although the title page of the 1841 Liverpool edition of the Book of Mormon says it was printed by Tompkins “for” Young, Kimball, and Pratt, it also states that the printing was done “by order of the translator,” Joseph Smith. The copyright entry at Stationers’ Hall recorded that the book was “property of Joseph Smith, Jun.” and also listed Joseph Smith in the spot normally reserved for the author of a work. Although Smith was given authorship credit for copyright law registration purposes, he obviously never claimed to have written the book but merely to have translated it from plates inscribed by ancient prophets under inspiration from God. Thus Joseph Smith may have been one of the first religious leaders in the era of modern copyright law to have confronted a dilemma identified by twenty-first-century copyright scholars: while copyright law requires a human author, religions such as The Church of Jesus Christ of Latter-day Saints, which believe in ongoing revelation, ascribe authorship not to mortals but rather to Divinity.⁹⁹

Mark Twain is reported to have said, “Only one thing is impossible for God: to find any sense in any copyright law on the planet.”¹⁰⁰ Early members of The Church of Jesus Christ of Latter-day Saints in England, however, demonstrated not only understanding of and compliance with the statutory requirements of copyright law but also some relatively sophisticated comprehension of the purposes behind the law. The original Statute of Anne emphasized the encouragement of learning, and yet copyright law in its statutory form has always served economic and human rights functions as well.

Latter-day Saints securing British copyrights in the Book of Mormon and the Doctrine and Covenants in the 1840s understood the need for protecting both attribution and integrity interests. The securing of the Book of Mormon copyright in Joseph Smith’s name may have deflected some of the false rumors about authorship of the book by Spaulding. Meanwhile, Woodruff’s successful printing and copyright registration of the Doctrine and Covenants before a group of apostates could do so ensured that the Latter-day Saints could control the purity of the text. Latter-day Saint leaders in England in the 1840s generally did not exhibit great concern with

99. Thomas F. Cotter, “Gutenberg’s Legacy: Copyright, Censorship and Religious Pluralism,” *California Law Review* 91 (2003): 324.

100. Mark Twain, *Mark Twain’s Notebook*, ed. Albert B. Paine (1935), 381, cited in Roger Syn, “Copyright God: Enforcement of Copyright in the Bible and Religious Works,” *Regent University Law Review* 14 (2001–2): 1.

financial profit in their printing endeavors, though they understood and accounted for the economic ramifications of copyright law.

In his revelations to early Church leaders about publishing scripture, God often struck a utilitarian note. For example, God revealed to Joseph Smith in 1834 that he should “print my words, the fulness of my scriptures, the revelations which I have given unto you” (D&C 104:58), but that this was not an end in itself. Publication of scriptures was not to be done with economic gain in mind. Instead, the printing was to be accomplished “for the purpose of building up my church and kingdom on the earth, and to prepare my people for the time when I shall dwell with them” (D&C 104:59).

Similarly, Joseph Smith recorded that in 1830 God told him and several others to “be diligent in securing the copyright of my work upon all the face of the earth of which is known by you, unto my servant Joseph.”¹⁰¹ Once again, this was not to be accomplished as an end but rather as a means “that my work be not destroyed by the workers of iniquity to their own destruction and damnation when they are fully ripe” and “that it may be the means of bringing souls unto salvation through mine Only Begotten.”¹⁰² Perhaps divine communications such as this one were what prompted Joseph to instruct fellow Church leaders to secure the copyrights for the Book of Mormon and Doctrine and Covenants in his name. In Britain in the 1840s, these leaders took an initial step toward “securing the copyright of [God’s] work upon all the face of the earth” and, in doing so, contributed much to building God’s Kingdom.

Edward L. Carter (ed_carter@byu.edu) is Associate Professor of Communications at Brigham Young University. He holds a law degree from Brigham Young University and a postgraduate law degree in Intellectual Property from the University of Edinburgh School of Law in Edinburgh, Scotland. The author wishes to thank Stephen Kent Ehat and participants at the 2010 Mormon Media Studies Symposium for helpful comments and suggestions on earlier versions of this article.

101. Robin Scott Jensen, Robert J. Woodford, and Steven C. Harper, eds., *Manuscript Revelation Books*, facsimile edition, first volume of the Revelations and Translation series of *The Joseph Smith Papers*, ed. Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: Church Historian’s Press, 2009), 31.

102. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 31.