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*Kingston from Fort Henry*, by James Gray (1828). Courtesy McCord Museum, M19883.

# “Securing” the Prophet’s Copyright in the Book of Mormon

## Historical and Legal Context for the So-called Canadian Copyright Revelation

*Stephen Kent Ehat*

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The recent publication of the *Manuscript Revelation Books*<sup>1</sup> makes available, for the first time, the text of a revelation received by the Prophet Joseph Smith on securing the copyright of the Book of Mormon in all the world and selling a copyright for its publication in the four then-existing provinces of Canada. This revelation, commonly referred to as the Canadian copyright revelation, designated four of Joseph’s associates to travel to Kingston, Upper Canada, to sell a copyright of the Book of Mormon. A group did travel to Kingston, but they were unsuccessful in finding a purchaser. This brief episode in early Latter-day Saint history has led to speculation and unfounded allegations, largely because the text of the revelation was, for many years, unavailable to historians and scholars. Previously, only secondary sources provided information about the possible contents and dating of this newly available revelation, about the identities of the persons to whom it was directed, and about other circumstances surrounding it.

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1. Robin Scott Jensen, Robert J. Woodford, and Steven C. Harper, eds., *Manuscript Revelation Books*, facsimile edition, first volume of the Revelations and Translations 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). A transcript of the so-called Canadian copyright revelation appears on page 6 of this article, and images of the handwritten revelation from the Book of Commandments and Revelations appear on pages 12 and 13. The transcript on page 6 differs from the transcript in *Manuscript Revelation Books*, pages 31 and 33, in that line endings do not reflect the handwritten document, words inserted above the line appear in <angle brackets>, and color coding is not used to identify individuals who made editorial changes to the handwritten revelation. The symbol ◊ represents an illegible character within a partially legible word.

## Transcript of the Canadian Copyright Revelation

23 Com<sup>m</sup>andment AD 1830

A Revelation given to Joseph Oliver Hiram Josiah & Joseph Knight given at Manchester Ontario C New York

Behold I the Lord am God I Created the Heavens & the Earth & all things that in them is wherefore they are mine & I sway my scepter over all the Earth & ye are in my hands to will & to do that I can deliver you o{φ\ut} of evry difficulty & affliction according to your faith & dilligence & uprightness Before me & I have cov{φ\enanted} with my Servent <Joseph> that earth nor Hell combined againsts him shall not take the Blessing out of his hands which I have prepared for him if he walketh uprightly before me neither the spiritual nor the temporal Blessing & Behold I also covenanted with those who have assisted him in my work that I will do unto them even the same Because they have done that which is pleasing in my sight (yea even all save M~~o~~ttin only it be one o{φ\nly}) Wherefore be dilligent in Securing the Copy right of my Servent work upon all the face of the Earth of which is known by you unto unto my Servent Joseph & unto him whom he willeth according as I shall command him that the faithful & the righteous may retain the temperal Blessing as well as the Spirit[u]al & also that my work be not destroyed by the workers of iniquity to the{r\ir} own distruction & damnation when they are fully ripe & now Behold I say unto you that I have covenanted & it Pleaseth me that Oliver Cowderey Joseph Knight Hiram Pagee & Josiah Stowel shall do my work in this thing yea even in securing the <Copy> right & they shall do it with an eye single to my Glory that it may be the means of bringing souls unto me Salvation through mine only Be{t\gotten} Behold I am God I have spoken it & it is expedient in me Wherefor I say unto you that ye shall go to Kingston seeking me continually through mine only Be{t\gotten} & if ye do this ye shall have my spirit to go with you & ye shall have an addition of all things which is expedient in me <amen>. & I grant unto my servent a privelige that he may sell <a copyright> through you speaking after the manner of men for the four Provinces if the People harden not their hearts against the enticeings of my spirit & my word for Behold it lieth in themselves to their condemnation &{φ\or} to th{er\eir} salvation Behold my way is before you & the means I will prepare & the Blessing I hold in mine own hand & if ye are faithful I will pour out upon you even as much as ye are able to Bear & thus it shall be Behold I am the father & it is through mine o{φ\nly} begotten which is Jesus Christ your Redeemer amen

Now, however, we enjoy the ability to examine the text of the revelation itself and to seek more fully to understand its contexts.

Of this revelation, written in the hand of John Whitmer, Elder Marlin K. Jensen, Church Historian and Recorder, has stated:

David Whitmer, after he left the Church, recalled that the revelation promised success in selling the copyright, but upon return of the men charged with the duty, Joseph Smith and others were disappointed by what seemed like failure. Historians have relied upon statements of David Whitmer, Hiram Page, and William McLellin for decades but have not had the actual text of the revelation. . . .

Although we still do not know the whole story, particularly Joseph Smith’s own view of the situation, we do know that calling the divine communication a “failed revelation” is not warranted. The Lord’s directive clearly conditions the successful sale of the copyright on the worthiness of those seeking to make the sale as well as on the spiritual receptivity of the potential purchasers.<sup>2</sup>

Indeed, some have sought to portray Joseph Smith as satanically “deceived”<sup>3</sup> in receiving it, deviously deceptive in communicating it to others,

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2. Marlin K. Jensen, “The Joseph Smith Papers: The Manuscript Revelation Books,” *Ensign* 39 (July 2009): 51.

3. According to David Whitmer, Joseph Smith said that “*some revelations are of God: some revelations are of man: and some revelations are of the devil.*” Whitmer concluded that “the revelation to go to Toronto and sell the copy-right was not of God, but was of the devil or of the heart of man.” David Whitmer, *An Address to All Believers in Christ. By a Witness to the Divine Authenticity of the Book of Mormon* (Richmond, Mo.: David Whitmer, 1887), 31; italics in original. Of course, all of that is a matter of faith, not merely of reasoning or historical research. Whitmer is alone in reporting the Prophet’s alleged statement. Interestingly, Whitmer is alone, too, in his mistaken assertion that the revelation said the brethren “should go to Toronto” and that they “went to Toronto.” The text of the revelation mentions only Kingston, telling the emissaries to go there. Page mentions only Kingston as the place where the revelation sent them, not Toronto (York).

The fact that David Whitmer finds his pamphlet *An Address to All Believers in Christ* on the alleged “failure” of the Canadian copyright revelation is of no small moment. Whitmer repeatedly argues that the “failure” of that revelation somehow proves Joseph’s revelations were often man-made or worse. In personal correspondence to me, Richard L. Anderson cogently comments:

“Only a reading of this pamphlet [*Address to All Believers in Christ*] can show how fixed this concept is in David’s thinking. If McLellin, who read a copy of this revelation, Page, a participant, and David, who was in Fayette at the return of two participants, all missed the meaning of the conditional revelation, then how can we be sure that David Whitmer’s version of Joseph’s response afterward is reported without spin? David is the only one reporting these words. All the early revelations of Joseph (including sections 8–9 to Cowdery) reiterate that Joseph’s revelations are

and sufficiently “ashamed” of it that he would “never have it recorded, printed, or published.” Some have argued that while the revelation sent the four emissaries to Kingston, Upper Canada, to sell the copyright there, no one in Kingston was “authorized” to buy it and therefore the revelation must have been a false one—the revelation having sent them to Kingston instead of York (later known as Toronto), where, they argue, the revelation should have sent them. Some have claimed that those sent to Kingston could not possibly “copyright the book” there. Some have claimed the revelation promised there would be a purchaser in Canada. Some have characterized the revelation as one that promised success in Canada, both in “obtaining” and in selling a copyright there. Others have even argued that in 1829 there was no such thing as Canadian copyright law.

These concerns can be addressed now by reference both to the newly available text of the revelation and to the likely historical and legal contexts in which that text and this episode can now more accurately be placed. The following discussion will be organized around various features of the text of the revelation and supply a likely historical and, where appropriate, legal context for each feature. Among the historical and legal particulars to be discussed are the location and timing of the revelation, the journey of Joseph Smith’s emissaries to Canada, the meaning in the revelation of the phrases “securing the copyright” and “sell a copyright,” and possible reasons Joseph’s messengers were sent to Kingston instead of York.

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correct, but the desires of man or temptations of Satan have prevented them from being fulfilled.

“In the same year of the Canadian [copyright] revelation, Hiram Page received revelations, and Oliver Cowdery was told to inform Hiram that ‘Satan deceiveth him’ (D&C 28); right afterward David Whitmer (who accepted Page’s revelations for a time) was told he was ‘persuaded’ by men and left to ‘inquire for yourself’ (D&C 30:2–3). David claims (*Address to All Believers in Christ*, 31) that JS was confronted as to why the copyright deal was not made, and got the answer, ‘*Some revelations are of God: some . . . of man: some . . . are of the devil*’ (italics Whitmer’s). David quits the quotation of JS’s revelation at this point and adds, ‘So we see that the revelation to go to Toronto and sell the copyright was not of God.’

“As far as the text itself, that conclusion of a failed revelation comes from David Whitmer, not from this poorly evidenced revelation from JS, which has no parallel. All of JS’s known revelations in this period sustained their divine origin, and condemned the early Saints (and Joseph himself) for not living up to their challenge. Shown by the above quotations, revelations told David Whitmer and Page that they believed in revelations through Page that came from man or from the Devil. Did David mix up the late 1830 rebukes with an early 1830 revelation right after the return from Canada? No one can answer that, but the parallels throw reasonable doubt on David’s memory.” Richard L. Anderson to Stephen Kent Ehat, email, May 4, 2010.



### Where Was the Prophet Located When He Received the Revelation?

In John Whitmer’s headnote<sup>4</sup> to the revelation, which he inscribed in a notebook entitled *A Book of Commandments and Revelations* (BCR), he states that the revelation was given at “Manchester Ontario C[ounty] New

4. Neither the text of the *Book of Commandments and Revelations* nor the *Manuscript Revelation Books* volume editors in their explanatory materials use the word *title* or *headnote*. The word *headnote* is used here because of its use in Steven C. Harper, “Historical Headnotes and the Index of Contents in the *Book of Commandments and Revelations*,” *BYU Studies* 48, no. 3 (2009): 53. Harper apparently includes within the headnote what could here be referred to as a title (in this case, “23 Commandment AD 1830”). Harper does not otherwise specifically give a precise definition for the word *headnote*. In this study, I use *title* as distinct from *headnote* because it seems some of the revelations (for example, “Revelation, July 1828 [D&C 3]”) have a headnote without a title and others of the revelations (for example, “Answers to Questions, circa March 1832 [D&C 77]”) have a title without a headnote. Of course, many times what otherwise would appear to be a title is blended into and inseparable from a headnote (see, for example, “Revelation, 13 August 1831 [D&C 62]”).

## Stephen Kent Ehat

God's law recognizes man's law. Besides one "We claim," our Articles of Faith present twelve "We believes," by one of which we affirm belief "in obeying, honoring, and sustaining the law" (A of F 12). Twelve other scriptural "We believes" (D&C 134) revere "the right and control of property" (v. 2), encourage "respect and deference" to "the laws of men" (v. 6), and sanction "appeal to the civil law for redress of all wrongs" where "the right of property" is infringed (v. 11). The so-called Canadian copyright revelation concerns laws protecting the right of intellectual property. In 1829 and 1830, copyright laws of the United States, New York, and the United Kingdom protected the text of the Book of Mormon and the Prophet's interest therein.



Since 2009, when this revelation was first published, we have had opportunity more fully to appreciate the legal protection afforded to divinely revealed texts. Yet, perhaps inspired by critics of a bygone era who may have had either dim recollection of or no exposure to the actual text of the revelation, detractors seek again to complain about the revelation and events surrounding it. Like most any revelation received by Joseph Smith, this revelation, too, serves as a sort of Rorschach test: readers may come away with either complaint or admiration.

Reading some recent comments, I saw some misunderstandings about copyright laws of the 1829 to 1830 era. But that can be expected. Few of us today identify with the details of *that* legal realm. So I decided to review some of the law and historical events surrounding the revelation. It is a revelation that sent the Prophet's emissaries to Kingston, Upper Canada, both to help "secure the copyright" to the Book of Mormon in all the world and to "sell a copyright" there. These phrases have a legal context. I conducted this study in part to play a small role both to address some of the "libelous publications" (D&C 123:4) that otherwise have sought to explain away or condemn this revelation by misinterpretation of its legal context and to help clarify some of that context.

York.”<sup>5</sup> No source heretofore has expressly stated that the Prophet was in Manchester when he received this revelation, and no source has suggested a different location; hence, there is no reason to doubt Whitmer’s placement of receipt of the revelation at Manchester.

John Whitmer dates the revelation to “1830,” and we know that on June 1–3, 1829, Joseph had moved from Harmony Township, Pennsylvania, to the home of Peter Whitmer Sr. in Fayette, Seneca County, New York, where translation and other events relating to the Book of Mormon occurred. On October 4, 1829, he returned to reside again in Harmony. It was not until sometime in the latter part of March 1830 that Joseph Knight Sr. transported Joseph from Harmony, Pennsylvania, to Manchester, New York. During that interim period, from October 4, 1829, to the latter part of March 1830, the Prophet is known to have visited Manchester on two occasions. These are discussed further below. One secondary source seems to confirm placement of the Prophet in Manchester when he received the revelation. Hiram Page indicates that he, Oliver Cowdery, Joseph Knight, and Josiah Stowell were all situated in Manchester, “anxious” to receive the revelation. Since Page does not mention having to wait to receive word of the revelation,<sup>6</sup> there seems to be no reason to suggest that the revelation was received in any place other than Manchester, as Whitmer’s headnote states.

### When Was the Revelation Received?

John Whitmer’s title to the revelation reads “23 [that is, the twenty-third item recorded in the BCR] Commandment AD 1830.” This suggests either that Whitmer believed, or that he had learned from the Prophet (in 1831, when Whitmer inscribed the revelation in the BCR), or that he had copied directly from the original text of the revelation, that it had been received in 1830.<sup>7</sup> While the text itself does not date the revelation more specifically than “1830,” the historical context provided by later sources does provide some clues. Whitmer’s title, of course, is the best and earliest evidence available. And the placement of the text of the revelation in the BCR among revelations that can be dated to the first half of April 1830 is evidence that Whitmer’s reference to 1830 might possibly be narrowed to early April 1830. But various reasons exist to doubt that the revelation was received in April 1830.

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5. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 30.

6. Hiram Page to William McLellin, February 2, 1848, photocopy, Community of Christ Library-Archives, Independence, Missouri. Page’s spelling is “anctious.”

7. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 30.

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Behold I speak a few words unto you, Samuel, for thou  
also art under no condemnation, & thy calling is to ~~be~~ <sup>be</sup> ~~strengthen~~ <sup>strengthen</sup> the Church, & thou art not <sup>to</sup> get called to preach  
before the world. Amen.

21<sup>st</sup> Commandment A.D. 1830  
A Commandment to given to Joseph at Manchester  
Ontario County State of New York  
~~to you Joseph~~ Behold I speak a few words  
unto you, Joseph; for thou art under no condemnation,  
& thy calling also is to exhortation, & to strengthen the  
Church, & this is thy duty from henceforth & forever, amen.

22<sup>nd</sup> Commandment A.D. 1830  
A Commandment to Joseph Knight given at  
Manchester Ontario County State of New York  
Behold I manifest unto you these words, that ~~you~~ must  
take up ~~the~~ <sup>your</sup> ~~burden~~ <sup>burden</sup> in the which ~~you~~ must pray secretly  
before the ~~Lord~~ <sup>Lord</sup>, as well as in secret, & in ~~your~~ <sup>your</sup> family &  
among ~~your~~ <sup>your</sup> friends, & in all places, ~~where~~ <sup>where</sup> it is ~~thy~~ <sup>thy</sup> duty  
to write with the true ~~word~~ <sup>word</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~Lord~~ <sup>Lord</sup> in ~~thy~~ <sup>thy</sup> ~~own~~ <sup>own</sup> ~~language~~ <sup>language</sup> ~~of~~ <sup>of</sup>  
exhortation continually, that ~~you~~ <sup>you</sup> may receive the  
reward of the laborer. Amen.

23<sup>rd</sup> Commandment A.D. 1830  
A Revelation given to ~~the~~ Oliver Hozorn Joseph  
& Joseph Knight given at Manchester Ontario Co New York  
Behold I the Lord am God I created the heavens & the earth  
& all things that in them is wherefore they are mine & I smite  
my scepter over all the earth & ye are in my hands to will &  
to do that I can deliver you out of every difficulty & affliction  
according to your faith & diligence & uprightness before me  
& I have commanded with my servant <sup>Joseph</sup> that earth nor hell  
combined against him shall not take the blessing out of  
his hands which I have prepared for him if he walketh  
uprightly before me neither the spiritual nor the temporal

Photograph of page 30 in the Book of Commandments and Revelations. Courtesy Church History Library, © Intellectual Reserve, Inc.

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Blessing & Rebate I also covenanted with these who have assisted  
him in my work that I will do unto them even the same  
Because they have done that which is pleasing in my sight  
(ye even all have ~~done~~ it be one only) therefore be  
diligent in securing the Copy right of my secret work  
upon all the face of the earth of which is known by you  
unto ~~my~~ my secret Joseph & unto him whom he willeth  
according as I shall command him that the faithful & the  
righteous may retain the temporal Blessing as well as the  
spiritual & also that my work be not distorged by the works  
of iniquity to their aim destruction & domination when they  
are fully ripe & now Rebate I say unto you that I have coven-  
anted & it cometh me that Oliver Cowdrey Joseph Knight Hyrum  
Page & Josiah Stowell shall do my work in this thing ye  
even in securing the right & they shall do it with an eye single  
to my glory that it may be the means of bringing souls  
unto me salvation through mine only Begotten Child I am  
God I have spoken it & it is expedient ~~in mine~~ Therefore I say  
unto you that ye shall go ~~together~~ seeking me continually  
through mine only Begotten & if ye do this ye shall have my  
spirit to go with you & ye shall have an addition of all things  
which is expedient in me. & I grant unto my servant a privilege  
that he may sell <sup>at a right</sup> through you speaking after the manner of  
men for the four Quorums of the People hearken not their hearts  
against the utterings of my spirit & my word for Rebate it  
beth in themselves to their condemnation for to their salvation  
Rebate my way is before you & the means I will prepare  
& the Blessing I have in mine own hand & if ye are faithful  
I will pour out upon you even as much as ye are able to  
bear & thus it shall be Rebate I am the father & it is through  
mine only begotten which is Jesus Christ your Redeemer even

Photograph of page 31 in the Book of Commandments and Revelations. Courtesy Church History Library, © Intellectual Reserve, Inc.

Before addressing some of these historical clues, we should discuss what the *Manuscript Revelation Books* volume editors suggest in this regard. While Whitmer dates the revelation as having been received in 1830, volume editors Jensen, Woodford, and Harper date the receipt of the revelation more specifically as “Circa Early 1830.” How early in 1830, the editors do not expressly state. But they do seem to take at least a preliminary position that the revelation was received between April 6 and April 16, 1830. Speaking generally on the topic, Harper observes: “Whitmer recorded several of the revelations in a different order than they appear in the Doctrine and Covenants. In some instances, it is obvious that he was not recording the revelations in their order of receipt. In other instances, particularly the earliest revelations, Whitmer’s order of recording reflects a chronology of some events that differs from what has been assumed to be the historical order.”<sup>8</sup> Jensen, Woodford, and Harper do specifically note, moreover, that of the first eighty items inscribed in the BCR (which include the Canadian copyright revelation), “only four dated items are known to have been copied into the book out of chronological order.”<sup>9</sup> The volume editors specifically identify the four known nonchronologically inscribed items,<sup>10</sup> and their table of BCR inscription documents<sup>11</sup> catalogs the BCR placement of the four items they identify: (1) “Articles and Covenants, 10 April 1830 [D&C 20]”; (2) “Explanation of Scripture, circa December 1830 [D&C 74]”; (3) “Revelation, circa 8 March 1831–B [D&C 47]”; and (4) “Revelation, 1 November 1831–B [D&C 1].” While the editors could not say with certainty that the Canadian copyright revelation was recorded out of order, they simply proposed that it be dated “Circa Early 1830.” In the manuscript, it is positioned between April 6, 1830 (the date recorded in the BCR for the seventeenth item [D&C 21]) and April 16, 1830 (the date recorded in the BCR for the twenty-fourth item [D&C 22]).<sup>12</sup>

However, further evidence of when the revelation was received can be gleaned from hints in related historical events and associated documents, combined with newly available hints from the text of the revelation itself. Even though John Whitmer’s title to the revelation dates it in 1830, for the sake of completeness I will also consider dates in 1829. The impetus for this exercise is created by three considerations: (1) Hiram Page states that the

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8. Harper, “Historical Headnotes and the Index of Contents,” 53.

9. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 5.

10. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 3.

11. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, xi–xv.

12. The *Manuscript Revelation Books* editors did not assign items 18 through 22 a specific date; they are dated simply “April 1830.”

Prophet’s associates anticipated the revelation before it was received, and “when it came,” the group, seemingly without any or much ensuing delay, departed for Upper Canada;<sup>13</sup> (2) David Whitmer indicated that those who went to Canada “crossed the lake [Lake Ontario] on the ice;”<sup>14</sup> and (3) April 6, 1830, appears to be too late a date for receipt of the revelation, because contemporaneous Canadian newspaper reports (discussed further below) indicate that while the lake was frozen over that year by as early as mid-January, it had thawed and was navigable by April 1. While none of the major secondary sources<sup>15</sup> assigns either an exact date or an exact period of time to receipt of the Canadian copyright revelation, after gleaning from historical sources information about the events that created a need for the revelation, and then framing the earliest and latest possible times for receipt of this revelation, and considering all possible dates within that time frame for the revelation’s receipt, I will suggest that the Canadian copyright revelation is perhaps a fifth revelation to have been recorded into the BCR out of chronological sequence, and also that receipt of the revelation almost surely predated April 6, 1830, and, indeed, probably was received at some time between mid-January and early March 1830.

**The Need to Be Met.** It has long been held that the effort to sell a copyright in Canada was made to help meet the need for money to fund the printing of the Book of Mormon in Palmyra. The secondary sources do state (1) that at the time the revelation was received, there was an outstanding need to obtain immediate funds to pay for the printing of the Book of Mormon, owing to a then-apparent inability of Martin Harris immediately to produce the needed money;<sup>16</sup> and (2) that the revelation was intended to commission emissaries to go to Canada in part to obtain funds for the purpose of paying Grandin. While initially, in June of 1829, it was contemplated that Martin Harris was to pay one-half of the printing costs and Joseph and Hyrum were to pay the other half,<sup>17</sup> the full responsibility apparently later

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13. Page to McLellan, February 2, 1848.

14. John L. Traughber, “False Prophecies,” undated paper, John L. Traughber Papers, box 2, folder 26, Manuscripts Division, J. Willard Special Collections, Marriott Library, University of Utah, cited in H. Michael Marquardt, *The Rise of Mormonism: 1816–1844* (Longwood, Fla.: Xulon Press, 2005), 155.

15. For purposes of this article, a “secondary source” is one authored by someone who either wrote or lived at a time contemporaneous with the event (such as Page and Whitmer), as opposed to what is characterized here as a “derivative source,” namely, a source authored by one who relies only on primary, secondary, or other derivative sources but not personal experience.

16. Traughber, “False Prophecies.”

17. Lucy Smith, *Biographical Sketches of Joseph Smith the Prophet, and His Progenitors for Many Generations* (Liverpool: S. W. Richards, 1853), 142.

fell to Harris alone, when Joseph and Hyrum could not come up with their half.<sup>18</sup> By mortgaging a portion of his farm, Harris apparently guaranteed that he would meet the entire obligation of all three men.

Hiram Page states, “Joseph heard that there was a chance to sell a copyright in Canada for any useful book that was used in the States. Joseph thought this would be a good opportunity to get a handsome sum of money which was to be (after the expenses were taken out) for the exclusive benefit of the Smith family and was to be at the disposal of Joseph.”<sup>19</sup> Presumably, Page’s reference to money, after expenses, being intended for the “benefit” and “disposal” of the Prophet and his family included money needed to meet the costs incurred by the printing of the Book of Mormon in Palmyra.

David Whitmer was more direct: “Hyrum Smith, the ‘Patriarch,’ proposed that some of them take the manuscript to Canada, and there sell the copyright for sufficient money to enable them to get out the publication. A [¶] REVELATION WAS PROCURED [¶] ‘to order’ and ‘warranted to fit.’”<sup>20</sup> In an even more detailed explanation, Whitmer refers to the money needed to print the Book of Mormon and states:

Brother Hyrum thought they should not wait any longer on Martin Harris, and that the money should be raised in some other way. Brother Hyrum was vexed with Brother Martin, and thought they should get the money by some means outside of him, and not let him have anything to do with the publication of the Book, or receiving any of the profits thereof if any profits should accrue. He was wrong in thus judging Bro. Martin, because he was doing all he could toward selling his land. Brother Hyrum said it had been suggested to him that some of the brethren might go to Toronto, Canada, and sell the copy-right of the Book of Mormon for considerable money: and he persuaded Joseph to inquire of the Lord about it. Joseph concluded to do so.<sup>21</sup>

Of course the text of the revelation itself instructs those to whom it is directed to “sell” a copyright and speaks of the “temporal Blessing” that would not be taken out of the Prophet’s hands and the “temperal” blessing that his associates would “retain” if they all were faithful. It appears to be correct that the revelation was intended to authorize action that would meet the need for money for the printing of the Book of Mormon; thus, in

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18. See Susan Easton Black and Larry C. Porter, “For the Sum of Three Thousand Dollars,” *Journal of Book of Mormon Studies* 14, no. 2 (2005): 4–11, 9.

19. Page to McLellin, February 2, 1848.

20. “David Whitmer Talks,” *Salt Lake Daily Tribune*, October 17, 1886, 5. See also *Omaha Herald*, October 10, 1886; *Des Moines Daily News*, October 16, 1886; *Chicago Inter-Ocean*, October 17, 1886; *Philadelphia Press*, October 17, 1886.

21. Whitmer, *Address to All Believers*, 30–31.

order to more accurately establish the date the revelation was received, it would be helpful to know when it was that the need for such money first arose and where the Prophet was located at various times during the subsequent period.

**Outer Time Limits for Receipt of the Revelation.** Laying aside for the moment David Whitmer's report that those who went to Canada "crossed the lake on the ice,"<sup>22</sup> we will briefly examine the period of time from just prior to June 11, 1829, when the title of the Book of Mormon was deposited with the clerk of the United States District Court for the Northern District of New York, through March 26, 1830, the date of the publication of the Book of Mormon,<sup>23</sup> to the latter half of April 1830, after organization of the Church. The Prophet and his associates apparently first perceived a need to obtain funding for the printing of the Book of Mormon just prior to the time of depositing the title of the book with the clerk of the U.S. District Court, that is, just prior to June 11, 1829. The Prophet's mother reports that Joseph arrived at Palmyra and there "met Mr. Grandin, and writings were drawn up between them to this effect: That half of the price for printing was to be paid by Martin Harris, and the residue by my two sons, Joseph and Hyrum. These writings were afterwards signed by all the parties concerned." Lucy dates this agreement to a time prior to when the Prophet "secured the copyright" (that is, prior to June 11, 1829), which transaction with the copyright she says occurred "soon after" the agreement.<sup>24</sup> We know that it was on about June 3, 1829, that Joseph Smith, Oliver Cowdery, and David Whitmer arrived from Harmony, Pennsylvania, and relocated to the Peter Whitmer farm in Fayette, New York, the trip having taken about three days.<sup>25</sup> This at least places the Prophet in the vicinity of Manchester at that time and, absent reference to the on-ice lake crossing, would probably be the earliest time the revelation would have been received.

Where was the Prophet on June 11, 1829, when the printed copy of the title of the Book of Mormon was deposited in the office of the court clerk? In my estimation, Nathaniel Wadsworth is correct in concluding that, based on available evidence, we simply do not know for sure whether on June 11, 1829, Joseph was in Utica personally making the deposit, whether he had traveled to another place where the court may have held a special session local to Fayette,

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22. Traughber, "False Prophecies."

23. Hyrum Smith proposed that some emissaries would take with them "the manuscript" (from which a reasonable inference can be drawn that the Palmyra printing was not yet complete). "David Whitmer Talks," 5.

24. Lucy Smith, *Biographical Sketches of Joseph Smith*, 142.

25. See John W. Welch, "The Coming Forth of the Book of Mormon," in *Oliver Cowdery: Scribe, Elder, Witness*, ed. John W. Welch and Larry E. Morris (Provo, Utah: Neal A. Maxwell Institute for Religious Scholarship, 2006), 39, 47, 70 n. 28.

or whether someone else traveled to Utica or elsewhere for him—or for that matter, whether the printed copy of title had simply been mailed to Utica. Wadsworth quotes Larry C. Porter’s accurate observation that it is “not certain whether Joseph Smith simply submitted his title entry by mail to [Richard R.] Lansing at Utica, New York, or whether it was delivered by hand.”<sup>26</sup>

Thereafter, though still in June of 1829, the Prophet was located in Palmyra near Manchester (being there on about June 24 when the Eight Witnesses were shown the plates of gold and possibly being there still on June 26 when Egbert B. Grandin published the title page of the Book of Mormon as a “curiosity” in the *Wayne Sentinel*). On or about July 1, 1829, the Prophet completed the translation while in Fayette, some thirty-five miles from Manchester.

Then, some time in early July of 1829, the Prophet went to reside in Harmony, Pennsylvania. Importantly, all of the above-mentioned dates precede August 25, 1829, when Martin Harris mortgaged his farm to assure payment of \$3,000 to Grandin for the printing of the first 5,000 copies of the Book of Mormon.<sup>27</sup>

In an October 22, 1829, letter to Oliver Cowdery, the Prophet wrote the following from Harmony, Pennsylvania:

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26. See, for example, Nathaniel Hinckley Wadsworth, “Copyright Laws and the 1830 Book of Mormon,” *BYU Studies* 45, no. 3 (2006): 83, citing Larry C. Porter, “Egbert Bratt Grandin,” in *Book of Mormon Reference Companion*, ed. Dennis L. Largey (Salt Lake City: Deseret Book, 2003), 308. It may very well be that Grandin, under the Prophet’s direction, sent the draft title page to the clerk in Utica for deposit rather than the Prophet himself personally presenting it. There is evidence to suggest that this may have been the manner in which Grandin presented titles for deposit. Grandin, as “proprietor” of a different book, apparently did not personally appear in Utica, when on April 30, 1830, he is said to have deposited the title of that other book with Lansing. On April 30, 1830, Lansing recorded that Grandin on that day “hath deposited in this Office the title of a Book the right whereof he claims as Proprietor in the words following, to wit: *Notes on title IV. chapter II of part III of the Revised Statutes of the State of New York entitled ‘of courts held by Justices of the peace.’*” Copyright Record Books, Northern District of New York, September 25, 1826, to May 18, 1831, vol. 3, page 131, Rare Book and Special Collections, Library of Congress. On that very same day, however, Grandin apparently would have been busy in his printing office in Palmyra, publishing the April 30, 1830, issue of his weekly newspaper, *The Wayne Sentinel*. See *Wayne Sentinel*, April 30, 1830, p. 1, col. 1 (“published eve[r]ly Friday, by E. B. Grandin, at his printing office and book-store—Main-street, West end of Thayer & Grandin’s Row, Palmyra, Wayne Co. N. Y.”). Since the distance from Palmyra to Utica is 116 miles (a round trip of about four days—see note 38 below), it seems unlikely he personally presented his title for deposit in the clerk’s office in Utica on the same day that he issued his paper in Palmyra.

27. Wayne County (New York) Mortgages Record, 3:325–26.

There begins to be a great call for our books in this country the minds of the people are very much excited when they find that there is a copy right obtained and that there is really [a] book about to be printed I have bought a horse of Mr. [Josiah] Stowell and want some one to come after it as soon as convenient Mr. Stowell has a prospect of getting five or six hundred dollars he does not know certain that he can get it but he is a going to try and if he can get the money he wants to pay it in immediately for books.<sup>28</sup>

While this letter clearly places the Prophet in Harmony at the time, it has parenthetical significance of a related nature. Wherever the Prophet was when he purchased the horse from Josiah Stowell—Stowell, for all we know, lived in South Bainbridge, Chenango County, New York, at the time of the purchase, and the letter indicates the Prophet wrote from Harmony, Pennsylvania, approximately twenty-three miles away—the fact that the Prophet spoke of Stowell as having “a prospect of getting five or six hundred dollars” that he wanted to pay in immediately “for books,” clearly seems to invite the inference that the time when Stowell entertained such a prospect of income is a time separate from when he experienced a similar prospect of income (though of a much higher amount of money) from an attempted sale of a copyright in Canada. (Hiram Page reports the amount involved in the hoped-for Canadian copyright transaction to be \$8,000.)<sup>29</sup>

On November 6, 1829, Oliver wrote from Manchester to the Prophet, located in Harmony at the time, reporting on the printing of the book. Similarly, Cowdery wrote from Manchester to the Prophet, again located in Harmony, on December 28, 1829. And on January 16, 1830, Joseph signed what amounts to a promissory note agreeing that Martin Harris shall have “an equal privilege” with the Prophet and his friends “of selling the Book of Mormon.” That document bears a written attestation of the Prophet’s signature thereon, signed by Oliver Cowdery in “Manchester.”<sup>30</sup>

Since John Whitmer’s headnote to the Canadian copyright revelation evidently places the Prophet in Manchester when he received the revelation, we perhaps are justified (1) in concluding that the Prophet’s presence in Palmyra on June 24, 1829, could be one occasion when the revelation was received and (2) in eliminating, *with two significant exceptions* (discussed further below), the entire period from early July 1829 to about

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28. Joseph Smith to Oliver Cowdery, October 22, 1829, Joseph Smith, Letterbook 1:9, Church History Library, The Church of Jesus Christ of Latter-day Saints.

29. Page to McLellin, February 2, 1848.

30. Agreement, Joseph Smith and Martin Harris, Manchester, New York, January 16, 1830, DS, in handwriting of Oliver Cowdery, Historical Society of Pennsylvania.

March 26, 1830, as the time when the revelation was received, for during all of that period, apparently, the Prophet was located, not in Manchester, but in Harmony.

**Possible Dates When the Revelation May Have Been Received.** From late June 1829 to late March 1830, the Prophet traveled on two occasions temporarily from Harmony to Manchester to take care of matters pertaining to the printing of the Book of Mormon. On the first trip, he sought to address the unauthorized printing of portions of the Book of Mormon text by Abner Cole. On the second, he sought to deal with matters concerning the costs of printing the Book of Mormon. The two visits appear to have been in quick succession. The first is well known. Cole published a newspaper, *The Reflector*, which Grandin printed. Cole apparently had seen printed pages of the Book of Mormon in Grandin's shop as early as September 2, 1829,<sup>31</sup> and by January 2, 1830, had printed and published the first of a number of newspaper installments setting forth extensive passages of Book of Mormon text. It appears that Oliver was aware of the first printing before it occurred, apparently having discovered it on Sunday, December 27, 1829.<sup>32</sup> When Oliver and Hyrum were unable to convince Cole not to go forward with the printing, they asked Joseph's father what to do, and Joseph Sr. traveled from Manchester to Harmony to tell the Prophet of the situation. The two returned from Harmony to Manchester, arriving there apparently one week after Oliver's discovery, on Sunday, January 3, 1830, "nearly stiffened with the cold."<sup>33</sup> The Prophet convinced Cole to agree to submit the matter to an arbitration, seeking to get Cole to desist,<sup>34</sup> which he did (but not until publishing two more extracts on January 13 and 22, 1830). At some point, either immediately or shortly after the January 3 confrontation with Cole (and apparently before the January 13 publication), the Prophet returned to Harmony. Lacking evidence of a prolonged stay in Manchester, it seems likely the Prophet returned to Harmony without delay.

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31. "The Golden Bible, by Joseph Smith Junior, Author and Proprietor, Is Now in Press and Will Shortly Appear," *Reflector* 1 (September 2, 1829): 2.

32. Andrew H. Hedges, "The Refractory Abner Cole," in *Revelation, Reason, and Faith: Essays in Honor of Truman G. Madsen*, ed. Donald W. Parry, Daniel C. Peterson, and Stephen D. Ricks (Provo, Utah: Foundation for Ancient Research and Mormon Studies, 2002), 462–63.

33. Lavina Fielding Anderson, ed., *Lucy's Book: A Critical Edition of Lucy Mack Smith's Family Memoir* (Salt Lake City: Signature Books, 2001), 474. The Prophet's mother dates Hyrum's discovery and Joseph's confrontation with Cole on two successive Sundays. Lucy Smith, *Biographical Sketches of Joseph Smith the Prophet*, 148–50.

34. Lucy Smith, *Biographical Sketches of Joseph Smith*, 149–50.

At some time after the January 3 confrontation with Cole, the Prophet’s family evidently was “again compelled to send for” the Prophet, this time to deal with matters concerning the costs of printing the Book of Mormon.<sup>35</sup> On January 16, 1830, the Prophet executed a note to Martin Harris,<sup>36</sup> doing so *in Manchester*.<sup>37</sup> Thus, the Prophet’s second trip from Harmony to Manchester occurred in time for him to sign that note (the subject of the note being the same as the purpose of the second trip). The Prophet apparently had time to confront Cole (on January 3), return to Harmony, travel again to Manchester, and arrive there the second time by January 16; the round trip, apparently, could be accomplished within one week (the Prophet’s father had done it between Sunday, December 27, 1829, and Sunday, January 3, 1830).<sup>38</sup>



*Joseph Smith the Prophet*, by Danquart Weggeland, courtesy Church History Museum.

35. Lucy Smith, *Biographical Sketches of Joseph Smith*, 149–50. Lucy’s history does seem to allow for the passage of some time between the Prophet’s two visits to Manchester, for while she states that after he returned to Pennsylvania he was “not long to remain there,” she also invites the inference that those who opposed the publication had enough time to “perceive[] that the work still progressed,” “call[] a large meeting,” “gather[] their forces,” “organize[] themselves into a committee of the whole,” “appoint[] a committee to wait upon E. B. Grandin, and inform him of the resolutions which they had passed.” Of course, all of these events could have occurred immediately after the Prophet left Manchester at the end of his first visit and while he was traveling. The Prophet may have been in Harmony between his two visits to Manchester for only a few days, if that, or for some longer period, though (according to Lucy) it was “not long.”

36. In his forthcoming *Documentary History of Oliver Cowdery*, Richard L. Anderson will present and explain evidence that the note was executed by the Prophet and not his father.

37. Hedges, “Refractory Abner Cole,” 462.

38. Hedges expresses concern about whether Joseph Smith Sr. could possibly have made “the 240-odd-mile round-trip between Manchester and the Prophet’s home near Harmony in six days at most—no small feat, considering the time of year.” See Hedges, “Refractory Abner Cole,” 462. Stating the journey was “difficult,”

Because Page seems to indicate that he and his associates departed from Manchester, it is likely that they did not tarry there for long after the revelation was received and before departing for Canada (the four men otherwise resided elsewhere).<sup>39</sup> And because David Whitmer reported that those who went to Canada “crossed the lake on the ice,”<sup>40</sup> the revelation could have been received in the middle of January.<sup>41</sup> Of course, when the Prophet arrived in Manchester the second time and how long he tarried there during his second trip is not known. And because the frozen lake had apparently thawed and broken up by April 1, 1830, it may be surmised, based on the timing of the thaw alone, that the latest time when the revelation may have been received would be at some time shortly before April 1, 1830. More on this will be discussed below, in connection with the timing of the trip to Canada.

However, a few other factors may play a role in dating the Prophet’s receipt of the revelation. According to David Whitmer, it was “early in the spring of 1830, before April 6th” that the Prophet “gave the [seer] stone to Oliver Cowdery and told [Whitmer] as well as the rest that he was through with it, and he did not use the stone anymore.”<sup>42</sup> Because David Whitmer indicates that on the occasion when the Prophet received the Canadian copyright revelation he “had not yet given up the stone” and had “looked into the hat in which he placed the stone, and received [the] revelation,”<sup>43</sup>

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Hedges cites “a later reference by Lucy to the expense incurred from making trips to Harmony this winter” as suggesting “that Joseph Sr. made the journey by stage, most of which averaged about sixty miles per day at the time through regular and frequent substitutions of horses.” Hedges does not provide a citation to the “sixty-miles-per-day” calculation. According to William Renwick Riddell, “London to Toronto in 1836,” reprinted in *Canadian National Railways Magazine* (April 1922), part of the travels of Anna Brownell Murphy Jameson included passage both on a stagecoach from Utica to Rochester, a trip of “about 135 miles,” which Riddell reports “took 36 hours” and passage on a carriage from Rochester to Lewiston, a trip of “70 miles” which took “28 hours.” The trips on stagecoach and carriage were made in lieu of passage on a steamboat on the Erie Canal because the canal was frozen. Jameson’s stagecoach trip averaged 3.75 miles per hour (or sixteen hours to travel sixty miles), and the carriage trip 2.5 miles per hour (twenty-four hours to travel sixty miles).

39. Page to McLellin, February 2, 1848.

40. Traughber, “False Prophecies.”

41. “The thermometer has ranged from 10° below, to 20° above 0, for the last ten days. The Lake is firmly frozen, and a cheap and safe style of travelling has revived the intercourse with our brethren of the *independent* portion of the world.” *Kingston Chronicle*, January 30, 1830, p. 2, col. 6.

42. Whitmer, *Address to All Believers*, 32.

43. Whitmer, *Address to All Believers*, 30–31.

the dating of the receipt of the revelation, according to Whitmer, would necessarily be some time prior to April 6, 1830.

While spring technically began on March 21 in 1830,<sup>44</sup> that does not necessarily mean that Whitmer’s reference to “early in the spring” in that year must constitute a reference to a time on or after March 21; other dates earlier in March that year were nonetheless referred to as dates in “spring.”<sup>45</sup> Noah Webster’s 1828 dictionary does not limit the definition of “spring” to dates after the vernal equinox; rather, Webster defines spring to be “the season of the year when plants begin to vegetate and rise; the vernal season. This season comprehends the months of March, April, and May, in the middle latitudes north of the equator.”<sup>46</sup> Hence, at least linguistically speaking, David Whitmer’s timing of the relinquishment of the seer stone (“early in the spring”) allows for a dating of the receipt of the revelation at some point prior to that, perhaps in early March of 1830 or even before. The timing for delivery of the seer stone is elsewhere attributed to “about” the time when, on February 12, 1830, Lucius Fenn wrote to Birdseye Bronson concerning the anticipated publication of the Book of Mormon.<sup>47</sup>

It is true that as late as March 1830 the Prophet received a revelation that instructed Martin Harris “not [to] covet [his] own Property but impart it freely to the printing of the Books of Mormon” (BCR, 27), that he “Pay the Printers debt” (BCR, 27). But concerns expressed by the Prophet about Martin making payment on the debt Harris had “contracted with the printer” (D&C 19:35), of course, also predated March 1830. And attempts at securing and selling a copyright in Canada after the March 26, 1830, United States release date of the Book of Mormon likely would have not been efficacious, for at that point, the work, legally, would have been considered dedicated to the public, and piracy in Canada would have been much more likely without a copyright secured there (if others considered publishing the book to be

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44. The vernal equinox in 1830 fell on March 21. See Ivan Smith, “Vernal Equinox,” <http://ns1763.ca/equinox/vern1788-2211.html>.

45. See, for example, “PASSAGE FROM IRELAND, (FIRST SPRING SHIP.) The ship BENJAMIN RUSH, will leave BELFAST FOR BALTIMORE about the first of March next,” *American & Commercial Daily Advertiser*, morning ed., January 7, 1830, p. 1, col. 2); “PASSAGE FROM IRELAND. (FIRST SPRING SHIP) The ship BENJAMIN RUSH, Captain Duff will sail from BELFAST for BALTIMORE, early in MARCH NEXT,” *American & Commercial Daily Advertiser*, morning ed., February 20, 1830, p. 1, col. 2.

46. Noah Webster, *An American Dictionary of the English Language* (New York: S. Converse, 1828; New Haven: Hezekiah Howe, 1828), s.v. “spring.”

47. See Welch, “Coming Forth of the Book of Mormon,” 51. Welch is cautious not to assign a date to the Prophet’s relinquishment of the stone and by the placement of his sentences gives the impression it was after February 12, 1830.

financially attractive). And in any event, the secondary sources seem to indicate that Hyrum Smith had suggested that some of the brethren “take the *manuscript*” (not the printed book) to Canada,<sup>48</sup> implying that the printed book was not at that time in existence. In one of his accounts, David Whitmer, in a rather condemnatory text, specifically dates receipt of the revelation to “January, 1830” and adds, without mention of Knight and Stowell, that “Cowdery and Page crossed the lake on the ice and went to Kingston.”<sup>49</sup> If the emissaries indeed “crossed the lake on the ice,” not only Kingston harbor but the lake itself would need to have been frozen at the time, and it appears even the ice in the Kingston harbor was pretty much dissipated prior to the end of March 1830, as discussed further below.

Of course, David Whitmer could have been wrong about both the January 1830 date and the crossing of the lake on ice. But certain other evidence lends credence to the proposition that the revelation was received prior to April 1830. Three of the supposed four participants in the Canadian trip apparently were unavailable to travel to Canada during the entire period between about March 26 and about April 18, 1830. Shortly after March 26, 1830, for instance, Joseph Knight Sr. reportedly had driven the Prophet from Harmony, Pennsylvania, to Manchester, New York, to pick up some copies of the Book of Mormon, which had just come off the press. On the way, the Prophet told him that a church must be organized.<sup>50</sup> If Knight indeed did travel to Canada, it apparently did not occur in late March 1830, when he was traveling with the Prophet from Harmony to Manchester. And on Tuesday, April 6, 1830, Oliver Cowdery and Joseph Knight were present for the organization of the Church at the home of Peter Whitmer Sr. in Fayette Township, New York.<sup>51</sup> Of the seven extant listings of the six men who

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48. “David Whitmer Talks,” 5. See also *Omaha Herald*, October 10, 1886; *Des Moines Daily News*, October 16, 1886; *Chicago Inter-Ocean*, October 17, 1886; *Philadelphia Press*, October 17, 1886.

49. Traughber, “False Prophecies.”

50. Dean C. Jessee, “Joseph Knight’s Recollection of Early Mormon History,” *BYU Studies* 17, no. 1 (1976): 36.

51. Although contention is made that no documentary evidence places Oliver Cowdery in Fayette on the day the Church was organized, Oliver himself, if he was performing his edit based on personal knowledge, apparently places himself there, on the day of the organization of the Church, as evidenced by his own handwritten correction in BCR, 28 (now D&C 21; see Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 26–27), correcting John Whitmer’s original inscription of “1829” to read “April 1830” but not changing the reference to “Fayette.” Whitmer’s heading to this revelation, manifestly available for Cowdery to correct in any way (which he did by editing the date), continued to state after Cowdery’s edit that the revelation was received “at Fayette.”

organized the Church on that day, all seven name Oliver Cowdery.<sup>52</sup> So Oliver was not in a position to be traveling to Canada at that time. And one week later, on Sunday, April 11, 1830, at Fayette, Oliver Cowdery preached the first public discourse after the organization of the Church and on that day baptized six converts in Seneca Lake, including Canadian-trip participant Hiram Page and Page’s wife, Katherine. And one week after that, on Sunday, April 18, 1830, Cowdery baptized seven more converts. In addition, in an 1877 letter, McLellin states the revelation was received while the Book of Mormon “was at the printer’s.”<sup>53</sup>

Based on the above analysis of presently available evidence (and further evidence discussed below about the timing of the trip to Canada), it seems reasonable at least preliminarily to suggest that the Canadian copyright revelation was received no earlier than about January 16 or 20, 1830, when the Prophet visited Manchester, shortly before or as Lake Ontario first began to freeze over, and no later than about the first part of March 1830, while the Prophet still had possession of the seer stone and before or as Lake Ontario thawed. First, however, it is important to identify who was told to travel there and who actually did travel.

### **To Whom Was the Revelation Directed?**

The historical headnote for the revelation states that the revelation was “given to ~~Joseph~~ Oliver Hiram Josiah and Joseph.” Whether the original text from which John Whitmer made his inscription into the BCR contained the first instance of the word “Joseph” is, of course, not known, since the original text is nonextant. And whether that first (stricken) “Joseph” refers to the Prophet or to Joseph Knight is not known. Perhaps Whitmer merely inscribed the name “Joseph” accidentally (maybe having just finished reading the names “Oliver Hiram Josiah and Joseph” on the original document). By first writing the word “Joseph” after the phrase “given to,” Whitmer may possibly have inadvertently meant to write something meaningful that may have come to his mind at the time he was inscribing the revelation in the BCR, even if the original text from which he was inscribing his copy may not have used the word “Joseph.” And that meaningful thing would be that the revelation was given (vouchsafed or revealed) to the Prophet Joseph. There is no apparent reason to believe (or disbelieve)

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52. Richard Lloyd Anderson, “Who Were the Six Who Organized the Church on 6 April 1830?” *Ensign* 10 (June 1980): 43–45.

53. William E. McLellin to John L. Traughber, February 19, 1877, William E. McLellin Notebook, MS 666, box 2, folder 40, John L. Traughber Collection, Marriott Library.

that in writing the word “Joseph” (and then striking it out), Whitmer was actually copying that word from the original manuscript of the revelation. It would appear at first blush that Whitmer struck through the word “Joseph” immediately after he wrote the word and that it was merely an inscription error that he immediately caught.

By stating that the revelation was “given” to “Oliver Hiram Josiah and Joseph,” Whitmer’s headnote seemingly invites the inference that the revelation was received by the Prophet and directed to the four named men. It does not seem that either the Prophet or Whitmer can reasonably be charged with conveying the notion that the revelation was revealed to and received by those four named men, as if it were a revelation vouchsafed jointly to the four (or five) men. (Some of the BCR revelations, of course, are shared experiences.)<sup>54</sup> The BCR is, after all, a book of revelations generally given to and received by Joseph Smith and communicated by him to others. David Whitmer’s mention of the Prophet’s use of the seer stone seems to confirm this was a revelatory experience of the Prophet’s alone, not one shared or received by multiple recipients. Consistent with the inference mentioned above, the entire text of the revelation uses the third person to refer to the Prophet and the second person to refer to the four named men.

### **Where Were Cowdery, Page, Stowell and Knight Located at the Time the Revelation Was Received?**

The text of the revelation does not state where Cowdery, Page, Stowell, and Knight were located at the time the revelation was received. However, an account by Hiram Page, one of the participants, evidences that at the time the four emissaries were preparing to leave in response to the revelation, they already had “assembled at father Smiths” (whose home was in Manchester, Ontario County).<sup>55</sup> Indeed, Page states in more detail that the four men had already been “chosen . . . by revelation”—perhaps referring to an initial, unrecorded revelation, received *prior* to the time the Prophet received the revelation now recorded in the BCR (in other words, there may possibly have been at least two revelations involved in the Canadian copyright matter, one by which the four men were chosen and one by which they were commanded to go to Canada)—that they had assembled together and then, without delay, departed. Says Page: “Oliver Cowdery, Joseph Knights,

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54. Daniel Peterson, “Many of Prophet’s Revelations Were Shared Experiences,” *Mormon Times*, February 24, 2011, [http://www.mormontimes.com/article/19831/Many-of-Prophets-revelations-were-shared-experiences?s\\_cid=search\\_queue&utm\\_source=search\\_queue](http://www.mormontimes.com/article/19831/Many-of-Prophets-revelations-were-shared-experiences?s_cid=search_queue&utm_source=search_queue).

55. Page to McLellin, February 2, 1848; italics added.

Hiram Page and Joseah Stoel were *chosen* (as I understood *by revilation*) to do the buisanness; we were living from 30 to 100 miles apart . . . it was told me we were to *go by revilation* but when we assembled at father Smiths, the[re was] *no revilation for us to go* but we were all anctious to *ge[t] a r[evila]tion to go; and when it came we were to go to kingston.*<sup>56</sup> The text of the revelation in the BCR does not seem, on its face, to “choose” the four men; rather, it is directed to them almost as if they already had been chosen. It seems from Page’s account that a first revelation choosing the four men may have precipitated their travels to Manchester from their separate residences, culminating in their assembly at the home of Joseph Smith Sr. Then, while there, having no revelation commanding them to go, they anxiously waited some unspecified but apparently short amount of time for the Prophet to receive the revelation that is recorded in the BCR, which he likely received while the four men were still gathered in Manchester.

At the time of these events, Page states, the emissaries themselves “were *living* from 30 to 100 miles apart.” In early 1830, Oliver Cowdery apparently was still boarding with the Whitmer family in Fayette, Seneca County, New York. He had evidently arrived there in the summer of 1829 with Joseph and Emma, and he was present when the Church was organized there in the spring of 1830.<sup>57</sup> On April 11, 1830, Oliver Cowdery baptized Hiram Page in Seneca Lake.<sup>58</sup> The 1830 United States Federal Census enumeration places Page in Fayette Township, Seneca County, New York;<sup>59</sup> the enumeration date is not recorded. Both the Prophet’s history<sup>60</sup> and Joseph Smith—History 1:56 place Josiah Stowell’s residence in October of 1825 in Chenango County, New York. On June 28, 1830, the Prophet was charged with disorderly conduct and taken to South Bainbridge, Chenango County for trial, where Stowell testified on the Prophet’s behalf.<sup>61</sup> The 1830 United

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56. Page to McLellin, February 2, 1848.

57. John K. Carmack, “Fayette: The Place the Church Was Organized,” in *Sperry Symposium Classics: The Doctrine and Covenants*, ed. Craig K. Manscill (Provo, Utah: Religious Studies Center, Brigham Young University; Salt Lake City: Deseret Book, 2004), 48–55.

58. History [1839 draft], Joseph Smith, James Mulholland scribe, Church History Library, transcript in *Papers of Joseph Smith, Volume 1: Autobiographical and Historical Writings*, ed. Dean C. Jessee (Salt Lake City: Deseret Book, 1989), 244.

59. 1830 United States Federal Census, Fayette, Seneca, New York, roll 109, p. 68.

60. Manuscript History of the Church (December 1805–August 30, 1834), vol. 1, Church History Library.

61. Newel Knight, Holographic reminiscences, ca. 1846 (Newel Knight Journal), Church History Library, transcript in *Early Mormon Documents*, comp. and ed. Dan Vogel, 5 vols. (Salt Lake City: Signature Books, 1996–2003), 4:30–31. See

States Federal Census enumeration places Stowell's residence in Bainbridge, Chenango County, New York;<sup>62</sup> the date of the enumeration is not recorded. And in early 1830, Joseph Knight apparently was still living on his farm, as he had since 1811, located at Pickerel Pond, immediately to the east of Nineveh, Colesville Township, Broome County, New York, for in June of 1830, a mob seeking to harass the Prophet surrounded Knight's residence, located in that place. The 1830 United States Federal Census enumeration places Knight's residence in Colesville Township, Broome County, New York.<sup>63</sup>

Based on this analysis, it would appear that the four men were *living* about 113 miles apart (the distance from Fayette to Bainbridge being about 113 miles); the distance from Bainbridge to Manchester, the location where the revelation was received, is about 130 miles. Thus, it would appear that the four men were located at their respective residences when the apparent first revelation, the one that chose them, was received. Then, while they were assembled at Manchester, the revelation that would send them to Canada was received.

### Who Went to Canada?

No contemporaneous evidence seems to be extant identifying who actually did go to Canada. Later accounts differ. The text of the revelation is directed to Oliver Cowdery, Hiram Page, Josiah Stowell, and Joseph Knight and tells them to go to Canada. Page names all four as having been chosen by revelation to do the business, states they "all" were anxious to receive a revelation to go, and then states that after the revelation came and after they departed, "when [we] got their; there was n[o] purcheser."<sup>64</sup> Nothing in Page's text, between his naming of all four men and his use of the word "we" changes that "we" to mean fewer than all four. And William McLellin, recipient of Page's 1848 letter, indicates the revelation was "for Oliver and friends" (plural), indicating that McLellin apparently understood the revelation was directed to at least three persons.<sup>65</sup> On the other hand, while stating that

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also Vogel, *Early Mormon Documents*, 4:53–54; *Times and Seasons* 4 (December 15, 1842): 39–41; Jesse, *Papers of Joseph Smith*, 1:251–54.

62. 1830 United States Federal Census, Bainbridge, Chenango, New York, roll 86, p. 2.

63. 1830 United States Federal Census, Colesville, Broome, New York, roll 85, p. 54.

64. Page to McLellin, February 2, 1848.

65. William E. McLellin to Joseph Smith III, commenced July 1872, Community of Christ Library-Archives. McLellin's account was retold in a letter by J. L. Traughber [to James T. Cobb?], circa 1881, in Wilhelm Wyl [Wilhelm Ritter von Wymetal], *Joseph Smith, the Prophet, His Family and His Friends* (Salt Lake City: Tribune and Publishing Co., 1886), 311. See Vogel, *Early Mormon Documents*, 5:333.

before the revelation was received Hyrum Smith had proposed that “some of them” (not “two” of them) take the manuscript to Canada, David Whitmer, a nonparticipant, also states that the revelation directed “that *two* of the brethren go to Canada” and that “they went,”<sup>66</sup> adding that “Hiram Page and Oliver Cowdery went” and that “Hiram Page and Oliver Cowdery returned from Canada.”<sup>67</sup> David Whitmer states that he and the Prophet were present at David’s father’s (Peter Whitmer Sr.’s) house in Fayette when the *two* (Page and Cowdery) returned and that Jacob Whitmer and John Whitmer were also present and witnessed their return. As discussed below on the question of when the emissaries went, all accounts agree that Cowdery and Page went, a key fact concerning the timing of the trip.

This discrepancy may be attributable to the following. It may be that Cowdery, Page, Stowell, and Knight all went—as attested by participant Page—but that only two (Cowdery and Page) returned to where the Prophet and the Whitmer brothers were located at the time (in Fayette), with the other two (Stowell and Knight) returning, instead, to their own respective homes (Stowell to Chenango County and Knight to Broome County). Beyond that, there does not seem to be reliable evidence to suggest that fewer than all four men sent by the revelation actually did go to Canada.

### When Did the Emissaries Go to Canada?

Related to the question of when the revelation was received is the question of when the emissaries departed for Canada. The text of the revelation states nothing about when the emissaries were to depart. The secondary sources—participant Hiram Page’s 1848 letter,<sup>68</sup> nonparticipant William McLellin’s 1872<sup>69</sup> and 1877<sup>70</sup> accounts, and nonparticipant (and dissident) David Whitmer’s 1886<sup>71</sup> and 1887<sup>72</sup> accounts—are silent on when the trip actually occurred. As mentioned above, however, in another account, David Whitmer specifically dates receipt of the revelation in “January, 1830” and adds,

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66. “David Whitmer Talks,” 5, italics added. See also *Omaha Herald*, October 10, 1886; *Des Moines Daily News*, October 16, 1886; *Chicago Inter-Ocean*, October 17, 1886; *Philadelphia Press*, October 17, 1886.

67. Whitmer, *Address to All Believers*, 30–31.

68. Page to McLellin, February 2, 1848.

69. William E. McLellin to Joseph Smith III, 1872, William E. McLellin Notebook, MS 666, box 1, folder 22, Traugher Collection.

70. McLellin to Traugher, February 19, 1877.

71. “David Whitmer Talks,” 5. See also *Omaha Herald*, October 10, 1886; *Des Moines Daily News*, October 16, 1886; *Chicago Inter-Ocean*, October 17, 1886; *Philadelphia Press*, October 17, 1886.

72. Whitmer, *Address to All Believers*, 30–31.

without mention of Knight and Stowell, that “Cowdery and Page crossed the lake on the ice and went to Kingston.”<sup>73</sup> While there is no evidence whether or how Whitmer may have learned those two purported facts from a person with firsthand knowledge of them, there seems to be no apparent reason to discount his statement other than that he made it long after he left the Church and had a motive to speak derogatorily about its history. But why a detail about the emissaries crossing the lake “on the ice” would further any negative bias does not seem readily apparent. And that Whitmer, decades later, would be able to relate so rare an occurrence as the freezing of Lake Ontario and to place the emissaries’ crossing over its ice in January 1830 without having some basis in fact for his account seems implausible.

Assuming, for the sake of argument, that Whitmer’s “on the ice” travel narrative is incorrect, the period during which the trip might have occurred seems otherwise greatly expanded; assuming the narrative is correct, the period is greatly narrowed. If incorrect, a trip to Canada could have occurred at any time before or after the first half of April 1830 or in early or mid-1830, for that matter. But for the apparent fact that Hyrum Smith intimates the emissaries would take the “manuscript” with them instead of a printed book (which fact alone would suggest a trip to Canada prior to March 26, 1830) and but for the fact (further discussed below) that absent an international accord between the United States and Canada, publication of the book in the United States dedicated the book to the public and may have rendered ineffectual any attempt to secure a copyright in Canada, if the trip occurred after the lake thawed, it could have been at any time after about the middle or end of March.

But if Whitmer is correct in stating the trip was “on the ice,” the time constraints for the trip are quite defined. From about January 20, 1830, at the very earliest to about mid-March or the beginning of April 1830 at the latest, the conditions of Lake Ontario apparently accommodated travel “on the ice” across the frozen lake from New York to Kingston,<sup>74</sup> whether by foot or, if the ice was thick enough, even *by horse*.<sup>75</sup> To the extent that

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73. Traughber, “False Prophecies.”

74. Bennett and Olsen state the party “likely walked across frozen Lake Ontario from Sacketts Harbour near Oswego, New York, to their Canadian destination of Kingston.” Richard E. Bennett and Daniel H. Olsen, “Of Printers, Prophets, and Politicians: William Lyon Mackenzie, Mormonism, and Early Printing in Upper Canada,” in *Regional Studies in Latter-day Saint Church History—Ohio and Upper Canada*, ed. Guy L. Dorius, Craig J. Manscill, and Craig James Ostler (Provo, Utah: Religious Studies Center, 2006), 181.

75. See Terrot R. Glover and Delano Dexter Calvin, *A Corner of Empire: The Old Ontario Strand* (Cambridge: University Press, 1937), 113.

nonparticipant David Whitmer's account is correct in indicating that the emissaries "crossed the lake on the ice," those approximate dates seem to be the earliest and latest dates for the trip (and hence the earliest and latest dates for receipt of the revelation, too).

Only on very rare occasion is the entire lake known to have frozen over from the New York shores to the Canadian shores over the full fifty miles of water. According to Terrot R. Glover and Delano Dexter Calvin, Lake Ontario is known to freeze

"across its full width of fifty miles," though it does so "seldom."<sup>76</sup> "About four inches of ice will carry a horse."<sup>77</sup> For example, such a full freeze apparently occurred in February of 1934 and may have occurred, or at least nearly occurred, in 1874, 1893, and 1912.<sup>78</sup> Apparently, in 1920, the ice extended all the way from Rochester to Cobourg. It was rare for the entire lake to freeze over during the winter, and steamboats nevertheless did sometimes make wintertime lake trips through the ice when the ice was not too thick.<sup>79</sup> But the winter of 1829–1830 may have been one of those occasions when the entire lake froze over and navigation by boat was foreclosed by ice too thick to be broken by boats. Indeed, various contemporary reports mention the freezing and thawing of Lake Ontario during the winter of 1829–30.<sup>80</sup>

**Cold weather.**—The Quebec Gazette of the 1st inst. says—Yesterday was the coldest day we have had this winter. The Thermometer in exposed situations fell to 32 degrees below zero.

At Kingston, Upper Canada, the quantity of snow which had fallen had not been equalled for several years.—The Lake (Ontario) was frozen, and crossing had become general.

At Frederickton, N. S. the mercury sunk on the 14th January to 40 degrees below zero.

A report on the severe winter of 1830, *Republican Compiler*, February 23, 1830, page 2.

76. See Glover and Calvin, *Corner of Empire*, 112.

77. See Glover and Calvin, *Corner of Empire*, 113.

78. See Gary May, "The Day the Lake Froze Over," *Watershed Magazine* (Winter 2008/2009), available at <http://www.garymay.ca/article18.htm>.

79. See, for instance, Henry O'Reilly, *Settlement in the West: Sketches of Rochester* (Rochester: William Alling, 1838), 83.

80. Regarding the freezing, see Kenneth A. Perry, *The Fitch Gazetteer: An Annotated Index to the Manuscript History of Washington County, New York*, 4 vols. (Bowie, Md: Heritage Books, 1999), 4:565; *Kingston Chronicle*, January 9, 1830, p. 2, col. 1 ("For the first time this season, the Bay was frozen across this morning"); *Kingston Chronicle*, January 30, 1830, p. 2, col. 6; *Republican Compiler*, February 23, 1830, p. 2, col. 5; David Stevenson, *Sketch of the Civil Engineering of North America* (London: John Weale, 1838), 69–70, who wrote, "The centre of the lakes, where the water attains a considerable depth, is not frozen every season, but a vast sheet of ice

Page, the one participant who leaves us an account, does not state when he and the other emissaries departed, stating only that “when” the revelation came, “we were to go to Kingston.”<sup>81</sup> How long the four emissaries tarried in Manchester before departing is not stated. Given the fact that the four emissaries reportedly had arrived in Manchester from their disparate residences before the revelation was received, it would seem reasonable to conclude that after Joseph Smith received the revelation they did not tarry long in Manchester before departing. Whitmer places the trip in January of 1830.<sup>82</sup> Larry E. Morris offers a “Book of Mormon Chronology” in which he dates the trip to Kingston as “circa January 1830.”<sup>83</sup> Susan Easton Black and Larry C. Porter date the trip to Kingston as “in the winter of 1829–1830,” though they do not supply a source or analysis substantiating that dating.<sup>84</sup>

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is annually formed round their margins. . . . In the year 1826, the ice at the margin of Lake Ontario was within a half an inch of being two feet in thickness”; John McTaggart, *Three Years in Canada: An Account of the Actual State of the Country in 1826–8*, 2 vols. (London: Henry Colburn, 1829), 1:67, who reported, “Sometimes towards the centre they will not freeze at all, unless the frost be very severe. The road for sleighs is, therefore, round the sides. . . . Often horses and sleighs will break smack through, sink beneath the ice, and be seen no more.” See also *Kingston Chronicle*, April 3, 1830, p. 2, col. 6; (Bellows Falls) *Vermont Chronicle*, February 19, 1830, 31, issue 8, col. D (quoting the *Quebec Gazette*: “The Lake [Ontario] was frozen, and crossing had become general”); and see what appears to be a bit of hyperbole (and error) in “LAKE ONTARIO FROZEN OVER,” (San Francisco) *Daily Evening Bulletin*, February 16, 1885, issue 111, col. F: “Hamilton, Ont., Feb. 15. Within the recollection of man Lake Ontario never before was frozen over. Where the lake is sixty miles wide there stretches a field of solid ice, but no man has dared to cross. In other winters the lake was frozen only in a sheltered strip along the shore, and a strong east wind would break up what is to-day a frozen sea. Fishermen in this neighborhood have not been able to lift their nets for thirty-three days.”

Regarding the thawing, see *Kingston Chronicle*, April 3, 1830, p. 2, col. 6, stating: “The steamboat *Niagara* touched at this place on Thursday last [April 1, 1830], on her route from Prescott to York and Niagara. . . . The ice still lingers in our harbor—but looks so much exhausted that a final dissolution must soon take place.” While the harbor ice then was nearly exhausted and near final dissolution, the passage of the *Niagara* on the lake outside the harbor (from Prescott, northeast of Kingston, to York, southwest of Kingston) indicates that by April 1, 1830, the lake otherwise would not be passable on foot or by sleigh or horse.

81. Page to McLellin, February 2, 1848.

82. Traughber, “False Prophecies.”

83. Larry E. Morris, “Book of Mormon Chronology,” Maxwell Institute Occasional Paper no. 5, <http://mi.byu.edu/publications/papers/?paperID=9&chapterID=71>. No citation or explanation is given to support the date “circa January 1830.”

84. Black and Porter, “For the Sum of Three Thousand Dollars,” 10 n. 36.

Dale R. Broadhurst<sup>85</sup> dates the trip (“to Toronto, Ontario, Canada to try and sell the rights for the printing of the Book of Mormon in Canada”) as “1829 mid-July?”<sup>86</sup>

But before addressing the questions regarding the emissaries’ arrival in Canada and their actions there, it will be good to examine certain legal issues central to the purpose of their journey.

### **What Is a Possible Meaning of the Phrase “Securing the Copyright”?**

This section in this paper is necessarily lengthy for two reasons. First, the text of the revelation uses legal terminology relating to copyright law (the words *secure* and *copyright*) and those words are not commonly understood correctly. And second, some of the legal landscape relating to copyright law, both in the United States and Canada in 1830, has changed over the years. The BCR text quotes the Lord’s statement that “it Pleaseth me that Oliver Cowdery Joseph Knight Hiram Page & Josiah Stowel shall do my work in this thing yea even in securing the <Copy> right” (with the word “Copy” interlineated above the line by Whitmer, apparently at the time of the original inscription). Because the words *securing* and *copyright* are legal terms, the following discussion necessarily must include discussion of then-contemporary legal principles and then-contemporary usage of the words. Doing so will help to place the phrase “securing the Copyright” in proper context. Concerning the text of the revelation itself, it is noteworthy that the text uses the definite article “the,” suggesting that “the copyright” spoken of was something that already existed. As will be shown further below, though this sounds odd to us today, that precisely was the situation. Modern laymen generally use the word *copyright* and words related to it in colloquial fashion. Generally, at least until recently, we have thought that we must do something in order to “obtain” a copyright. In the case of a book, we have been conditioned to think that after writing a book we must “register” it for it to be “copyrighted.” We have seen the “c-and-circle” symbol (“©”) and have understood it to be some sort of evidence that we “have” a “copyright.”

Those who are somewhat more sophisticated in their understanding know that prior to 1989, use of the copyright symbol (“©”), the abbreviation

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85. See Oberlin College Archives, “RG 30/294—Dale Broadhurst (1947–),” <http://www.oberlin.edu/archive/holdings/finding/RG30/SG294/biography.html>.

86. The Oliver Cowdery Pages, “Oliver Cowdery Chronology,” <http://oliver.cowdery.com/history/Cdychrni.htm>. Mr. Broadhurst supplies no source for his assignment of this date. He also speculates that “their [Oliver Cowdery’s and Hiram Page’s] route of travel may have taken them near Cattaraugus Co., NY (where Oliver’s brothers Warren and Dyar then lived).”

“Copr.,” or the word “Copyright,” followed by the year of the first publication of the work and the name of the copyright holder was required in the United States for some reason or another. And perhaps they know that in 1989, in enacting the Berne Convention Implementation Act, the use of such copyright notices became optional, though lack of use of one these marks would likely reduce damages in an infringement lawsuit (because use of such a notice could reduce an infringer’s likelihood of success in asserting a defense of “innocent infringement”). But all of that is from times more modern than 1830.

In addition, people today generally think of “having” a copyright, which gives authors a “right to publish” their work. And if they have “secured” a copyright, people think they have “obtained” one. And, indeed, on June 11, 1829, the Prophet caused a printed copy of the title of the Book of Mormon to be filed in the office of the clerk of the United States District Court for the Northern District of New York. And the clerk of the district court thereupon issued a record of deposit attesting to the filing. But it is not strictly correct to refer to that record-of-deposit document as “the copyright” of the Book of Mormon or to think that, by virtue of having caused the recording of that document, the Prophet thereby “obtained” a copyright. If we employ an inaccurate understanding as a means of trying to understand the legal principles behind the simple language of the revelation, we may end up misunderstanding what this aspect of the revelation actually means.

It is helpful first to understand the fundamental meaning of the two legal words “copyright” and “secure” in order to more fully appreciate what the revelation probably means in telling the Prophet’s four emissaries to be faithful in “securing the copyright” in all the world. “The revelations were not God’s diction, dialect, or native language,” historian Richard Bushman has written. “They were couched in language suitable to Joseph’s time.”<sup>87</sup> Indeed, as the Lord states in the revelation that was given as a preface to the Book of Commandments, “These commandments are of me & were given unto my Servents in their weakness *after the manner of their Language*.”<sup>88</sup>

“**Copyright.**” As laymen, we often think that word, all by itself, means the “right to copy.” After all, the word *copyright* is comprised of those two words, *copy* and *right*. But that understanding is only partially correct.

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87. Richard Lyman Bushman with Jed Woodworth, *Joseph Smith: Rough Stone Rolling* (New York: Knopf, 2005), 174. See also Grant Underwood, “Revelation, Text, and Revision: Insight from the Book of Commandments and Revelations,” *BYU Studies* 48, no. 3 (2009): 80–81.

88. Revelation, 1 Nov. 1831–B, in Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 225 [D&C 1:24], italics added.

Actually, the word *copyright* can better be understood when one recognizes, first, that formerly it was two words (sometimes hyphenated, sometimes not, which then transitioned to being one word), and, second, that one of those words (*copy*) had a meaning different in 1830 from the meaning generally attributed to it today.

**"Copy."** Today, the word *copy* generally means second or subsequent manifestation of a book, document, or other writing or object, one that is exactly like or that duplicates, imitates, or is a transcription or reproduction of an original. But *copy*, in one additional sense, actually refers to *the original itself*, the original manuscript of a work, the thing to be imitated, the matter to be set in type or put on a printing plate. This usage is evident, for example, in the terms *copywriter*, one who writes original copy, usually for advertising, and *copy editor*, one who edits copy before publication. Thus, Noah Webster in 1828 (like others in later English dictionaries) gave three definitions of *copy*—the first two defining the term as we generally use it today, and the third being the one that interests us here because it stands as a core part of the word *copyright*. Webster's third definition is: "An original work; the autograph; the archetype. Hence, that which is to be imitated in writing or printing. Let the child write according to the copy. The copy is in the hands of the printer. Hence, a pattern or example for imitation. His virtues are an excellent copy for imitation." This older sense is commonly described in the legal literature. For example, in 1912, Richard Rogers Bowker explained:

COPYRIGHT (from the Latin *copia*, plenty) means, in general, the right to copy, to make plenty. In its specific application it means the right to multiply copies of those products of the human brain known as literature and art.

There is another legal sense of the word "copyright" much emphasized by several English justices. Through the low Latin use of the word *copia*, our word "copy" has a secondary and reversed meaning, as the pattern to be copied or made plenty, in which sense the schoolboy copies from the "copy" set in his copy-book, and the modern printer calls for the author's "copy."

Copyright, accordingly, may also mean the right in copy made (whether the original work or a duplication of it), as well as the right to make copies, which by no means goes with the work or any duplicate of it.<sup>89</sup>

Thus, for example, the United States Supreme Court, in 1834, could say, "In England, beyond all question, an author had, at common law, the sole and exclusive property in his copy" and "the opponents of literary property

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89. Richard Rogers Bowker, *Copyright: Its History and Its Law* (Boston: Houghton Mifflin, 1912), 1.

insisted, that an author had no natural right to his copy.”<sup>90</sup> The original manuscript and the printer’s manuscript of the text of the Book of Mormon constituted the Prophet’s “copy.” In it he possessed certain “rights.”

“Right.” This word is pretty much understood today as it was in Joseph’s day. But the way the word *right* combines with the word *copy* to form the legal word *copyright* reminds us (1) we are only partially correct when we think the nature of an author’s right is a “right to make copies” of a work, and (2) we are correct when we speak of an author’s right as intangible property and technically incorrect (at least legally) when we speak of a copyright as a tangible piece of paper. As to the concept of a “right to make copies,” an author does not enjoy simply a right to make copies (though surely an author does), but, more importantly, an author enjoys the right to exclude others from making copies. It is a negative right. And it is a right that exists from the moment of creation of the “copy”; in other words, the Prophet possessed a copyright in each page of his manuscript from the moment he caused each page to be inscribed. Thus, for example, Webster defines *copyright* not as the right to make copies but, rather, as “the *sole* right which an author has in his own original literary compositions; the *exclusive* right of an author to print, publish and vend his own literary works, for his own benefit; the like right in the hands of an assignee.”<sup>91</sup> It is what is known as an “exclusive right”<sup>92</sup> (a right to exclude others); a “right to *exclusive* publication”<sup>93</sup> (a right to exclude others from publishing). Apart from dictionary definitions, legal doctrine too, of course, recognized that the right involved is a right to exclude others from publishing and profiting from an author’s or proprietor’s copy. Case opinions routinely state that “copyright is, in fact, only a negative right to prevent the appropriation of the labours of an author by another.”<sup>94</sup>

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90. *Wheaton v. Peters*, 33 U.S. 591, 656 (1834). It is of no importance, in the United States, that both prior to and after *Wheaton* and, indeed, for two hundred years in Britain after *Donaldson v. Beckett* (1774) it was apparently erroneously believed—a “myth”—that there existed “perpetual common law copyright in the author’s unpublished manuscript.” See Ronan Deazley, “Commentary on *Donaldson v. Becket* (1774),” in *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, [http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabeCom/%22uk\\_1774%22](http://www.copyrighthistory.org/cgi-bin/kleioc/0010/exec/ausgabeCom/%22uk_1774%22). In the United States, the question had not been decided prior to 1834.

91. Webster, *American Dictionary*, s.v. “copyright”; italics added.

92. *Oxford English Dictionary*, 2d ed. (1989), s.v. “copyright.”

93. *American Heritage Dictionary of the English Language*, 4th ed. (2006), s.v. “copyright”; italics added.

94. See, for example, *Alfred Bell & Co. v. Catalda Fine Arts*, 191 F.2d 99, 103 n. 16 (2d Cir. 1951).

An author’s “right in his copy” is, of course, intangible. While the “copy” is tangible, the “right” is not. As to the intangible nature of copyright, the word *right* refers to a “just claim; legal title; ownership; the legal power of exclusive possession and enjoyment” and a “just claim by courtesy, customs, or the principles of civility and decorum.”<sup>95</sup> And thus a copyright necessarily is “an intangible, incorporeal right.”<sup>96</sup> For example, the June 11, 1829, document executed by Richard Ray Lansing, memorializing the deposit of the title of the Book of Mormon, is *evidence* of a copyright, even though technically (legally speaking) the document is not the copyright itself (though it is not inappropriate to speak of it that way in nonlegal terms).

### What “Copyright” Did the Revelation Ask the Emissaries to Help “Secure”?

The revelation speaks of “the” copyright that the brethren are to help “secure” in all the world. Regardless what steps the Prophet had already taken to “secure” a copyright in the United States pursuant to United States statutes, what was “the” copyright that the emissaries were to secure in Canada according to the laws of the United Kingdom and elsewhere in the world? Answers can be gleaned from an understanding of the differences and similarities between an author’s *prepublication common-law* copyright and an author’s or proprietor’s *postpublication statutory* copyright.

The right the Prophet had in his “copy” from the moment he first inscribed words on his copy (manuscript) was a prepublication “copy right” recognized by the common law—law that exists independent of the statutes. An author’s prepublication right in his copy, of course, was reflected in statutory law but did not derive from statutory law. The nature of an author’s prepublication rights can be seen in how the law dealt with the question of the *duration* of the author’s common-law prepublication right in his copy.

Prior to publication, an author’s right to control his copy was, and continued to be, viewed as a right existing in perpetuity, one that could be exercised without limitation of time and that would expire only when the author first published the work.

Common law copyright is premised on a natural law conception of intellectual property that endows the author with a perpetual and absolute right to do with his creation as he pleases. It traces its origin to England’s Statute of Anne, which destroyed the common bookseller’s printing monopoly by making the author rather than the bookseller the initial owner of a copyright of limited duration. In limiting copyright as an

95. Webster, *American Dictionary*, s.v. “right.”

96. 3 *Nimmer on Copyright* (1982) at § 12.01[C].

instrument of monopoly, the Statute of Anne endeavored to eradicate censorship and to promote human advancement by securing public access to a plentitude of learning materials. However, a gaping loophole remained with respect to the rights of authors: the Statute did not protect a work between the time of its creation and publication. Filling this gap, common law copyright bestowed an absolute right to exclude the world up to the point of publication.<sup>97</sup>

Underlying the question of duration of copyright was the philosophical question, argued in England in the 1700s, whether some form of literary property (or property right in a creation of literature) had existed from time immemorial. That is, did that intangible property right exist at common law (prior to the enactment of the Statute of Anne)? If so, it was argued, the Statute of Anne could not have—or ought not be viewed to have—destroyed the right. The Statute of Anne, it was argued, either “secured” or “vested” a copyright of fourteen years to “the author of any work.” Did that serve to destroy a perpetual copyright that had existed prior to the 1710 enactment of the Statute of Anne? In other words, once an author published a work and relinquished the prepublication perpetual copyright, did the author regain that right once the statutory period expired?

The debate over that question went on for decades. But, importantly, that debate took place in the United Kingdom. And it pertained to a statute that was enacted in the United Kingdom decades after colonies like New York and Pennsylvania had come into existence, inheriting in their creation portions of the common law of England. Questions pertaining to the perpetuity of a copyright (and whether a copyright was, on the one hand, legislatively “created” or “vested” in an author or, on the other hand, legislatively “secured” to an author) were not authoritatively decided in America until the United States Supreme Court ruled in an opinion published in 1834 (and the question had not even presented itself in court until that case was filed in 1831), all taking place subsequent to the time the Book of Mormon was first published. An understanding of the history of and arguments presented in that 1831–1834 litigation both is crucial to understanding what steps the Prophet (and the law) may rightly have considered essential to securing a United States statutory copyright in 1829 and 1830

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97. Justin Graham, “Preserving the Aftermarket in Copyrighted Works: Adapting the First Sale Doctrine to the Emerging Technological Landscape,” *Stanford Technology Law Review* 1 (2002): par. 37, [http://stlr.stanford.edu/STLR/Articles/o2\\_STLR\\_1](http://stlr.stanford.edu/STLR/Articles/o2_STLR_1). For further information about the Statute of Anne and the history of British copyright law, see Edward L. Carter, “‘Entered at Stationers’ Hall’: The British Copyright Registrations for the Book of Mormon in 1841 and the Doctrine and Covenants in 1845,” herein.

and helps in understanding the nature of the prepublication common-law copyright an author enjoyed independent of and prior to taking steps to secure a statutory copyright both in the United States and in Canada.

In 1831, a man named Henry Wheaton filed a bill in equity in the United States Circuit Court for the Eastern District of Pennsylvania. From 1816 to 1827, Wheaton had served as the third Reporter of Decisions of the Supreme Court of the United States, and during his tenure in office he had compiled and published the opinions of the Court, including lengthy annotations and summaries of the arguments made in Court. But all of this useful material made his twenty-four volumes of reports too costly for most lawyers. He was succeeded in office by Richard Peters, who looked at Wheaton’s work and decided to eliminate from the volumes all of the arguments and annotations. Peters thus produced a six-volume abridged edition. Though Wheaton had received a salary for his government work, he had sought to cover the expenses of preparing the voluminous reports by selling them. Peters’s abridged edition devastated Wheaton’s market. So Wheaton sued Peters, claiming copyright infringement. The case was decided by Circuit Judge Joseph Hopkinson in 1832. Wheaton lost.<sup>98</sup>

Judge Hopkinson ruled that copyright within the United States was purely the creation of the Congressional statutes of 1790 and 1802. The judge held that in order for an author to receive copyright protection, the author must comply with all of the federal statutory requirements of depositing a printed copy of the title of the book “in the clerk’s office of the district where he shall reside”; of publishing the clerk’s record of deposit “in one or more newspapers for four weeks”; and “within six months after the publishing thereof, [of] deliver[ing] or caus[ing] to be delivered to the secretary of state a copy of the same to be preserved in his office.” A factual question arose as to whether that last act had been accomplished; a legal question arose as to whether that act was actually even required in order for Wheaton to prevail.

Judge Hopkinson ruled that there was no federal common law, that one must look to the states and, even then, that the states did not necessarily adopt the entire English common law—assuming there was an English common law of copyright to have been adopted. The state law the judge looked to was Pennsylvania’s law, and in it he saw nothing that afforded protection to Wheaton. Wheaton then appealed to the United States Supreme Court.

In the Supreme Court, Wheaton was represented by Elijah Paine and Daniel Webster. There, again, Wheaton lost. The court affirmed Judge Hopkinson and stated, regarding the United States statute, “Congress, then, by

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98. *Wheaton v. Peters*, 29 Fed. Cases 862 (No. 17,486) (C.C.E.D. Pa. 1832).

this act, instead of sanctioning an existing right, as contended for, created it.”<sup>99</sup> The highest court essentially ruled that the federal statute created a right in an author to be able to exclude others from copying the author’s work postpublication. But in the process of reaching this decision, the court also reaffirmed the existence and nature of the author’s prepublication right. The court ruled that indeed the common law undoubtedly protects the right to one’s *unpublished* writings—for example, a diary, personal letters, a manuscript for a book—but “this is a very different right from that which asserts a perpetual and exclusive property in the future publication of the work, after the author shall have published it to the world.”<sup>100</sup>

This ruling, together with the arguments leading up to it, is important to understanding the situation faced by Joseph Smith and any others who published books within the United States prior to the 1834 decision in the *Wheaton* case.<sup>101</sup> Webster had argued that Pennsylvania recognized an author’s prepublication right in his copy (his manuscript). In this, he was held to be correct. And, as shown further below, the same was true under New York law.

As to the question of a limited-time, postpublication monopoly granted under the federal copyright statute, Webster also argued and was fully justified in arguing—for the court had not yet ruled—that a distinction existed between “conditions precedent” and “conditions subsequent.” When the statute imposed conditions for authors seeking to “secure” a copyright, some conditions, even if not met, were not essential to an author’s success in securing a copyright. And though Webster and his co-counsel, Mr. Paine, would lose on this point, it is significant that it was still an undecided, arguable point in 1829 and 1830, and therefore just as much a valid view of “the law” as not.

At issue in the *Wheaton* case was whether the deposit in the office of the secretary of state was a condition precedent or a condition subsequent. Webster and Paine argued, in essence, that certain requisites were required of the author in order to assert a postpublication right to a work. But failing to comply with a requisite did not destroy the copyright if a requisite was not a condition precedent. Mr. Paine argued as follows:

The publication of the record in the newspapers, and the delivery of the copy to the secretary of state, are not made conditions precedent at all by the acts of congress, or if at all, only as to the right to the security provided by the acts. A non observance of the statutory directions in these particulars, does not deprive the author of the ordinary remedies by an

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99. *Wheaton v. Peters*, 33 U.S. 591 at 660–61.

100. *Wheaton v. Peters*, 33 U.S. 591 at 658.

101. *Wheaton v. Peters*, 33 U.S.

action on the case and bill in equity. Besides, the publication of the record, and delivery of the copy, were at most intended only as a means of notice of the author’s right; and actual notice, in this case abundantly shown, dispenses with those modes of constructive notice. . . .

The month which may elapse after the right attaches, and before publication, and the six months before depositing the copy; show, that these things are not conditions precedent.<sup>102</sup>

In short, if in 1834 at oral argument this was a reasonable contention, surely in 1829 and 1830 it was a reasonable contention also.

Thus, while it may be entirely accurate to state that “Joseph Smith could have successfully asserted copyright protection regarding the Book of Mormon before” the book’s publication, relying on common-law copyright protection that he enjoyed for his as-yet unpublished work,<sup>103</sup> it is probably also appropriate to assert, as Nathaniel Wadsworth cautiously suggests, that the Prophet “may well have fallen short regarding the fourth and fifth [statutory] requirements” (of publishing the clerk’s record in one or more newspapers printed in the United States for four weeks, and of delivering a copy of the book to the secretary of state), and thus may not have satisfied completely the federal requirements “to secure a copyright in the Book of Mormon.”<sup>104</sup> To that we could add, that should be of no concern, for in 1829 and 1830, the law was not yet settled that the acts of newspaper publication and deposit with the secretary of state were conditions precedent.

Thus, as of March 26, 1830, the date of publication of the Book of Mormon in the United States, the question had not yet been resolved exactly what was required for an author to secure a postpublication statutory copyright. As far as legitimate legal arguments went prior to 1834, only the first act—of depositing with the clerk of the district court (which Joseph had satisfied)—was a condition precedent.<sup>105</sup>

And as to the existence of an author’s prepublication common-law copyright, said Justice Thompson in his dissent in *Wheaton* (a statement that could just as easily be said to have been the law prior to the Court’s 1834 issuance of the *Wheaton* opinion):

102. *Wheaton v. Peters*, 33 U.S. 591 at 607–8.

103. Wadsworth, “Copyright Laws and the 1830 Book of Mormon,” 81.

104. Wadsworth, “Copyright Laws and the 1830 Book of Mormon,” 81, 84.

105. The *Wheaton* courts (Circuit and Supreme) did not address the question of whether the second statutory requirement (causing the copy of the clerk’s record of deposit at full length in the title-page or in the page immediately following it) was or was not a condition precedent to securing a copyright, for in *Wheaton* that act had indisputably been performed and no issue of fact or of law pertaining to it was raised or decided.

It is very clear that, previous to the statute of Anne, the perpetual common law right of authors, was undisputed. That after that statute, in the case of *Miller v. Taylor*, it was held, that this common law right remained unaffected by the statute, which only gave a cumulative remedy. That the subsequent case of *Donaldson v. Beckett*, limited the right to the times mentioned in the statute. But that for all violations of the right during that time, all the common law remedies continued, although no entry of the work at Stationers Hall had been made, according to the provisions of the statute. Such entry being necessary, only for the purpose of subjecting the party violating the right, to the penalties given by the act.<sup>106</sup>

As applied to Joseph Smith in January 1830, this would mean that he indeed had every right to confront Abner Cole, both on account of his author's prepublication common-law copyright and on account of the fact that he had taken the one step, perhaps the only truly necessary step, in the process of securing his postpublication federal statutory copyright, which may well explain why Cole lost the arbitration and acquiesced. And because the Cole incident occurred prior to the publication of the Book of Mormon, it was not the Prophet's apparently already-secured postpublication statutory copyright he enforced, but his prepublication common-law copyright, one he enjoyed from the moment his scribes put pen to manuscript.

The major point to be understood regarding the Prophet's prepublication right is that once the manuscripts of the Book of Mormon had been written, a prepublication common-law author's copyright already thereby existed ("subsisted"), and would subsist indefinitely until the book was first published, a right enforceable in law without reference to any statute and without need to comply with any statutory requirements that otherwise pertain to postpublication protections—such as the requirements of registration (deposit) of the title, publication of notice in a newspaper, and the like.<sup>107</sup> Under the common law, "the property of an author . . . in his intellectual creation [was] absolute until he voluntarily part[ed] with the same."<sup>108</sup> Under the common law of New York, "an author retains his right in his manuscript until he relinquishes it by contract, or some unequivocal act indicating an intent to dedicate it to the public. An unqualified publication by printing and offering for sale is such a dedication."<sup>109</sup>

The author of a literary work or composition has, by law, a right to the first publication of it. He has a right to determine whether it shall be published

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106. *Wheaton v. Peters*, 33 U.S. 591 at 680.

107. These are discussed in excellent fashion in Wadsworth, "Copyright Laws and the 1830 Book of Mormon," 77–91.

108. *American Tobacco Co. v. Werckmeister*, 207 U.S. 299 (1907).

109. *Palmer v. De Witt*, 47 N.Y. 532, 543 (1872).

at all, and if published, when, where, by whom, and in what form. This exclusive right is confined to the first publication. When once published it is dedicated to the public, and the author has not, at common-law, any exclusive right to multiply copies of it or to control the subsequent issues of copies by others. The right of an author or proprietor of a literary work to multiply copies of it to the exclusion of others is the creature of statute. This is the right secured by the “copyright” laws of the different governments. It is said by Yates, J., in *Miller v. Taylor* (4 Burr. 2303, 2379), “that it is certain that every man has a right to keep his own sentiments if he pleases; he certainly has a right to judge whether he will make them public, or commit them only to the sight of his friends. In that state, the manuscript is, in every sense, his peculiar property, and no man can take it from him, or make any use of it which he has not authorized, without being guilty of a violation of his property; and as every author or proprietor of a manuscript has a right to determine whether he will publish it or not, he has a right to the first publication, and whoever deprives him of that priority is guilty of a manifest wrong, and the courts have a right to stop it.”<sup>110</sup>

Thus, in the Prophet’s case, in addition to whatever perpetual copyright he may have held under English common law applicable in the Canadian provinces of the British empire, New York common law would also have recognized that his prepublication written expression constituted “property” that belonged “exclusively” to him until publication (and then statutory rights would be recognized postpublication upon compliance with statutory requirements).<sup>111</sup> Thus, if the Prophet’s emissaries went to Canada prior to the Palmyra publication of the Book of Mormon on March 26, 1830, “the” copyright the Prophet at that time enjoyed was a common-law, prepublication copyright. The emissaries would have been able to “secure” in Canada a postpublication copyright under British law by compliance with whatever procedure the law there required, as will be discussed below. And if the emissaries went to Canada after March 26, 1830, the common-law right arguably no longer existed *within the United States (more specifically, within New York and by virtue of the New York common law)* and the right that the emissaries would secure in Canada would not be the Prophet’s United States statutory copyright but a Canadian copyright (or more precisely, a United Kingdom copyright).

This is not to say that the statutes of the United Kingdom or of the United States ignored the existence of the common-law copyright; rather, the opposite is true. Indeed, starting in 1790, an author’s prepublication right to exclude others from publishing his work continued to enjoy protection even under the United States copyright statutes (which otherwise were for

110. *Palmer v. De Witt*, 47 N.Y. (1872) at 536–37.

111. *Folsom v. Marsh*, 9 Fed. Cas. 342, 346 (C.C.D. Mass. 1841).

the most part concerned with protection postpublication), which statutes actually did provide protection during the prepublication period apart from the common law. The U.S. Copyright Act of 1790 contained a section providing that any person printing or publishing an author's *manuscript* without the consent of the author or the assignee "shall be liable" for all damages caused by such a publication.<sup>112</sup> In 1841, Justice Story concluded that the law of 1790 had recognized, "by implication to the author, or legal proprietor of any *manuscript* whatever, the sole right to print and publish the same."<sup>113</sup>

Thus, the Prophet already possessed a copyright prior to March 26, 1830, when the Book of Mormon was published, and indeed prior to June 11, 1829, when he caused the clerk of the district court to record the fact that a printed copy of the title of the Book of Mormon had been deposited in the clerk's office. The Prophet's copyright subsisted since the moment his clerks inscribed the Book of Mormon text on the manuscript pages. And from the moment of depositing the title of the Book of Mormon with the clerk of the federal court, the Prophet arguably had perfected his federal statutory copyright, which he would begin to enjoy from the moment of the work's publication. But of the two, it seems that it is the prepublication copyright that is the subject of the Canadian copyright revelation. The postpublication statutory copyright was a creature of United States federal law; it existed only within the boundaries of the United States. But the Prophet's common-law author's prepublication copyright existed everywhere (because it was "property" and was recognized as such everywhere, including in Canada). It was intangible personal property, to be sure, but property nonetheless, property that the Prophet was free to secure, transfer, assign, or sell as he saw fit. And the revelation enjoined his representatives to take steps to help "secure" it in all the world.

"Secure." As is the case with many words, the term *secure* has several definitions, two of which are relevant to the Canadian copyright revelation: "to obtain" and "to protect." Many who have discussed the circumstances surrounding the Canadian copyright revelation have spoken helpfully by using general, nonlegalistic, understandable terms about the "securing" of the copyright, referring to the act the Prophet accomplished on June 11, 1829, as one whereby he "applied" for and "obtained" a copyright in the clerk's office of the United States District Court for the Northern District of New York. This is understandable. This looks to one definition of the word *secure* in the sense of "to obtain." However, now that we have access to the text of the revelation and see that it employs the law-related terms *copy right* and

112. See Copyright Act of 1790, ch. 15, § 6, 1 Stat. 124, 125 (1790).

113. *Folsom v. Marsh*, 9 Fed. Cas. 342, 347 (C.C.D. Mass. 1841); italics added.

*secure*, we should probably deal more strictly with what the law required in order to be clear about what it was that the Prophet actually did on June 11, 1829, whether his act did or did not constitute either “securing” or “applying” for a copyright. We should also examine what exactly Joseph’s four emissaries were to accomplish in Canada in their attempt at “securing the Copyright” there.

It is commonly said that on the day the Prophet caused the record of deposit to be recorded, and by virtue of that act, he “secured” or “obtained” the copyright in the Book of Mormon. Such terminology is accurate if the word “secured” is understood as referring to the postpublication, statutory copyright the Prophet ultimately sought. Depositing the printed copy of the title was one step in the attempt to “secure” or, as it were, “obtain” *that* copyright protection.

But in a more technical, legal sense, it is more accurate for the word *securing*, when it is used in the text of the revelation, to be understood in the sense not of “obtaining” but of “protecting” or “recognizing.” The term *securing* is used twice in the revelation. First, the Lord commends those who have assisted Joseph in the work and charges them to “be diligent in Securing the Copy right of my work upon all the face of the Earth.” Since the prepublication copyright already existed, this statement should probably be understood to mean that the four men to whom the revelation was directed were to secure, or protect, that copyright in some way.

Later in the revelation, the Lord says, “Behold I say unto you that I have covenanted & it Pleaseth me that Oliver Cowdery Joseph Knight Hiram Pagee & Josiah Stowel shall do my work in this thing yea even in securing the <Copy> right . . . & I grant unto my servent a privilege that he may sell <a copyright> through you speaking after the manner of men for the four Provinces.” From this dual statement, it appears that the four men were to travel to Canada to secure *the* copyright (the prepublication copyright that already existed under both U.S. and Canadian law) and accomplish this by selling *a* copyright (presumably either an interest in his prepublication common-law copyright or a postpublication copyright in Canada), as the following two sections substantiate.

**Securing a State Common-Law Copyright Formerly in New York State.** Common-law copyright protection arises as a matter of state law. The common law insured perpetual copyright protection prior to publication, and a party seeking common-law protection derives such protection from the common law of the state.<sup>114</sup> The first New York State Constitution

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114. See *Wheaton v. Peters*, 8 Pet [33 U.S.] at 658. Apart from seeking relief under the federal copyright, the plaintiff in *Wheaton* argued the existence of a



in 1777 permitted the continuation of colonial common law, derived from English common law. One such principle was that the creator of a literary work was entitled to perpetual common-law copyright protection in the absence of abrogation by statute.<sup>115</sup> The New York State Legislature acted to supplant postpublication common-law copyright protection when it passed a statute in 1786 “to promote literature.”<sup>116</sup> The statute restricted the copyright protection an author of a literary work could receive after first publication for up to twenty-eight years. This statute was superseded by Congress in 1790 when the first national copyright act was enacted.<sup>117</sup> Consistent with the statutory abrogation rule, the Court of Appeals of New York established that New York common law would provide copyright protection to a literary work up to the point that federal law governed—namely, from and after publication.<sup>118</sup> An author’s perpetual prepublication common-law copyright (to be the first and only to publish the work) persisted unaffected.

**Securing a Copyright Formerly in the Canadian Provinces.** The law of copyright applicable in the Provinces of Canada in the 1829–1830 era depended not at all, of course, on the provisions of copyright law as they may have existed in the United States. While in the United States, the

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common-law copyright upon which relief might be granted. He pointed to the words “by securing” in the federal copyright clause (U. S. Constitution, art. I, § 8, cl. 8) and argued that because the word “secure” signifies “to protect, insure, save and ascertain,” it follows that the use of the term in *the Constitution* indicated an intention not to originate or create a right but, rather, to protect one already in existence. Although in 1834 (after publication of the Book of Mormon) the Supreme Court rejected the argument and held that the term “by securing” referred to the securing of a future right, not an existing right, the Court nevertheless did acknowledge the existence of common-law copyright in unpublished manuscripts. And as to the question of the existence of a common-law copyright law in Pennsylvania that would protect an author postpublication, the majority opinion in *Wheaton* has been criticized for its “unpersuasive analysis of Pennsylvania common law.”<sup>1</sup> *Nimmer on Copyright* § 4.03, at 4–18.

115. See James Madison, *Federalist*, no. 43. See also John F. Whicher, “The Ghost of Donaldson v. Beckett: An Inquiry into the Constitutional Distribution of Powers over the Law of Literary Property in the United States,” *Bulletin of the Copyright Society of the U.S.A.* 9 (December 1961): 131–43; Joseph Taubman, *Copyright and Antitrust* (New York: Federal Legal Publications, 1960), 9, 14.

116. L 1786, ch 54.

117. See Act of May 31, 1790, reprinted in Thorvald Solberg, comp., *Copyright Enactments, 1783–1900*, Library of Congress, Copyright Office, Bulletin no. 3 (Washington, D.C.: Government Printing Office, 1900), 30–32.

118. See, for example, *Jewelers’ Mercantile Agency v. Jewelers’ Weekly Publ. Co.*, 155 N.Y. 241 (1898) at 247; see also *Palmer v. De Witt*, 47 N.Y. 532 (1872) at 536; *Estate of Hemingway v. Random House*, 23 N.Y.2d 341 (1968) 346.

“securing” of a copyright under the statutes has entailed, to some degree or another, a requirement of registration, whether such a requirement existed in the Canadian Provinces in 1829–1830 must be determined by reference to the law in effect then and there, and both common-law copyright protection and statutory protection existed in Upper Canada and the other provinces in 1830 (and as to the latter, statutory form of protection, notably, the registration requirement—the United Kingdom’s requirement of registration of a title in the records at Stationers’ Hall,<sup>119</sup> upon which the United States fashioned its deposit-with-the-clerk requirement—was not yet applicable in any of the Canadian provinces).

Under common law in Canada, that an author enjoyed rights in a manuscript prior to publication is clearly both an underlying premise of and the subject of express statement of rationale in *White v. Geroch*.<sup>120</sup> There Chief Justice Abbot held that the English Copyright Act 1814 did not impose upon authors as a condition precedent to their deriving any benefit under that act that the composition should be first printed, and therefore an author did not lose his copyright by selling his work in manuscript before it was printed. One cannot talk of “losing” a copyright “in a manuscript before it is printed” unless a copyright indeed subsists in a manuscript before it is printed. Expressly stated, Chief Justice Abbot said that “the object of the Legislature [in enacting the Statute of Anne] was, to confer upon authors, by the Act in question, a more durable interest in their compositions, than they had before. . . . The 8 Anne. c. 18, gave to authors a copyright in works not only composed and printed, but composed and not printed; and I think that it was not the intention of the Legislature . . . to abridge authors of any of their former rights.”<sup>121</sup>

Nevertheless, when fully considered, the cases, both in England and in America, long have recognized that

an author has, at common law, a property in his intellectual production before it has been published, and may obtain redress against anyone who deprives him of it, or, by improperly obtaining a copy, endeavors to publish or to use it without his consent. The right still exists, *independent of all statutes concerning copyrights*, although in the United States, this common-law right for a long time [was] recognized and continued in force by express provision in the copyright acts. In England, by the Copyright Act of 1911, the common-law copyright in unpublished works [was] abrogated, and all rights [were required to be] claimed under the statute and

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119. For a more complete discussion of British copyright law, particularly the role of Stationers’ Hall, see Carter, “Entered at Stationers’ Hall,” herein.

120. *White v. Geroch* (1819) 2 B & Ald 298; 1 Chit 24; 106 ER 376.

121. *White v. Geroch* (1819) 2 B & Ald 298, pp. 300–1.

[were] only such as the statute [gave]. The act, however, [gave] copyright in unpublished works.<sup>122</sup>

Noteworthy, again, is the fact that, unlike the situation with the securing of a federal copyright in the United States pursuant to United States federal statute, “authors, according to common law, had the exclusive right to the first publication for perpetuity, but the right was annulled once the work was published.” In other words, for a common-law prepublication copyright to subsist in the Canadian Provinces, the author need do nothing more than to fix the text of his work in a tangible medium (that is, put pen to manuscript). The author and his assigns secure or protect that right by acting in conformity with the conditions of its existence, namely, by diligently forbidding publication of the manuscript<sup>123</sup> by others prior to the time the author directs.

Moreover, the Statute of Anne (1709) provided for statutory copyright protection in Upper Canada, Lower Canada, New Brunswick, and Nova Scotia, the “four provinces”<sup>124</sup> of Canada. In 1831, two residents of Kingston, Upper Canada, both printers, office holders, and justices of the peace—James Macfarlane, publisher of the *Kingston Chronicle*, and Hugh Christopher Thomson, publisher of the *Upper Canada Herald*—“took upon themselves the risk and responsibility of publishing” *The Statutes of the Province of Upper Canada; Together with Such British Statutes, Ordinances of Quebec, and Proclamations, as Relate to the Said Province*.<sup>125</sup> Thus was published by two private parties what was advertised as “a faithful transcript of the Provincial

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122. William B. Hale, “Common-Law Rights,” in William Mack and William Benjamin Hale, “Copyright and Literary Property,” vol. 13 of *Corpus Juris* (New York: American Law Book Co., 1917), 947, § 4, italics added. The tense of the verbs is changed in the quotation to accommodate the fact the work cited was published in 1917.

123. The material to which the prepublication common-law copyright applied could expand as the amount of material added to the manuscript expanded. See *Cary v. Longman* (1801) 1 East. 358; 3 Esp. 273; 102 ER 138 (holding that if an author makes very considerable additions to a work before printed, he obtains a copyright in the additions, and can maintain an action for an infringement of it). Thus, the text to which the Prophet’s prepublication common-law copyright applied expanded over time as he continued to dictate text for inclusion in the manuscript.

124. Although from 1713 to 1867 and 1784 to 1867, respectively, Nova Scotia and New Brunswick were *colonies* in the British Empire, it was not uncommon to refer to them as “provinces”; see, for example, 6 Geo. IV. c. 59 (1826), par. xiii.

125. James Nickalls Jr., *The Statutes of the Province of Upper Canada; Together with Such British Statutes, Ordinances of Quebec, and Proclamations, as Relate to the Said Province* (Kingston, Upper Canada: Hugh C. Thomson and James Macfarlane, 1831), “Advertisement” after title page and preceding page 1.

Laws, as they have, from time to time, been printed by authority.”<sup>126</sup> The publication sets forth “such British Statutes, Ordinances of Quebec, and Proclamations, as Relate to the Said Province.” The contents of this publication and of a few references in the newspapers they published present an interesting background for the 1830 revelation.

The second of the “British Statutes” reprinted in the *Statutes of the Province of Upper Canada* was “an act for making more effectual provision for the government of the province of Quebec in North America,”<sup>127</sup> paragraph 18 of which provided

that nothing in this act contained shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any act or acts of the parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of his Majesty’s colonies and plantations in America; but that all and every the said acts, and also all acts of parliament heretofore made concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be in force within the said province of Quebec, and every part thereof.<sup>128</sup>

And while the compilation did not contain the text of any of the British statutes dealing with copyright, nor did it set forth any of the others of the thousands of British statutes that did not specifically “relate to the said province,” it did contain the text of a then-recently enacted Canadian statute, passed in 1826, titled “An Act to Encourage the Progress of the Useful Arts within This Province,” dealing with patents for “the inventor of any new and useful art, machine, manufacture, or composition of matter.”

The statute entitled “British Act to Amend the Several Acts for the Encouragement of Learning,”<sup>129</sup> enacted in 1814, provided that copyright protection extended to the British dominions in Canada. Section 4 of that act clarified that copyright was infringed where “any bookseller or printer, or other person whatsoever, in any part of the United Kingdom of Great Britain and Ireland, in the Isles of Man, Jersey or Guernsey, or in any other part of the British dominions, shall ‘print, reprint or import’ any such book or books without the consent of the proprietor or proprietors thereof first had and obtained in writing.”<sup>130</sup>

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126. Nickalls, *Statutes of the Province of Upper Canada*, “Advertisement” after title page and preceding page 1.

127. Otherwise known as “The Quebec Act, 1774,” 14 George III, c. 83 (U. K.).

128. Nickalls, *Statutes of the Province of Upper Canada*, 6, 9.

129. (1814) 54 Geo. 3 c. 156.

130. Reflecting this, Daniel J. Gervais, Professor of Technology Law, University of Ottawa, and Member of the Law Society of Upper Canada and the Bar of Quebec, discussed the “Origins of the Canadian Act,” referring to “the first copyright statute”

Thus, prior to the British Copyright Act of 1842, copyright matters in the United Kingdom and its colonies were governed both by the common law and by the Statute of Anne. Afterwards, there would be two preconfederation (pre-July 1, 1867) provincial laws offering locally legislated copyright protection in Canada, and those statutory provisions would offer protection only within the provinces where the laws were enacted. In 1832, *after* the visit of the Prophet’s emissaries to Kingston in Upper Canada, Lower Canada would enact its “Act for the Protection of Copy Rights.” When Upper Canada joined Lower Canada *in 1841*, the Lower Canada statute was confirmed for Upper Canada as well and renamed “An Act for the Protection of Copy Rights in this Province.” Nova Scotia enacted its own legislation in 1839, which was superseded by the British Act in 1867. But in 1829 and 1830, no *local* statutory enactment governed copyrights in Upper Canada or in any of the other three provinces of Canada. In and after the union of Upper Canada and Lower Canada in 1841, local legislation began to come into play in the securing of postpublication copyright protection, supplementing the Statute of Anne in affording such protection—though not replacing common-law principles that recognized prepublication copyright protection (which principles, of course, continued in force even after enactment of the local legislation).

Significantly, as to the registration requirement of the Statute of Anne, which otherwise required the registration of a title at Stationers’ Hall, such registration *did not ensure protection for a colonial imprint* (and hence colonial imprints apparently were not so registered).<sup>131</sup> In short, in 1829–1830,

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(“the Statute of Anne, 1710 [UK], 8 Anne, c. 19”) and stating that Canada’s 1921 *Copyright Act* “is clearly a common law-based statute, . . . many parts of which have survived to this day.” Daniel J. Gervais, “The Purpose of Copyright Law in Canada,” *University of Ottawa Law & Technology Journal* 2, no. 2 (2005): 326.

131. Ruth Panofsky, “Case Study: Thomas Chandler Haliburton’s *The Clock-maker*,” in *History of the Book in Canada, Volume 1, Beginnings to 1840*, ed. Patricia Lockhart Fleming, Gilles Gallichan, and Yvan Lamonde (Toronto: University of Toronto Press, 2004), 352. Indeed, enforcement of a postpublication statutory copyright under the Statute of Anne was apparently not available to a Canadian colonial publisher when someone else in the kingdom issued their own copy of a Canadian work. This, of course, does not reflect any lack of property right protection prepublication. For this reason, none of the known publications printed and published in York and Kingston from 1814 to 1835 appear in the registers of Stationers’ Hall. See *Books and Pamphlets Published in Canada, Up to the Year Eighteen Hundred and Thirty-Seven, Copies of Which Are in the Public Reference Library, Toronto, Canada* (Toronto: Public Library, 1916), 15–39. See also William Kingsford, *The Early Bibliography of the Province of Ontario, Dominion of Canada, with Other Information* (Toronto: Rowsell and Hutchison; Montreal: Eben Picken, 1892), 27–29, 31–33,

the common law provided prepublication copyright protection, and the Statute of Anne 1709 provided for postpublication copyright protection in Upper Canada, Lower Canada, New Brunswick, and Nova Scotia, the four provinces of Canada at the time of the revelation; no provincial legislation governed the securing of a copyright and indeed no public law and only principles of contract law apparently governed the sale of an author's intangible prepublication rights in his copy.

### **In What Sense Was It Appropriate in 1830 to Speak of “Obtaining” a Copyright?**

In his October 22, 1829, letter to Oliver Cowdery, Joseph wrote “that there is a copy right obtained.”<sup>132</sup> While an author in 1830 was possessed of his common-law prepublication right in his copy (his manuscript), which subsisted from the moment of inscription, and while the author could enforce that right to exclude others from publishing the manuscript, the author of course could also begin to take steps to secure a statutory, postpublication copyright under the 1790 and 1802 Congressional statutes within the United States and under the Statute of Anne within the United Kingdom, including within Canada, to protect the work once it was dedicated to the public (published). That postpublication, limited-time protection, secured by statutes, is a right that did not exist under common law from the moment of inscription of a text in a manuscript; rather, it was a creature of statute and came into existence through compliance with the statutory requirements (though in 1830 it was not yet clear which requirements were mandatory, essential, indispensable ones and which ones were merely directory and not essential). Of the statutory postpublication copyright, it was fully appropriate to speak in terms of “obtaining” such a copyright. Indeed, the cases speak in such terms. For example, in *Ewer v. Coxe*, Judge Washington of the United States Circuit Court for the Eastern District of Pennsylvania paraphrased the requirements imposed by the 1802 United States statute on those who “shall thereafter *seek to obtain* a copyright.”<sup>133</sup> Judge Hopkinson, too, in his opinion in *Wheaton* later would cite to *Ewer* and comment that it was not a new question whether Wheaton, in failing to deliver a copy of

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35. Compare Robin, Myers, ed., *Records of the Worshipful Company of Stationers, 1554–1920* (Cambridge, UK: Chadwyck-Healey, 1985). I checked all relevant pages of the registers for the appearance of any of the known publications printed and published in York and Kingston from 1814 to 1835 and found none of them to have been registered in the registers of Stationers' Hall.

132. Smith to Cowdery, October 22, 1829.

133. *Ewer v. Coxe*, 4 Wash. C.C.R 487 at 490, italics added.

his book to the secretary of state, failed to perform an essential or merely a directory act—an “injunction or direction to an author”—while he was otherwise “seeking to obtain a copyright.”<sup>134</sup>

But it should be remembered that the fact the Prophet may have used the word *obtain* in a different writing does not force the word *secure* as used in the revelation to mean “obtain.” This point is important; the text of the revelation itself does not use the word *obtain* in connection with any act pertaining to the copyright (be it in the United States or in Canada). And in any event, if one or more or all such references to “secure” in contexts relating to a copyright actually were intended to convey the idea of to “obtain” a copyright, the copyright thus spoken of would be a statutory copyright, not the prepublication, common-law author’s copyright already possessed by the Prophet.

### Securing Copyrights Internationally

One other matter of importance to understanding the law-related language of the revelation is the fact that in 1830 copyright laws in the United States and Canada predated international treaties pertaining to copyright. Reciprocal copyright treaties between nations did not exist at the time the Prophet was dealing with the publication of the Book of Mormon. The United Kingdom would not authorize its first reciprocal treaties until 1838 and 1844 (and though such treaties were authorized, none was made). And the most important early international reciprocal agreement would be an 1846 accord between Britain and Prussia, which would eventually lead to the Berne Convention of 1886. Significantly, prior to such reciprocal treaties, Canadian, American, and other publishers continued to regard the work of a foreign (that is, nonresident) author as unprotected “common” property within the borders of their respective countries until properly protected therein. Thus, although many years later the Berne Convention would greatly simplify the copyright process among nations, in Canada, in the United States, and elsewhere, numerous unauthorized reprints from “the other side of the border” would continue to appear even until as late as 1891, when, for example, the United States itself finally agreed to discontinue sanctioning literary piracy of works created by authors residing beyond its borders. This was long after 1830.

Indeed, it would not be until 1837 that British novelists (including Charles Dickens) even began to petition the American Congress to discontinue sanctioning literary piracy of British works by American printers.

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134. *Wheaton v. Peters*, 33 U.S. 591, 656.

And not until American author Mark Twain complained in the latter half of the nineteenth century would the United States government give a listening ear to pirated authors. Twain complained of Canadian piracies of his works, which he attempted to prevent by establishing temporary residence in Canada on the date of publication of each of his works.

The absence of international copyright laws allowed Canadian publishers to prey on Mark Twain's early books. He was hurt badly in 1876, when the Toronto publisher Charles Belford issued *Tom Sawyer* before the American edition even appeared. To combat this problem, Mark Twain spent several weeks in Montreal in November–December 1881 with James R. Osgood to meet a residency requirement to protect his *The Prince and the Pauper* copyright.<sup>135</sup>

Prior to the advent of reciprocal copyright treaties, an author needed to comply with the law of each jurisdiction in order to secure his copyright within that jurisdiction. In prior days, it was more common to speak of a United States copyright; a Canadian copyright; a German or French or Italian copyright. In our present day, because of international accords, we speak more commonly of a copyright enforceable everywhere. Thus, when the revelation spoke of the effort to secure “the” copyright in all the world, it spoke of protecting within each jurisdiction that one indivisible right the Prophet enjoyed in his copy; and when it spoke of the privilege to sell “a” copyright in Canada, it spoke of selling a divisible portion of that right in Canada (an act that was possible, too, in all other jurisdictions, such as in England and elsewhere, such as would later be done there, for example, with the Book of Mormon and the Doctrine and Covenants).

### What Is the Meaning of the Phrase “Sell a Copyright”?

The BCR text, as originally inscribed, states that the Lord grants unto his “servent a privelige that he may sell a copyright through you . . . for the four Provinces if the People harden not their hearts against the enticeings of my spirit & my word.” The BCR text thus here refers to “a” copyright that the “servent” has a “privelige” to sell—one that he “may” sell (either is granted permission to sell or possibly may sell)—through “you” (the four recipients of the revelation, “Oliver Cowdery Joseph Knight Hiram Pagee & Josiah Stowel”). The Prophet’s prepublication common-law copyright was an intangible personal property right, already enjoyed by the Prophet. That right could be secured and sold within any jurisdiction. The Prophet, either

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135. R. Kent Rasmussen, *Mark Twain A to Z: The Essential Reference to His Life and Writings* (New York: Facts on File, 1995), 54.

himself or through agents, could comply with the laws of the United States, of Canada, of England, and of any other jurisdiction to secure the copyright within each of those jurisdictions and, if he chose (or was directed) to do so, he could sell a portion of that right within any one or more jurisdictions.

In Palmyra, the Prophet did not sell a copyright to E. B. Grandin; rather, he retained it to himself and simply arranged to pay Grandin for the work of typesetting, printing, binding, and publishing (and perhaps also advertising). Insofar as concerns the text of the revelation inviting the Prophet to send emissaries to Kingston to sell a copyright for the four provinces of Canada, the revelation gave him a privilege to sell an interest in the copyright there. The means by which the copyright in the Book of Mormon would be “secured” in Canada would be to vest the right in someone in Canada. And that would be done by selling it to a local publisher or other interested party there.

Some have portrayed the Prophet’s actions as an attempt to sell “the” copyright of the Book of Mormon.<sup>136</sup> Of course, the revelation text speaks of securing “the” copyright in all the world and selling “a” copyright for the four provinces.

To the modern ear in a post–Berne Convention world, portraying the Prophet as having sought to “sell the copyright” gives the impression that the Prophet, in effect, was, so to speak, “throwing in the towel,” “selling the farm,” entirely “giving up,” ridding himself of *all* right to publish the book everywhere simply to obtain protection (and money) at least somewhere. But nothing could be further from the truth. First, of course, and most importantly, the revelation does not speak of selling “the” copyright. Indeed, in Joseph’s day, an author could not be said to sell “the” copyright in the same sense in which we speak of it today. Second, there is no evidence that in sending the emissaries to Canada the Prophet conveyed to Grandin any instruction to stop work.

Prior to the existence of international treaties where one country recognizes the copyright protection afforded by the laws of another country, an author’s copyright protection extended only to the borders of the country in which he performed (or authorized others to perform) his acts of printing and publication; the laws of that country were not enforced by the government of the country across the border to protect him in that other

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136. See, for instance, Mormon Research Ministry, “The Attempt to Sell the Book of Mormon Copyright,” <http://mrm.org/attempt-to-sell-copyright>; “Did Joseph Smith Attempt to Sell the Book of Mormon Copyright?” <http://www.angel-fire.com/sk2/ldsdefense/copyright.html>; and The FAIR Wiki, “Book of Mormon/Attempt to Sell Copyright,” [http://en.fairmormon.org/Book\\_of\\_Mormon/Attempt\\_to\\_sell\\_copyright](http://en.fairmormon.org/Book_of_Mormon/Attempt_to_sell_copyright).

jurisdiction. But in pre-Berne Convention times, an author could sell (or assign) “a” copyright in one country and “a” copyright in another country and thus secure to the “copy” protection in each. And doing so in each respective country would, according to the laws of each country, provide postpublication protection within each country.

### **Could a United States Author or His United States Agent Secure or Sell a Copyright in Canada without Being a British Subject?**

The Prophet, an American citizen, sent four American citizens to Canada to sell a copyright, thus to help secure the copyright in all the world, including in Canada. Would he have been legally able to accomplish those tasks through them? Would his copyright have been recognized there? Could he have sold it through emissaries there? Some have contended that “only British subjects could hold copyright in Canada.”<sup>137</sup> On this point, it should be noted that the law that disallowed non-natural-born subjects (aliens) from enjoying copyright protection in Britain and its dominions was not decided until after 1830.

In *Tonson v. Collins*,<sup>138</sup> the question of copyright was carefully considered, and Mr. Thurlow admitted that “it is of no consequence whether the author is a natural-born subject, because this right of property, if any, is personal, and may be acquired by aliens.” The question of whether or not the author of a book must be a British subject, or at least resident within the British dominions at the time of publication was not seriously considered until it was first argued in the 1835 case of *D’Almaine v. Boosey*.<sup>139</sup> In that case, the Court of Exchequer decided that the work of a foreigner indeed would be entitled to protection but only if it was first published in England by an English assignee. However, between 1761 and 1835, the law provided otherwise.

As pointed out by Mr. Justice Williams in the 1854 case of *Jefferys v. Boosey*,<sup>140</sup> it had occurred to neither the counsel nor the judges in the 1824 case of *Clementi v. Walker*<sup>141</sup> “that copyright could not be gained by a foreign author who was resident abroad at the time of the publication.” Justice Williams also noted that in the 1835 *D’Almaine* case “the very question arose” and the court “granted an injunction in protection of the copyright of a foreigner,” though it was granted only to one “who had first published in

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137. Joe Geisner at <http://www.fairblog.org/2009/09/22/copyright-revelation/>.

138. *Tonson v. Collins*, 1 Wm. Blackstone 301, 96 Eng. Rep. 169 (1761).

139. *D’Almaine v. Boosey*, 4 Younge & C. Exch. 494. See 4 H.L.C. at 859–60.

140. *Jefferys v. Boosey*, 4 H.L.C. 815, 837.

141. *Clementi v. Walker*, 2 B. & C. 861.

England.” In the 1854 case of *Routledge v. Low*,<sup>142</sup> the court held that a foreign author who was resident even for a few days in Canada, having gone there expressly for the purpose of acquiring copyright while her book was published in London, nevertheless was an author within the Act, whose literary work could qualify for copyright protection, a proposition that had not been disputed in *Jefferys v. Boosey*. Thus, an argument to the effect that in 1830 “only British subjects could hold copyright in Canada” must yield to the dictates of 1830 English law, which held the opposite.

### **Why Were the Four Emissaries Sent to Kingston and Could a Copyright Be Sold There?**

The BCR text of the revelation as John Whitmer originally inscribed it states, “Wherefor I say unto you that ye shall go to Kingston,” with the phrase “to Kingston” later stricken by an unidentified scribe. Interestingly, a close reading of the text of the revelation shows it does not actually express a purpose in sending the emissaries to Kingston. Comments by others, after the fact, have stated that the revelation sent the emissaries to Kingston to there sell a (or as they uniformly state, sell “the”) copyright. In this, of course, they may be correct. But the phrase “go to Kingston” and the phrase “sell a copyright through you” are removed from one another by forty-six words, and the sentence in which the latter phrase appears does not express a location where the emissaries are to do anything; rather, it is part of a sentence that expresses what areas will be impacted by what they are called to do, namely that the Prophet may “sell a copyright through you . . . for the four Provinces.” Notwithstanding this, we will here accept as a premise that the reason the emissaries were sent to Kingston was to try to sell a copyright. But was Joseph required to send his agents to any particular Canadian city to sell the right to someone to publish the Book of Mormon for the Canadian reader? If so, did that location have to be Kingston? Did it have to be York?

Between 1814 and 1830, it appears that at least three publishers—Stephen Miles,<sup>143</sup> Hugh C. Thomson (also sometimes “Thompson”), and James

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142. *Routledge v. Low*, 4 H. L. C. 815.

143. Interestingly, Stephen Miles was born at Royalton, Sharon Township, Windsor County, Vermont; Sharon Township was also the birthplace of the Prophet Joseph Smith. Born October 19, 1789, Miles was sixteen years older than the Prophet, and as an eighteen-year-old apprentice to Windsor printer Nahum Mower, Miles emigrated with him in 1807 to Montreal. By 1810, Miles was in Kingston, involved in the printing of the *Kingston Gazette*. In March 1811, Miles withdrew from Kingston to seek employment as a journeyman printer, first in Plattsburgh, New York, and then in Montreal, but by September of that same year he was back in Kingston, this time for good. Miles was “a member of the Methodist group in Kingston” and “a class leader

Macfarlane (also sometimes “McFarlane”)—had both printed and published at least thirty books and pamphlets in Kingston, Upper Canada, all authored by others and hence provide evidence of the purchase of the right to publish each respective author’s works at that place.<sup>144</sup>

With at least three publishers in Kingston having published at least thirty publications in the years prior to 1830, selling a copyright there was probably easy enough *if there was a willing buyer*. Indeed, the publication by Hugh C. Thomson of Julia Catherine Beckwith Hart’s 1824 piece of fiction, *St. Ursula’s Convent* (two volumes, 237 pages) and by James Macfarlane of David Chisholme’s political book, *The Lower Canada Watchman* (491 pages), seems adequate evidence of the availability of at least two publishers in Kingston who had the *physical* wherewithal to print the Book of Mormon. Whether any had the motivation to do so (financial, spiritual, or otherwise) is a separate issue. Kingston publishers James Macfarlane and Hugh Thomson had the *ability* in 1831 to publish, with Kingston printer Francis M. Hill, such “a prestige volume” that its “typographical execution will equal if not surpass that of any work ever published in Canada.”<sup>145</sup>

In 1830, Kingston was apparently a more inviting commercial destination in general than was York. For example, the population of Kingston, “the largest and most populous of the towns in Upper Canada, and called the key to the provinces,” was about 3,500 in 1830<sup>146</sup> compared to a population figure for York in 1830 of 2,860.<sup>147</sup> (It took six years for Kingston to reach a population

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and occasional local preacher.” He established “the first religious weekly in Upper Canada, the *Kingston Gazette and Religious Advocate*, which ran from 20 June 1828 to 26 March 1830.” *Dictionary of Canadian Biography, Vol. IX (1861–1870)* (Toronto: University of Toronto/Université Laval, 1976), s.v. “Miles, Stephen.” I find no indication that any members of the Miles family met any members of the Smith family.

144. See “Books and Pamphlets Published in Canada,” 15–39; see also King’sford, *Early Bibliography of the Province of Ontario*, 27–29, 31–33, 35.

145. See H. P. Gundy, “Publishing and Bookselling in Kingston Since 1810,” *Historic Kingston* 10 (January 1962): 28.

146. Robert Brown Sneyd, “The Role of the Rideau Waterway, 1826–1856” (master’s thesis, University of Toronto, 1965), 205–6. The Kingston Historical Society lists the town’s population in 1831 as 3,587. See Kingston Historical Society, “Chronology of the History of Kingston,” <http://kingstonhistoricalsociety.ca/chrono.html>.

147. Canada Department of Agriculture, *Censuses of Canada, 1665 to 1871*, vol. 4 (Ottawa: I. B. Taylor, 1876), 102. “Although York enjoys the rank of the capital [of Upper Canada], and the presence of the legislature, Kingston will ever be the head quarters of all relating to military, naval, and commercial affairs.” John Morison Duncan, *Travels through Part of the United States and Canada in 1818 and 1819* (Glasgow: University Press, 1823), 2:113; italics added. See also F. H. Armstrong, “Toronto in 1834,” *Canada Geographer* 10 (September 1966): 172.

of "about 5,500 souls."<sup>148</sup> It took only four years (when it was incorporated as a city) for York to more than triple its population to 9,254 inhabitants.<sup>149</sup> But in 1830, Kingston was the larger of the two possible destinations.

Of course, York may well have been a more inviting center for pursuing publication interests. During the 1829 calendar year alone, publishers in York churned out fourteen publications (five of them being strictly religious in nature); during that same year, publishers in Kingston produced only three (all being purely religious in nature).<sup>150</sup> But nothing in logic or theology requires that a revelation concerned with the sale of publishing rights conform its commands to the seeming convenience or ease with which those rights can be sold in one place as opposed to another.

The fact that buying and selling of authors' rights occurred freely in Kingston is simply a matter of historical reality. And no known legal impediment to it occurring in Kingston is known. Indeed, no geographical impediment to the purchase of an author's rights is provided for either in the Statute of Anne or in the common law. Julia Beckwith Hart sold her rights to *St. Ursula's Convent; or, The Nun of Canada* in Kingston, where the novel also was published (at Hugh C. Thomson's *Upper Canada Herald* office).<sup>151</sup>

Similarly, the 1830 Watertown, New York, publication of a cookbook titled *The Cook Not Mad, or Rational Cookery; Being a Collection of Original and Selected Receipts* (Watertown: Knowlton & Rice, 1830)<sup>152</sup> was followed

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148. Andrew Picken, *The Canadas: Comprehending Topographical Information Concerning the Quality of the Land, in Different Districts; and the Fullest General Information: For the Use of Emigrants and Capitalists, Compiled from Original Documents Furnished by John Galt, Esq.*, 2d ed. (London: Effingham Wilson, 1836), 113.

149. The City of Toronto Archives, FAQ, [http://www.toronto.ca/archives/toronto\\_history\\_faqs.htm#population](http://www.toronto.ca/archives/toronto_history_faqs.htm#population).

150. See Patricia Lockhart Fleming, *Upper Canadian Imprints, 1801-1841: A Bibliography* (Toronto: University of Toronto Press in cooperation with the National Library of Canada, 1988), items nos. 434, 435, 438, 439, 441, 442, 446, 449, 450, 453, 455, 456, 457, and 458 (York publications, italicized numbers identify books that were "strictly religious in nature") and items nos. 443, 445, and 448 (Kingston publications, all italicized because all were "strictly religious in nature"), pp. 121-28. In calendar year 1830, York's publishers produced twenty-six works (nine religious in nature), and Kingston's produced four (one religious in nature).

151. George L. Parker, "Courting Local and International Markets," in Fleming, Gallichan, and Lamonde, *History of the Book in Canada*, 346.

152. The word *receipts* is an older form of the word *recipes*. See, for example, "World Wide Words: Michael Quinion Writes on International English from a British Viewpoint," available at <http://www.worldwidewords.org/qa/qa-rec1.htm>. See also *Oxford English Dictionary*, 2d ed., s.v., "receipt" (at [http://www.bl.uk/learning/resources/oed/50199019\(2\).htm](http://www.bl.uk/learning/resources/oed/50199019(2).htm)) and s.v. "recipe" (at [http://www.bl.uk/learning/resources/oed/50199169\(2\).htm](http://www.bl.uk/learning/resources/oed/50199169(2).htm)).

by a Kingston, Upper Canada, publication of the same book (with differing title page but identical contents).

After publication of the Book of Mormon in the United States, the rights to the book likely would have had no value *in Canada*. Piracy, on both sides of the border, was common. And in order to give a publisher in Canada incentive to publish the book and forbid others from publishing it without the Prophet's permission, the natural and legally appropriate action would have been to sell a copyright to a willing buyer in Canada. A Canadian publisher likely would have then simply published the book either pursuant to a short-run lease<sup>153</sup> or pursuant to the purchase of a partial interest in the copyright. The publication history of the 1830 American *Cook Not Mad* cookbook, republished in 1831 in Kingston, reflects this reality. Notwithstanding its publication in Canada, sales of the American text of *The Cook Not Mad* continued in the United States, advertised for sale in bookstores everywhere, even in Palmyra.<sup>154</sup>

One might ask why the Prophet's four emissaries did not simply go *also* to York, as might be suggested by what they were told by the Kingstonians. Perhaps they did. Whitmer says they did. The time of year was not an impediment; the best time to travel between Kingston and York was in the wintertime, "when the roads were frozen hard."<sup>155</sup> York might have been seen as a place where the emissaries could seek and receive governmental assistance, at least for the costs of the printing of the Book of Mormon. Prior to the formation of legislative assemblies, official publications ordered by Canadian colonial governments were printed in private printing offices as well as by "king's printers," official printers who were appointed (or sometimes self-appointed) as such. With the establishment of Upper Canada's bicameral parliament in 1791, "the legislative branch now had the authority to have documents printed without asking for authorization from the executive."<sup>156</sup> However, in addition to the printing of official

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153. As suggested by Bennett and Olsen, "Of Printers, Prophets, and Politicians," 180.

154. See *Wayne Sentinel*, November 27, 1835, p. 3, col. 4; and *Wayne Sentinel*, May 29, 1836, p. 3, col. 6, and numerous issues in the interim.

155. See Roger Hall and Gordon Dodds, *A Picture History of Ontario* (Edmonton: Hurtig Publishers, 1978), 36: "Some idea of the impenetrable forests and woods that pressed in upon the would-be traveller can be grasped from James Cockburn's watercolour of a stretch along the track between the towns of Kingston and York before the days of regular traffic (c. 1830). The best time to travel was winter, when the roads were frozen hard; the worst in the spring or fall when mud and ruts became axle-deep."

156. Gilles Gallichan, "Official Publications," in Fleming, Gallichan, and Lamonde, *History of the Book in Canada*, 312.

publications, “the state played a modest role in supporting publications that were not official *by purchasing copies or providing funds for the printing of non-governmental works.*”<sup>157</sup>

### **What Might Be Meant by the “Temporal Blessing” Mentioned in the Revelation?**

As discussed above, the revelation apparently was received in part to help the Prophet acquire means to meet the financial burden of printing the Book of Mormon in Palmyra. The BCR text refers to “the temporal Blessing” that shall not be taken out of the Prophet’s hands. The text also refers to the “temperal Blessing” that the “faithful & the righteous” are to “retain.” The secondary sources clearly connect the need for funds for printing the Book of Mormon with the effort to sell a copyright in Canada. And indeed, the general historical context of the Prophet’s and his brother’s financial circumstances, within which the revelation was received, seems to bear that out. In “the forepart of June 1829,”<sup>158</sup> Joseph and Hyrum together evidently accepted one-half of the \$3,000 financial obligation and Martin Harris the other half, the Prophet’s mother reporting that Joseph “met Mr. Grandin, and writings were drawn up between them to this effect: That half of the price for printing was to be paid by Martin Harris, and the residue by my two sons, Joseph and Hyrum.”<sup>159</sup> On August 17, 1829, Egbert B. Grandin contracted to print the Book of Mormon in exchange for the promise by Martin Harris and the Smith brothers to pay \$3,000 for the work. On August 25, 1829, Harris signed an indenture of mortgage, offering a portion of his farm property as security for the promise to pay Grandin, with Grandin enjoying a right to foreclose on the real property eighteen months later in the event of default. But during the period of time when the book was being typeset and printed, Grandin enjoyed only a secured promise of payment. He apparently received no payments from anyone for his work, apparently not receiving any payment until 1832 when the full amount reportedly was paid.

By December of 1829, Grandin was possibly pressing for cash to pay his workers. Lucy Mack Smith reports that Grandin suspended printing because of a reported community agreement not to purchase the book, which of course portended few or no future sales and hence little or no income from which payment would be made. Because Martin Harris had secured his promise to

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157. Gallichan, “Official Publications,” 315; italics added.

158. John H. Gilbert, “Memorandum, made by John H. Gilbert Esq, Sept 8th. 1892,” King’s Daughters’ Free Library, Palmyra, New York.

159. Lucy Smith, *Biographical Sketches of Joseph Smith*, 142.

pay by a mortgage on his farm, Grandin held good security; “but that future guarantee did not pay the typesetting and pressmen.”<sup>160</sup> Indeed, Lucy seems to place Grandin’s work stoppage between the times of the Prophet’s two visits to Manchester in early 1830, a time when Harris, on the one hand, and Joseph and Hyrum, on the other, apparently were unable to pay their respective halves of the cost of printing the Book of Mormon,<sup>161</sup> thus suggesting that Joseph and Hyrum still, to that point in time, retained half of the payment obligation. Says Lucy:

Joseph, after disposing of this affair [the Abner Cole matter], returned to Pennsylvania, but not long to remain there, for when the inhabitants of the surrounding country perceived that the work still progressed, they became uneasy, and again called a large meeting. At this time, they gathered their forces together, far and near, and organizing themselves into a committee of the whole, they resolved, as before, never to purchase one of our books, when they should be printed. They then appointed a committee to wait upon E. B. Grandin, and inform him of the resolutions which they had passed, and also to explain to him the evil consequences which would result to him therefrom. The men who were appointed to do this errand, fulfilled their mission to the letter, and urged upon Mr. Grandin the necessity of his putting a stop to the printing, as the Smiths had lost all their property, and consequently would be unable to pay him for his work, except by the sale of the books. And this they would never be able to do, for the people would not purchase them. This information caused Mr. Grandin to stop printing, and we were again compelled to send for Joseph. These trips, back and forth, exhausted nearly all our means, yet they seemed unavoidable.

When Joseph came, he went immediately with Martin Harris to Grandin, and succeeded in removing his fears, so that he went on with the work, until the books were printed, which was in the spring of eighteen hundred and thirty.<sup>162</sup>

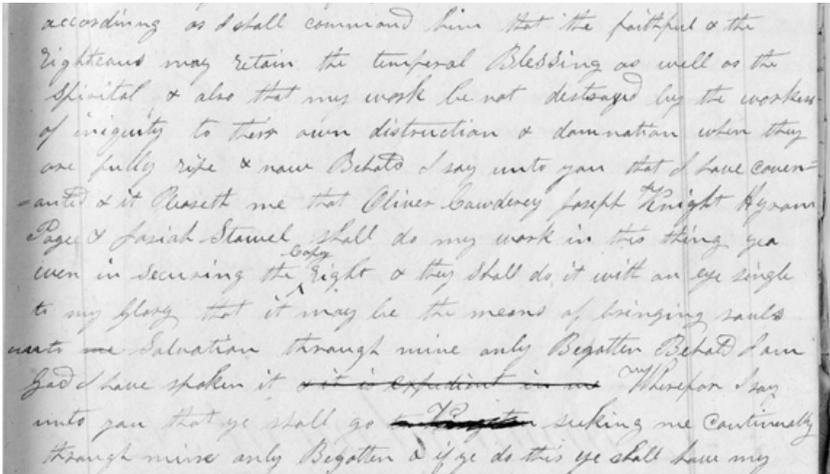
Thus it was that on August 25, 1829, by means of the mortgage arrangement with Grandin, Martin Harris apparently guaranteed not only his own half of the \$3,000 obligation but apparently the Smith brothers’ half as well. The parties apparently agreed, perhaps only orally, that payment of the \$3,000 would be made either prior to the commencement of the work or as the work progressed. The mortgage document served as a guarantee on which Grandin could foreclose in the event timely payments were not made. And the power to foreclose would mature eighteen months after August 25, 1829. But Grandin apparently needed and demanded and was entitled to

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160. Richard L. Anderson to Stephen Kent Ehat, email, March 10, 2010.

161. Lucy Mack Smith, *Biographical Sketches of Joseph Smith*, 150–51.

162. Lucy Mack Smith, *Biographical Sketches of Joseph Smith*, 150–51.



Detail of page 31 in the Book of Commandments and Revelations showing the names of the four men the revelation sent to Canada as well as their destination, Kingston, which was struck through by an unidentified editor. Courtesy Church History Library, © Intellectual Reserve, Inc.

payment of money as the work progressed. And the money apparently still was owed by all three men, Martin Harris, Hyrum Smith, and Joseph Smith.

It should be noted that the indenture of mortgage document itself actually purports to memorialize “payment” of \$3,000 by *Grandin* to *Harris* in exchange for a grant by Harris to Grandin of an interest in the farmland. Of course, Grandin surely paid no money to Harris. Rather, the “payment” referred to in the mortgage document no doubt constituted a recognition of the previously agreed-to monetary *value* of Grandin’s work of typesetting and printing the Book of Mormon. Indeed, even though, as is common with such instruments, the document actually declares that the interest in the real property granted by Harris to Grandin was given “in consideration of the sum of three thousand dollars to him [Harris] *in hand paid* by the said party of the second part [Grandin], *the receipt whereof is hereby confessed and acknowledged*” by Harris,<sup>163</sup> it is virtually certain that no money actually passed from Grandin to Harris. But the document guaranteed repayment as if such money had been paid (having been “paid” in the form of a promise to hire workers and perform the printing tasks and fulfillment of that promise).

Harris signed, sealed, and delivered the indenture the next day, August 26, 1829. But notwithstanding the security manifested by the written

163. Wayne County (New York) Mortgage Record, 3:325–26; italics added.

mortgage, the apparent oral agreement was one that provided for payments of cash presently. And, as it turned out, by January of 1830, neither Harris nor the Smith brothers were able to derive monies either from advance book sales or from Harris's attempts to sell a portion of his farm or otherwise. Financial pressures on the Prophet, according to his mother, occasioned by the Smith family's loss of their property and the costs associated with the need to travel from Harmony to Manchester, once to confront Abner Cole and once to assuage Grandin, left the Prophet and his brother without means to make payments on their half of the obligation. But with Martin's guarantee in place, Grandin at least had the security of Martin's mortgage and perhaps also, because of the Prophet's attempts in removing Grandin's fears, both a renewed promise of attempts to make advance sales of the Book of Mormon and the prospect of payment that might be occasioned by the sale of a copyright in Canada. Hence, though it may have become apparent to Grandin that Harris and the Smiths did not have ready cash to pay Grandin (making Grandin feel justified in stopping work), the renewed prospects of ready payment apparently prompted Grandin to continue work, even though he would not be paid until January 28, 1832.<sup>164</sup> Grandin did apparently enjoy income from the sale of other books at this time, as discussed further below.

Regarding the question of whether Grandin either had or needed resources to pay his workers during the latter stages of printing the Book of Mormon, it would appear that within only three days after the book was published, Grandin published notice that he had, apparently just recently, dissolved the partnership between himself and Luther Howard, foreman of the bookbinding process; had become the sole person to whom debtors owing money to the partnership should make payment; and had purchased the stock in trade of the Palmyra Bookstore and would thereafter continue the business of bookselling. Whether this notice justifies the conclusion that Grandin, already enjoying income from publication of his newspaper, was flush with cash or, having paid off Mr. Howard and having purchased the stock in trade of the bookstore, was strapped for cash is not immediately apparent. More likely, Grandin was financially well off. The published notice reads:

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164. See Wayne County (New York) Mortgage Record, 5:215. See Miner T. Patton, "How It Was That My Great-Grandmother's Gold Paid for the Printing of the First Edition of the Book of Mormon" (unpublished manuscript, 1986), Church History Library. By no later than January 28, 1832, Harris had paid Grandin and the mortgage had been "redeemed, paid off, satisfied, and discharged," as attested to by Thomas Rogers II, who was "assignee of [the] indenture of mortgage."

DISSOLUTION. THE partnership heretofore existing between the undersigned, is this day dissolved, by mutual consent. The notes and accounts due to the firm of Howard and Grandin, may be settled with E. B. Grandin, and all persons indebted are requested to call and make payment.

LUTHER HOWARD.

E. B. GRANDIN.

Palmyra, March 29, 1830.

THE subscriber, having purchased the stock in trade of the Palmyra Bookstore, respectfully informs his friends and the public, that he will continue the business of BOOKSELLING, at the old establishment, and solicits a continuation of patronage.

E. B. GRANDIN.

Palmyra, March 29, 1830.<sup>165</sup>

Thereafter, Mr. Howard apparently kept possession of the bound books in his bindery. Whether this was a form of security to guarantee payment to him for his bookbinding work is not known. But it is somewhat of interest that not long after receiving payment from Martin Harris in April 1831, Grandin recorded in his journal that on July 14, 1831, he “spent most of day in moving Gold Bibles from Mr. Howard’s Bindery to my Bookstore.”<sup>166</sup>

While it is not known whether in negotiating with Grandin in 1829 the Prophet considered offering to sell a copyright to Grandin (or, if he did make an offer, whether Grandin was interested), it is known that the Prophet remained “proprietor” of the book through to the time of publication. Interestingly, though the notice on March 26, 1830, announcing availability of the Book of Mormon for purchase, appearing at times thereafter in the *Wayne Sentinel*, was a notice signed by “E. B. Grandin,”<sup>167</sup> a copy of the notice, quoted in the *Rochester Republican*, states, “The above work, containing about 600 pages, large Duodecimo, is now for sale, wholesale and retail, at the Palmyra Bookstore, by Howard & Grandin,”<sup>168</sup> suggesting the partnership, though dissolved and likely winding up its affairs, continued to hold at least a possessory or custodial interest in the bound books (though the Prophet probably continued to hold title thereto as “proprietor” of the text).

In light of the above overall context portraying some of the Prophet’s financial situation at this period of time, it seems, at least to me, that “the temporal Blessing” that was not to be taken out of the Prophet’s hands and the “temporal Blessing” that the “faithful & the righteous” were to “retain”

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165. *Wayne Sentinel*, April 30, 1830, p. 3, col. 5.

166. E. B. Grandin, Journal, July 14, 1831. Church History Library.

167. See, for example, *Wayne Sentinel*, May 7, 1830, p. 3, col. 6.

168. *Rochester Republican*, March 30, 1830, p. 2, col. 6.

perhaps encompassed both the Prophet's own continuing ownership interest in the text (so he could control whether it be published, maintain control over the integrity of the text, and retain access to any proceeds of sales of copies of the book) as well as access by him and his associates to the financial resources necessary to pay Grandin his due while also being able otherwise to "make ends meet" in the interim. Apparently, even in early 1830, not only Martin but Joseph and Hyrum also, were financially obligated to Grandin, with Martin having guaranteed the entire payment by means of his mortgage. Perhaps this parallels what Page said: "Joseph thought this would be a good opportunity to get a handsome sum of money which was to be (after the expensis were taken out) for the exclusive benefit of the Smith family and was to be at the disposal of Joseph."<sup>169</sup>

### **Why Was the Presumed Inscription of the Name of Martin Harris Stricken from the Text of the Revelation?**

Through close examination, the text shows an initial inscription by John Whitmer of the name of one person who was expressly excluded from the group of those who had "done that which is pleasing in [the Lord's] sight." The volume editors state that this person is likely "Martin [Harris]." The text apparently had identified Martin by name, stating "yea even all save M◇◇tin only."<sup>170</sup> The name likely was stricken by Whitmer himself, who apparently immediately struck out the words "M◇◇tin only." The text was heavily stricken by completely obscuring the two words with a broad stroke of ink.<sup>171</sup> Concerning the striking of the name of "Martin [Harris]," the volume editors in fact refer to *three* layers of deletion, though it is difficult to discern three without help from the editors.

Suffice it to say, the phrase "M◇◇tin only" appears to have been immediately stricken and immediately replaced by the phrase "it be one o{f\nly}"; the latter phrase was not interlineated, indicating that John Whitmer himself, while first inscribing the revelation into the BCR, changed the inscribed text from "M◇◇tin only" to "it be one o{f\nly}." This seems to suggest that the original text of the revelation, from which he copied this inscribed text, may originally have set forth the words "Martin only" and therefore that he copied those two words from the original text. But whether it was Whitmer alone or he under direction from the Prophet who made what appears to be the immediate change is, of course, not known. What apparently was the

169. Page to McLellin, February 2, 1848.

170. In *Manuscript Revelation Books*, the editors used the symbol "◇" to represent an illegible character within a partially legible word.

171. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 33, xli, xliii.

first (thin-line) strike-out seems to have been made by John Whitmer at the time of inscription; when, and by whom, the broad, obscuring ink-stroke deletion was made is not known.

The suggestion could be made that specific reference to Martin Harris, by name, probably was later rendered inappropriate by Martin's own actions themselves, by his eventual success in actually raising funds for the printing effort. In 1829, he had mortgaged a portion of his farm to *guarantee* the payment in the event of a default on his promise to pay. But in 1829 and 1830, he simply had actually not produced any money to pay Grandin. By the time the revelation was first recorded (perhaps sometime in early 1830), he still had not sold his property and produced cash. But by the time the revelation was being edited in the BCR in about spring 1831, Martin apparently had finally sold a portion of his farm and would be receiving cash for the property over the next eighteen months. While Harris had promised payment and while he had guaranteed ultimate payment (by way of foreclosure on the mortgage), no present payments had been forthcoming. Indeed, it appears that it was not until April 2, 1831 (at about the time when Whitmer was inscribing the revelations into the BCR), that Harris finally disposed of the mortgaged portion of his property, selling it to Thomas Lakey II for \$3,000. Apparently, however, Martin did not receive the entire \$3,000 until January 28, 1832, when John Graves purchased the property from Lakey. Under the original agreement, Lakey was to have made a series of payments to Harris from April 1831 until October 1832. When Graves purchased the property in January 1832, he paid Lakey \$3,300, who then paid Harris the remaining balance of the \$3,000. At that time Harris apparently paid his debt to Grandin in full.<sup>172</sup> Could it possibly be, perhaps, that it was after April 2, 1831, that John Whitmer was in the process of inscribing the text of the revelation into the BCR and that by then Harris had in effect "redeemed" himself (by selling the property)? Could it be that for this reason John Whitmer, or the Prophet himself, chose to more softly and gently refer to Martin, without retaining in the text of the revelation any specific mention of his name?

Hiram Page indicates that, in making preparations to go to Canada to sell a copyright, he and his three companions (Oliver Cowdery, Joseph Knight, and Josiah Stowell) had made the preparations "in a sly manor so as to keep martin Harris from dra[w]ing a s[hare] of the money."<sup>173</sup> Why this was done can perhaps be gleaned from David Whitmer's explanation that "Martin Harris . . . was expected to mortgage his property for the

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172. Black and Porter, "For the Sum of Three Thousand Dollars," 4–11. See also Patton, "How It Was That My Great-Grandmother's Gold," 5.

173. Page to McLellin, February 2, 1848.

purpose of raising the necessary funds for the printing of the book” and that “his seeming reluctance to act in the matter, which Mr. Whitmer attributes to the cautious business-like manner in which he did everything, offended some of the brethren.”<sup>174</sup> Of course, by the time the revelation was received, Martin already had mortgaged his farm. And, too, Martin did not mortgage his farm to raise necessary funds, as Whitmer states (a mortgage provides security for payment, not actual payment; only if, after nonpayment, the mortgage is foreclosed upon does it result in monetary proceeds). Apparently, the efforts by Harris, Joseph, Hyrum, and others to raise funds included attempts to presell the book and outright attempts by Martin to sell a portion of his farm, all apart from the mortgage otherwise guaranteeing ultimate payment to Grandin in the event funds were not raised.

Indeed, David Whitmer, in his 1887 account, states pointedly:

Brother Hyrum thought they should not wait any longer on Martin Harris, and that the money [to print the Book of Mormon] should be raised in some other way. Brother Hyrum was vexed with Brother Martin, and thought they should get the money by some means outside of him, and not let him have anything to do with the publication of the Book, or receiving any of the profits thereof if any profits should accrue. He was wrong in thus judging Bro. Martin, because he was doing all he could toward selling his land.<sup>175</sup>

What the truth is about the extent of Martin’s efforts and the depth and direction of Hyrum’s feelings may never be known for sure; what is assumed is that Martin apparently failed to pay any monies to Grandin prior to the publication of the Book of Mormon or for nearly a year later. (Grandin probably funded the work himself, if the indenture documents and the Patton history<sup>176</sup> are any indication.) But by the time John Whitmer was inscribing the text into the BCR, Martin may have sold the property to Lakey and therefore may have begun making payments to Grandin.

### **Why Was the Revelation Edited to Seemingly End Earlier Than Its BCR Transcription Seems Otherwise to Indicate?**

Presenting the results of their analysis of the text of the revelation, volume editors Jensen, Woodford, and Harper and paleographers Dean C. Jessee and Christy L. Best reveal that Sidney Rigdon was the scribe who

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174. “David Whitmer Talks,” 5; see also *Omaha Herald*, October 10, 1886; *Des Moines Daily News*, October 16, 1886; *Chicago Inter-Ocean*, October 17, 1886; *Philadelphia Press*, October 17, 1886.

175. Whitmer, *Address to All Believers*, 30–31.

176. See Patton, “How It Was That My Great-Grandmother’s Gold.”

(1) struck the name “Joseph” from the headnote; (2) supralineated into the BCR text the name “Joseph” to identify the “servent” mentioned therein (historical context dates that interlineation in 1831); (3) apparently added an “s” to the end of the word “againsts” [*sic*]; and (4) added the “amen” at a point nine and one-half lines from the original ending of the text as inscribed by John Whitmer (Rigdon was perhaps also the one who crossed out the text from that point to the end of the revelation).<sup>177</sup> Of these four edits, I discuss only the fourth.

The BCR text indicates the supralineated “amen” to have been inscribed in the handwriting of Sidney Rigdon. The volume editors, in their sidenote number 37,<sup>178</sup> state both that “an unidentified scribe crossed out the text from this point to the end of the revelation, presumably indicating that the revelation should end with ‘amen’” and that “the ink flow of the lines used to cross out the text possibly matches the ink flow of the inserted ‘amen.’” The volume editors’ comments about the ink flow therefore suggest that Rigdon was the person who also crossed out the text from that point to the end of the revelation.

“Rigdon’s handwriting in the majority of the Book of Commandments and Revelations was inscribed in Ohio in 1831, before the volume was carried to Missouri,”<sup>179</sup> his corrections apparently being inscribed after “circa March 1831,” when John Whitmer began to inscribe the revelations in the BCR,<sup>180</sup> and “prior to November 20, 1831, when John Whitmer and Oliver Cowdery departed Ohio with the BCR.”<sup>181</sup> Whether the Prophet participated in Rigdon’s editing of this revelation is not known.

Thus, the fact that the text from the insertion of “amen” to the end has been crossed out seems not only to reflect an intention to ready the text of the revelation for publication, but it also suggests that Rigdon, and possibly the Prophet, too, intended to exclude the stricken reference to Martin Harris and the stricken words “to Kingston.” It should be noted, however, that in other instances when Rigdon altered the text of revelations in the BCR, evidence shows that later editors reverted Rigdon’s corrections back to original text.<sup>182</sup>

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177. See Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 31, 33 n. 37.

178. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 33.

179. Robin Scott Jensen, “From Manuscript to Printed Page—an Analysis of the History of the Book of Commandments and Revelations,” *BYU Studies* 48, no. 3 (2009): 36.

180. Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 5.

181. Underwood, “Revelation, Text, and Revision,” 72.

182. Jensen, “From Manuscript to Printed Page,” 36.

In any event, we do not know for sure what the Prophet's role was, if any, in making these editing marks.

## Conclusion

In the end, what did Joseph Smith accomplish on June 11, 1829, when the title of the Book of Mormon was deposited with the clerk of the United States District Court? He took the first step, and perhaps what then could be argued was the only meaningfully mandatory step, toward securing a post-publication copyright in the Book of Mormon in the United States, making his copyright legally enforceable in federal court. What did the Prophet accomplish in the Abner Cole incident? He enforced through arbitration his author's common-law, prepublication right in his copy. And what did Joseph Smith accomplish by conveying to the emissaries the revealed command that they go to Kingston? He commissioned them to go, as author's agents, to sell a right to his copy in Canada as part of an effort to obtain funds necessary to pay the printer in Palmyra. This was also a necessary step in complying with the Lord's injunction that the Prophet's copyright be secured in all the world generally and be secured in the four Canadian provinces specifically by seeking to find a willing publisher in Canada who would purchase the right so that piracy would be thwarted, the integrity of the text could be preserved, and the word of God could be promulgated in that land. The effort was consistent with legal principles in the United States and Canada. And no doubt it reinforced in the minds of the early brethren the importance and value of the copyright held by the Prophet.

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*This paper was condensed for space. The full version appears on our website at [byustudies.byu.edu](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.<sup>1</sup> Elders Wilford Woodruff and John Taylor had arrived in Preston some weeks earlier after leaving New York for England in late 1839.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> “If I should act

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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.”<sup>6</sup> With regard to the Doctrine and Covenants, Young wondered, “Shall we give it to them as quickly as we can?”<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> While a common-law ownership right in unpublished manuscripts was recognized by the U.S. Supreme Court in *Wheaton v. Peters*,<sup>10</sup> the British House of Lords in 1774 had held in *Donaldson v. Beckett*<sup>11</sup> 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

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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.<sup>12</sup> 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.”<sup>13</sup> 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.<sup>14</sup> 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.”<sup>15</sup> Meanwhile, the printing guilds or trade unions conspired with the monarchy to exert censorship and control over printing of books.

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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.<sup>16</sup> 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,”<sup>17</sup> early government censorship of printing nonetheless also served as a forerunner to the private control of printing through copyright law.<sup>18</sup>

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.”<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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

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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](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](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.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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."<sup>26</sup>

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.<sup>27</sup>

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

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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](http://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.<sup>28</sup> 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.<sup>29</sup> Though it has been said that the Statute of Anne is "rigged with curses dark,"<sup>30</sup> 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

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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.<sup>31</sup> 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.<sup>32</sup> As a result, Parliament in 1814 placed the burden on eleven libraries to request copies within twelve months of publication.<sup>33</sup> 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.<sup>34</sup> 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

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31. Statute of Anne (1710), *Primary Sources on Copyright (1450–1900)*, ed. L. Bently and M. Kretschmer, [http://www.copyright-history.org/cgi-bin/kleioc/0010/exec/ausgabe/%22uk\\_1710%22](http://www.copyright-history.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](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.copyright-history.org/cgi-bin/kleioc/0010/exec/ausgabe/%22uk\\_1814%22](http://www.copyright-history.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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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

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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](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.<sup>39</sup> 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.<sup>40</sup> Within days, Young was seeking bids from book printers in Manchester and, later, Liverpool.<sup>41</sup> The newly printed hymnbook was introduced to the British Saints at a conference in Manchester on July 6, 1840.<sup>42</sup> 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.<sup>43</sup>

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.”<sup>44</sup> 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

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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.”<sup>45</sup>

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.<sup>46</sup> 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.”<sup>47</sup> 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.”<sup>48</sup> 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.<sup>49</sup>

Liverpool bookseller John Tompkins had submitted a bid to Brigham Young to print 5,000 copies of the Book of Mormon for £210.<sup>50</sup> 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.<sup>51</sup> Tompkins published only 4,050 of the promised 5,000 copies, and not long after that he went out of business.<sup>52</sup> 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

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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.<sup>53</sup> The Saints in England did not sell all of the 1841 books until 1848.<sup>54</sup>

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.<sup>55</sup> 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,<sup>56</sup> 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.”<sup>57</sup> 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.<sup>58</sup>

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.<sup>59</sup> Both St. Paul's Cathedral and Stationers' Hall had been rebuilt on their present sites after the Great Fire of London in 1666.<sup>60</sup> 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.<sup>61</sup> The former brick exterior of the Hall itself had been re-covered with stone in approximately 1800.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup> 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.<sup>65</sup>

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.<sup>66</sup> 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.<sup>67</sup> George Greenhill became a master in the Company of Stationers in 1787 but was bound to his father until being freed in 1795.<sup>68</sup> 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.<sup>69</sup> 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.<sup>70</sup>

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

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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.<sup>71</sup> In contrast with the 1830 U.S. copyright registration entry,<sup>72</sup> 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.<sup>73</sup> Kimball returned to Stationers' Hall on February 18 to retrieve the entry certificate, which repeated the information recorded in the register book by Greenhill.<sup>74</sup> Young, Kimball, and Pratt presented the certificate to the Quorum of the Twelve Apostles at a meeting in Manchester on April 2, 1841.<sup>75</sup> 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,

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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.

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February 8. 1841.

Published by J. Tompkins Liverpool Property of Joseph Smith, Jun.	Then Entered for their 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>for Greenhill</u>	✓ ✓
Published by Smith 1832 Stationers Court	Then Entered for their Copy - The Life and Remains of the Rev. Robert Gouman, A. B. the Founder, and for above Forty Years the prominent Minister of St. Anne's Church, and formerly vicar to the Rev. Robinson, M. A. of Leicester. By Robert Fletcher Gouman, Esq. Received five Copies - <u>for Greenhill</u>	
Do	Then Entered for their Copy - Jones's Arithmetical and Commercial Tables for the Use of Schools: to which are added several useful Miscellaneous Tables, and explanatory Notes. Fourth Edition Received five Copies - <u>for Greenhill</u>	
Do	Then Entered for their Copy - Rueses Philologies; or the Philology of Things as developed from the Study of the Philology of Words By Edward Johnson, Esq. Author of Life, Health, and Disease. Part 1. - <u>for Greenhill</u>	

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.<sup>76</sup> 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.”<sup>77</sup> 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.<sup>78</sup> “It seems the Clerk is guilty of a breach of trust,” Woodruff wrote in his journal.<sup>79</sup>

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.<sup>80</sup>

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.<sup>81</sup> In the same report,

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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.’”<sup>82</sup>

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.<sup>83</sup> 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.”<sup>84</sup> 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.”<sup>85</sup>

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

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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.”<sup>86</sup> 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*.”<sup>87</sup>

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.<sup>88</sup>

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.”<sup>89</sup> 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.<sup>90</sup> 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."<sup>91</sup>

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."<sup>92</sup> On May 18, Elder Woodruff spoke at a Church conference in Carlisle emphasizing the importance of purchasing the new book.<sup>93</sup> 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.<sup>94</sup> 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.<sup>95</sup>

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

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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.<sup>96</sup>

### 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”<sup>97</sup> 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.”<sup>98</sup>

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.<sup>99</sup>

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.”<sup>100</sup> 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

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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.”<sup>101</sup> 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.”<sup>102</sup> 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.

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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.

## Biography

When I was a boy, and the glory of the Lord  
burned blue and bright as day,  
when angels swam in the plasma of my eyes,  
stood in clear pools like children,  
unsandaled, joyful in their bellies,  
when I was a young man, and the glory of the Lord  
snapped above me like the sails of a ship,  
and angels buzzed like gnats above my head,  
hummed sweet wax down the whorls of my ears  
to keep me in a straight course,  
when I was a man, and the glory of the Lord  
paled like cold fire west-fallen behind cloud,  
when angels blew from my shoulder and face  
the veil of ash that fell,  
when I slept,  
when I'd have doubted,  
when they lifted my lids to visions,  
when I grew old, and died, and the glory of the Lord  
spread wide and gold as leaves,  
Angels bore me lightly away,  
And I became a boy, blue and bright as day.

—Lon R. Young

*This poem won second place in the BYU Studies 2011 poetry contest.*



From viewings to funeral processions, from dedicating the dying to dedicating graves, Latter-day Saints have adopted a variety of practices in relation to loved ones passing away—some practices come from tradition, some arise naturally from circumstance, and others have been codified by the Church. Whatever their source, these rites and practices underscore Latter-day Saint aspirations to honor and to connect with their dead. *Winder Funeral Parade*, March 31, 1910. Courtesy Utah State Historical Society; funded by a grant from the National Endowment for the Humanities.

# Last Rites and the Dynamics of Mormon Liturgy

*Jonathan A. Stapley*

On May 31, 1866, Aggatha Ann Woolsey Lee lay surrounded by family. Late stage breast cancer visibly consumed her flesh, and though in great pain, she peacefully counseled her children to obey the gospel. She charged her sister and fellow wife to take care of them. Her husband recorded, “Through the Night she frequently asked me to Pray that she might go to Rest. About 2 o’clock E., by her request I anointd her all over with oil & dedicated her to the Lord.” She died three days later.<sup>1</sup> This article describes the history of Mormon rituals for the dying and the dead. The story of these rituals—dedication of the dying to the Lord,<sup>2</sup> preparation of the body for burial,<sup>3</sup> and grave dedication—elucidates important liturgical dynamics within Mormonism. Specifically, their development shows the evolution of Mormon liturgy from uncodified practices transmitted through folk channels of instruction into a formal body of specific rites, nevertheless challenged by ongoing folk innovation. Moreover, the set of rituals considered in this article each show how Latter-day Saints have interacted in unique ways with American death culture and conceptions of Providence to construct their sacred community on a cosmological scale.

A church’s liturgy is its ritualized system of church worship, the services and patterns in which believers regularly participate. While the term often refers to a specific formal ritual like the Roman Catholic Mass, events surrounding major life events—birth, coming of age, marriage, death—are often celebrated through church liturgy. Beyond the public worship ceremonies of Mormonism, there exists an extensive network of interrelated rituals with salvific, healing, and other valences. These ritual systems are essentially liturgical in nature, and their history is a path crossing two partially overlapping regions: the folk and the formal.

## Jonathan A. Stapley

Part of this paper was written in the hospital room where, for five weeks, I watched my father unconsciously battle the systematic failure of his own body. My parents were visiting to witness the baptism of my oldest son. Instead of driving to the chapel where a font was prepared, we drove to the hospital, where emergency responders had just minutes before delivered my father. I was able to work remotely and consequently spent a significant amount of time by his side.



I had started this paper before that event as a logical extension of previous collaborative research on Mormon healing rituals. I have been drawn to the history of Mormon liturgy as a fruitful space to elucidate wide swaths of lived religion, theology, and religious cosmology. At the hospital, though, as I read and re-read the source materials and the paragraphs I had committed to paper, I was intimately conscious of my own place in the story of Mormon life and death. I became my own observer as I administered to my father, sought comfort in Christ's gospel, and considered my place in the royal network of heaven and earth. In short, I prepared for my father's death. Perhaps it was providence that he did not die. He left the hospital to eventually make a full recovery, and he will witness the baptism of my next oldest son in the summer of 2011.

Those five weeks reinforced ideas that I had earlier accepted: the scholarly examination of history is an opportunity to integrate ourselves with the past. Though it should not be viewed as prescriptive, the past can contextualize the present. It opens up possibilities as we gain a greater compassion for those who went before us and a greater compassion for ourselves. My hope is that this study will enrich the field of Mormon history and provide helpful ways to view evolving Latter-day Saint belief and practice.

The earliest Latter-day Saints constructed ritual patterns from many sources. While ancient and modern scripture provided some instruction, frequently it was Church leaders who provided examples to follow. And though the open canon and prophetic hierarchs directed many ritual innovations in early Mormonism, there was also little to distinguish grassroots developments from hierarchal initiative. During Joseph Smith's life, Church hierarchy was relatively flat and was regularly replenished by fresh members with little institutional experience. Furthermore, for the better part of a century, Mormon liturgy existed dynamically and uncodified as the Church first developed it and then relied on folk transmission—oral instruction or proximate example—to train its members. Even common rituals like baptism and the sacrament of the Lord's supper, which had codified prayers, were nevertheless administered in various ways throughout the nineteenth century. Dedicatory rituals of all sorts arose without formal liturgical explanation, and healing rituals were especially diverse and not specified in the canon. Though influenced by the broader American culture, Latter-day Saints struck out in new and surprising ways, adapting ritual from their liturgy to meet their needs when various exigencies arose.

In the twentieth century, as the Church expanded and modernized along with the broader culture, younger generations were no longer served by older folk pedagogies. Church leaders then evaluated and contracted Mormon liturgy in a process of formalization and codification in order to train Church members and standardize Church practice. With the Church correlation movement, formal liturgy has been a consistent emphasis within Church bureaucracy; yet the needs of Church members sometimes exceed formal boundaries. In such cases Mormons unknowingly follow the examples of their religious progenitors and fashion folk liturgies of their own.

The persistent Latter-day Saint practice of deathbed rites and the ritualized care for the dead clearly delineate this evolutionary dynamic within Mormon liturgy. To comfort the dying as well as the bereaved, Mormon sacramentalism traversed the domains of salvation and healing to build their sacred community. After reviewing the context of the Mormon deathbed, this paper describes the creation of Latter-day Saint rituals for both the dying and the dead, as well as their history through the evolving Mormon liturgy to the present.

#### HEALING AND THE DEATHBED IN CHRISTIANITY AND EARLY MORMONISM

As Mormons ritualized death, they drew from their native culture while at once affronting it. Though they participated in the death culture of the period and invoked a type of divine providence, Mormons also adapted

these concepts in ways that dissented dramatically from their Protestant peers. In a significant departure from American culture, Mormons administered deathbed rituals, adapted from their healing rites, which were themselves adapted from salvific rituals. Mormon healing arose in a period of American history when neither healing nor deathbed rituals were countenanced by Christian churches.

The pressures at the deathbed fueled ritual innovation among the Latter-day Saints in ways that are similar to the creation of deathbed rituals in the Roman Catholic Church. The Carolingian Renaissance was a period of cultural growth during the eighth and ninth centuries CE.<sup>4</sup> Amid the burgeoning artistic, literary, and legal scholarship initiated by Charlemagne, scholars attempted to systematize Church liturgy, texts of which they imported from Rome. Through this process of liturgical reformation, an explicit ritual for the dying emerged. Administered with Viaticum—the final presentation of the Eucharist to the afflicted—priests anointed various parts of the body, including the five sense organs.<sup>5</sup> James exhorted Christians to seek anointing from the elders of the church and thereby receive healing and also a forgiveness of sins (James 5:14–15). Essentially a penitential ritual adapted from the latter of James’s promised blessings, the anointing of the dying, or extreme unction, replaced healing anointings in the Roman Church by the eleventh century.

The Reformers generally viewed extreme unction as a perversion of biblical Christianity.<sup>6</sup> The selective antisacramentalism common in early America ensured that any anointing, let alone a sacrament for the dying, was outside orthodox Protestant practice. Death was anticipated in life by the general Protestant beliefs in Providence. By the early nineteenth century, even Arminian Methodists resigned themselves to the belief that God dictates all things, including their own suffering, disease, and death.<sup>7</sup> Described by believers as “afflictive providence,” Protestants encouraged sufferers to face their maladies with stoic confidence that their affliction was God’s will and that through passive resignation to that will, divinity was manifest.<sup>8</sup>

While there was no church ritual for the dying American Protestant,<sup>9</sup> the orthodox American preparation for death was a ritualized deathbed performance. Called variously the “good death,” the “beautiful death,” or in some cases the “righteous death,” this death culture was pervasive in American society and among early Mormons, including Joseph Smith’s family.<sup>10</sup> To die a righteous death involved being surrounded by family and community and facing the doom of mortality with peace. The dying gave counsel, witnessed their assurance of salvation, and described views of their otherworldly destination. Declarative of Christ’s reception of the victim, this process allowed

the dying to comfort the bereaved and for many marked the threshold of the domestic heaven.<sup>11</sup>

While Mormons exemplified “righteous death” practices in their culture, they generally rejected the absolute providence doctrine of their Protestant peers. Joseph Smith defied American orthodoxy and led his followers to a space where death was subdued physically as well as spiritually. Smith wanted his people to have the power to heal; and yet, the scourge of his fallen world persisted. Miraculous accounts of the



Mourners at the deathbed of a Catholic deacon, 1727. *Mort du Diacre Paris*, eighteenth-century engraving, artist unknown. Unlike the Protestant Reformers who rejected various sacramental practices performed for the dying, Latter-day Saint rites for the dying are varied—more closely resembling early Christian and Catholic liturgy—including anointings of healing and anointings for death.

sick being healed abound in Mormon history, but so too do stories where life ended. Smith variously invoked three possible reasons for failed healings: lack of faith to be healed, lack of power to heal, and God’s will.<sup>12</sup>

In February 1831, a body of elders gathered to ask the Lord to reveal the Law of the Church. Joseph Smith dictated the response, outlining the law of consecration and also declaring with regard to the sick that “he that hath faith in me to be healed, and is not appointed unto death, shall be healed.”<sup>13</sup> This revelation assured the nascent church that the sick could be healed through faith; but it is also notable that in certain cases, God apparently willed that some die. And God’s will was not to be abrogated by the intentions of his people, faithful though they may be. This dual consideration created a working tension in which Latter-day Saints could wield the power of God and yet still be checked by his will. Such Mormon providence was, however, evident only at the deathbed when the negotiation was terminated, and was generally theodicean in nature.<sup>14</sup> Latter-day Saints consequently marshaled their faith in vigorous ritual administration and botanic remedies.<sup>15</sup>

Unlike the Protestant healers of the late nineteenth century who quickly developed theological bases for their healing,<sup>16</sup> Mormons did not explicate their healings in terms of soteriology, this despite the Book of Mormon’s availability for such arguments (Alma 7:10–12). Instead, early Mormons

viewed healing as a pragmatic application of God's power, demonstrating that the age of miracles had not ceased. The ritual forms later employed for healing, however, were explicitly salvific. Mirroring the evolution of first-millennium Christian unction, where the rites of penance and death merged with and ultimately overcame the rites for healing, early Mormons transformed their salvific rites into ceremonies to save their physical selves. Church leaders adapted the Kirtland Temple anointing, then later baptism, the Nauvoo Temple initiatory ceremonies, and the prayer circle in order to channel healing power. These potent liturgical forms were evocative of spiritual, corporeal, and communal salvation. The temple was thus a place of both spiritual and physical healing.<sup>17</sup>

In Nauvoo, Joseph Smith expanded the temple liturgy to include both men and women and formed a temple quorum as guardians and purveyors of expanded temple rituals, which were essentially death emphatic.<sup>18</sup> The temple created bonds in an eternal network of familial and holy confraternity against the foes of death and hell. It prepared individuals for their resurrection as heirs, joining the eternal and royal priesthood network.<sup>19</sup> These functions were the ultimate aspirations of all the faithful, who naturally invoked them at the deathbed.

The temple was also the source for the practice of using consecrated oil. Modern Latter-day Saint scripture does not discuss consecrated oil, though there are references to temple anointings (D&C 109:35; 124:39). The Hebrew Bible, however, outlines its use for the consecration of priests and kings. In their temples, Mormons used consecrated oil in recapitulation of the Israelite antecedent. Furthermore, they employed it in healing rituals expanded from these temple rituals. That the apex of Joseph Smith's salvific and healing liturgies involved the act of anointing highlights the degree to which his sacred community revolved around the ritual medium of oil.<sup>20</sup>

Dedication rituals are important contexts for the Latter-day Saint deathbed, but are also important precedents for the dedication of graves. Dedicatory rituals abounded in early Mormonism, with the dedication of temples being most prominent, but also included dedications of land, objects, institutions, and other buildings.<sup>21</sup> The Kirtland Temple was the first building to be dedicated and served as an archetype for all later temple dedications.<sup>22</sup> Protestant dedications of churches were common and are an important context; however, Latter-day Saint rituals were focused on and informed by the dedication of the Israelite temples and altars. In Utah, Latter-day Saints also began dedicating homes.<sup>23</sup> Such ritual performances confer a holy character upon the object of dedication. Dedicatory language employed at the deathbed and the grave also demarcated the holiness of the dying and their final resting places.

## A MORMON RITUAL FOR THE DYING

Early as well as modern Latter-day Saints have believed that they wielded both the authority and power to heal in the name of Jesus. Not all the sick have been healed through ritual performance, however, and Mormons consequently adapted their healing and blessing rituals for the deathbed and created their own extreme unction. Administrants have variously anointed, dedicated, sealed, consecrated, and released the dying in a liturgical space that negotiates the tension between conceptions of providence and belief in faith-based miracles. And while there is no evidence that Mormon deathbed rituals are homologous with Roman Catholic extreme unction, they are analogous manifestations of liturgical innovation in response to the pressures of mortality.

As Mormons engaged in ritual healing, participants variously anointed, sealed the anointing, and offered blessings as dictated by the Holy Ghost.<sup>24</sup> The words of such blessings existed aspirantly as manifestations of two charismatic gifts: either the spiritual gift to heal, that is, the ability to command the sick to be made whole,<sup>25</sup> or prophecy, the spiritual gift to foretell the future.<sup>26</sup> The idea that God wills the death of certain individuals coupled with the prophetic mode of ritual healing resulted in the possibility of prescience that the sick remain unhealed. Through knowledge of the imminence of death, either through prophecy or repeated failed healing attempts, Mormons found solace in laying hands on the dying in a ritual not designed to heal, but to be declarative of a righteous death. While these last rites do not share the penitential function of the Roman Catholic extreme unction,<sup>27</sup> they served to comfort both the dying and those who were survived by them. The ritual simultaneously reinforced an understanding that the recipient's death complied with Mormon conceptions of divine will, assured that heaven received the dead individual, and solidified the community of the Saints through eternity.

As with all nineteenth-century Latter-day Saint rituals, there is very little formal liturgical documentation for deathbed ritual. That members viewed it as a rite of the Church, however, is documented in the early twentieth century. When B. H. Roberts annotated the "Manuscript History of the Church" for publication as the *History of the Church*, he commented on the September 7, 1844, entry, which described Brigham Young and Heber C. Kimball administering unspecified rituals to an individual on his deathbed, writing, "These were doubtless the usual ordinances for the sick and dedicating him to the Lord."<sup>28</sup> Frank J. Cannon wrote of his experience with his brothers during the final hours of his father George Q. Cannon's life: "In accordance with the rites of the Church, we laid our hands on his

head, while my eldest brother said the prayer of filial blessing that ‘sealed the dying man to eternity.’<sup>29</sup>

I have located two explicit examples of deathbed ritual occurring before the Mormon arrival in the Great Basin;<sup>30</sup> both invoke anointing as preparation for burial, an act that the Bible describes Jesus receiving from an unnamed woman (Mark 14:8). While this could be an adaptation of temple-related anointing,<sup>31</sup> in both cases the ministrants had not yet experienced the temple corollary.<sup>32</sup> Any ritual homology between deathbed anointing for burial and the temple liturgy likely resulted from the former’s evolution from healing rituals, which were derived from Mormon temple rituals, coupled with parallel expansions of the biblical text.

Demonstrating the prophetic mode of healing as antecedent in these early deathbed scenes, Caroline Crosby wrote of her experience ministering to a sick woman who eventually died in the first months of 1846: “I went to visit her, washed and anointed her from head to foot, with sister P’s help.” Crosby employed a healing ritual derived from the Nauvoo Temple initiatory ceremonies, in which she had recently participated herself, and spontaneously adapted it as a preparation for death. Crosby continued: “She seemed very anxious to live to receive her endowments in the temple and we also felt very sorry that she could not. I anointing her, inadvertently told her, that it was for her burial. Notwithstanding my anxiety to have her live. But the words some way pressed themselves out of my mouth.”<sup>33</sup> The dying woman had desired to go to the temple and participate in the forging of her sacred community; instead, Crosby gave her assurance of similar blessings outside of the temple.

Later that same year, Samuel W. Richards lingered in New York City before sailing to Britain as a missionary. A “Sister Lincoln who was very sick with a cancer” requested that he and several other elders visit. Finding her in good faith, but not expected to live, the men sang and prayed with her. They “administered the sacrament of bread and wine to her. Then she was anointed with oil unto the day of her burial which was sealed by the laying on of hands and prayer.”<sup>34</sup> In contrast to Crosby’s ritual, Richards’s administration was not the result of impromptu ritual expansion. It was instead a calculated ritual to prepare the participant for death, similar in delivery to the last rites of Viaticum and extreme unction.

In Utah, deathbed rituals became increasingly documented. For example, after an 1865 meeting of the First Presidency and Twelve Apostles, Wilford Woodruff wrote that several Church leaders “called upon Sister Gray who had a canser in the breast which was Eating her Vitals & rotting her flesh. Presidet Young Cannon, & myself laid hands upon her. She wished us to pray that she might spedily die as she Could not live. Presidet Young dedicated her to God for her death & burial. In about 12 hours she died.”<sup>35</sup>

These men were exceedingly familiar with the temple liturgy, and there is no indication that they viewed this deathbed scene in terms of the temple. Departing from the righteous death culture, the account militates against absolute conceptions of providence. Sister Gray welcomed death and found it. The account also introduces a dedicatory character to the ritual, something that quickly replaced the idea of anointing for burial.

As such accounts demonstrate, the evolution of deathbed rituals elucidates the tension between Mormonism and American culture. Seeking death through liturgical means shifted some control of death from God to the community. Death, in spite of healing rituals, demonstrated the limits of power bestowed by God upon the faithful; however, the ritual hastening of death showed how even these boundaries were not entirely fixed (though death was still reliant on God to effectuate the result; euthanasia would have been tantamount to murder). The practice of the dying asking to be relieved of suffering through deathbed ritual appears to have been common.<sup>36</sup> In contrast with Protestant submission to God at the deathbed, such accounts show the Mormon deathbed to be a place of negotiation between participants and God.<sup>37</sup> Susan Julia, second wife of James Henry Martineau, after a protracted and painful sickness, confessed that “she was satisfied with life, and desired to go.” Over a period of days, she gave counsel to friends and family and finally she “wished me [James Martineau] to bring the elders, and give her up, provided she could not be healed. J. E. Hyde came in, and he and I dedicated her to the Lord and gave her up—to His will. It was a hard thing for a husband to do—oh, so hard. When we had finished, she said—‘oh I am so glad; so glad.’”<sup>38</sup>

Similarly emphasizing the welcoming of death as a result of salvific assurance, Jacob Hamblin recorded in his diary of the death of his father, Isaiah. Hamblin wrote of entering his father’s home and holding his father’s hand as his father declared that though he “once dreded the grave I now hail it as a pleasyr.” Jacob responded with the hope that he might be healed; but his father replied, “What is the youse of my suffering in this old Tabernicle any longer. I comprehend Mormonism.” Isaiah then conferred the patriarchal duties of the family on his son, who in turn laid “hands on him and Praid for him asked the Lord that he mite be freed from pane and depart in pease[.]”<sup>39</sup> Isaiah died the next day. As with Susan Martineau, a righteous Mormon death brought pleasure and gladness as they both ministered to their families in their final hours. In this case, the deathbed ritual also facilitated the continuance of family organization.

As Jacob Hamblin prayed when blessing his father, sometimes these deathbed rites were intended to quench suffering while waiting for death. Patience Loader Rozsa Archer described the final moments of her father’s life on the Western Trail as part of the doomed Martin Handcart Company:

[T]he brethren came to administer to father in the afternoon they anointed him oil his [his] lips was so dry and parched they put oil on his lips and then he opened his Mouth and licked the oil from his lips and smiled but did not Speak the brethren knew he was dieing they said we will seal father Loader up to the Lord for him alone is worthy of him he has done his work been a faithful Servant in the church and we the servants of God Seal him unto God our Father : and to our surprise my dear father Amen said so plain that we could understand him and there lay with such a sweet smile on his face that was the last word he said.<sup>40</sup>

While some of these accounts mentioned anointing for burial or sealing, generally, and more frequently with time, Latter-day Saints “dedicated” the dying to the Lord. In dedicating their dying, Mormons formalized the sacred nature of their dead in anticipation of a postmortal reunion. While the entire temple liturgy is focused on the same goal, the moment of death appears to be sufficiently poignant as to elicit general desires for ritual performance in affirmation of the same. In one example, Charles Ora Card wrote of administering daily to a young child in his stake. On the eighth day, February 22, 1898, he

returned to the Sick bed . . . administering frequently, a good spirit accompanied always accompanying our administration, but his sufferings were so great we were impressed to leave him in the Hands of the Lord and by His Father’s request at 6 A.M. being mouth myself we dedicated him to the Lord. I loved the little Bright Cherub so much It was a painful task for me to do, being an exceedingly bright child but I feel he died unto the Lord which occurred at 8:45 A.M.<sup>41</sup>

Commenting in his diary after the death of a friend, and later, the death of his wife, both of whom he had dedicated to the Lord, Wilford Woodruff wrote similarly and simply, “Blessed are the Dead who die in the Lord.”<sup>42</sup> In what has become a common reference in Christian death culture, Joseph Smith dictated a revelation that alluded to and expanded the same scripture in the book of Revelation: “Yea, and blessed are the dead that die in the Lord, from henceforth, when the Lord shall come, and old things shall pass away, and all things become new, they shall rise from the dead and shall not die after, and shall receive an inheritance before the Lord, in the holy city.”<sup>43</sup> Latter-day Saints frequently invoked these words in eulogies and funeral sermons, reinforcing the persistence of the community of Saints through death. Though they died, they would yet be made alive and join their kin in the holy city of God. Dedication rituals transformed this aspiration into assurance.

Deathbed rituals remained common into the twentieth century and prominent leaders continued to perform them. In the final and painful days of First Presidency member John R. Winder, his wife asked two of his colleagues in the governing quorums to “have him consecrated to death.”<sup>44</sup>

President Joseph F. Smith requested that Anthon Lund and Heber J. Grant bless him to “be released” at his deathbed,<sup>45</sup> and Apostle Melvin J. Ballard dedicated brigadier general Richard W. Young to the Lord at the request of his wife on December 26, 1919.<sup>46</sup> In a Sunday lesson on spiritual experiences, the 1917 *Young Woman’s Journal* also included a story of Heber J. Grant dedicating his dying wife to the Lord.<sup>47</sup>

## MORMON RITUALS FOR THE DEAD

Historian James Farrell has described the transformation of American deathbed and funerary practice from 1830 to 1920.<sup>48</sup> This period encompassed a shift away from the righteous death culture to the modern professionalized system common in the United States today. Whereas families once washed the corpses of their loved ones, wrapped them in white shrouds, and guarded the bodies until burial in local graveyards, often proximate to their churches, funeral directors eventually took control of the dead, embalmed them, and managed their internment, first in park cemeteries and then later in the now common lawn-style cemeteries. This trajectory in death culture was mirrored among the Latter-day Saints. The burial locations of prominent Mormon leaders exemplify this shift: the tomb of Joseph next to the Nauvoo Temple; the picturesque Brigham Young Family Memorial Cemetery; and eventually the sprawling Salt Lake City Cemetery, nestled in the foothills of the Wasatch Mountains. However, there were some notable deviations from standard American culture and a comparative latency in the process of modernization. Throughout this period, Mormons engaged in unique ritualized care for the dead. Specifically, Mormons dressed their dead in ceremonial clothing and increasingly turned to dedicating their graves.

### Preparation of the Body

In February of 1865, Thomas Fuller, an indigent single man living in Hebron, Utah, died from apparent exposure while tending the sheep of another local. John Pulsipher and Thomas Terry found his body. Historian W. Paul Reeve described the subsequent events:

The men had no provisions for his burial, so they secured his body for the night and returned four miles to their homes. The next day, Terry and Pulsipher made a coffin, found a suit of clothing, and traveled through a foot of snow to bury Fuller. By the time they arrived, [Edward] Westover was on the scene. He began digging a grave while Terry and Pulsipher washed and dressed the body. . . . “So much scurf & dirt had accumulated on him that it was an awful job,” requiring six kettles of hot water. His hair, too, provided a challenge, as it “had not been cut or combed for so long . . . that it was matted into wads & covered with nits.”<sup>49</sup>

They could have simply dug a grave and buried the man. Instead, they cleaned his body of a copious amount of lice, washed him, and dressed him in clean clothing before interring him in their hewn coffin. This care was their self-perceived duty, grisly though it may have been. Fuller entered the earth in better outward condition than he had lived for years.

Early Mormons prepared their dead for burial in the same manner as their Protestant peers. Beyond these peers, however, Mormons viewed their communities as salvific entities, and the care of their dead was a reflection of their mutual covenants. Covenants also mandated another preparation for burial, unique to the Latter-day Saints. The endowment ceremony of the Mormon temple involved participants wearing sacred clothing. As Samuel Brown has shown,<sup>50</sup> there was a deep relationship between the temple liturgy and death, and immediately after the temple became available to the Latter-day Saints, they began burying their dead in this clothing. For example, this practice was repeatedly documented in Winter Quarters.<sup>51</sup>

The importance of this burial clothing to Mormon families is vividly illustrated by Brigham Young's sermons after the scandalous news broke in 1862 that John Baptiste, a grave digger for the Salt Lake City sexton, had robbed perhaps hundreds of bodies before their burial and stripped them of their sacred vestments.<sup>52</sup> Young discussed the principle of clothing the dead as the primary "burial rites" of the Latter-day Saints. He responded to the understandable outrage of his community by assuring that "if the dead are laid away as well as they can be, I will promise you that they will be well clothed in the resurrection." He described how bodies that were burned or buried in the sea would yet be resurrected. However, he also noted the care he would take with the dead when he counseled that people should do as they "please with regard to taking up your [buried] friends. If I should undertake to do anything of the kind, I should clothe them completely and then lay them away again. And if you are afraid of their being robbed again, put them into your gardens, where you can watch them by day and night until you are pretty sure that the clothing is rotted, and then lay them away in the burying ground," though he "would let my friends lay and sleep in peace."<sup>53</sup> Although this counsel may sound morbid to modern sensibilities, Young recognized the corporeal and salvific connections that the temple clothing evinced to his people.

In the broader American culture, caring for the dead was a duty frequently performed by women, and Susana Morrill has described this care among the Latter-day Saints.<sup>54</sup> Emmeline B. Wells remembered that when the first member of the Female Relief Society of Nauvoo passed away, it was the other Relief Society women who prepared her for burial.<sup>55</sup> When Jeanetta Richards passed away in July 1845, fellow female members of the temple quorum prepared her body, dressed her, and placed her in a coffin.<sup>56</sup>

This duty persisted through the time when Relief Societies were not a part of Latter-day Saint organization. For example, when James Henry Martineau's wife was dying in 1874, he wrote to Eliza R. Snow, largely viewed as the unofficial women's leader at the time, for instructions to make proper burial clothing.<sup>57</sup> Highlighting the continued familial roles and the relatively delayed transition to professional care, Mary Lois Walker Morris wrote in 1885, "Went up to Aunt Lavinia Morris's to help about preparing Little Vinnie Vaughan for burial assisted Sister Griev to dress and put her in the coffin, she died last night yesterday about 4. p.m."<sup>58</sup>

When Relief Societies returned and then were organized with a general presidency in 1888, caring for the dead was a frequent emphasis. As described in a volume prepared in 1893 for the World's Fair, "Among the [Relief Society] sisters the sick are nursed, the dead clothed and prepared for burial."<sup>59</sup> At the end of the nineteenth and early in the twentieth century, women were frequently called and set apart to prepare the dead for burial.<sup>60</sup> However, while Relief Society archetypes like Eliza R. Snow and Zina D. H. Young were held up as examples for this labor,<sup>61</sup> it is important to note that men too were regularly asked to wash and dress the dead.

Whereas women often prepared the bodies of women and children, men frequently prepared the bodies of other men. For example, in 1880 Charles Lowell Walker wrote that on September 21 "I was awakened by Br Larson Who told me Jno O Angus was dead, and his friends wished me to prepare him for burial assisted by David Moss."<sup>62</sup> Allan Russell, a prominent patriarch, wrote frequently of participating in these activities; for example, on June 7, 1901, "Brother Ralph Nephi Rowley died about 7 o'clock and Brother Ashman and I washed and laid him out. Will Williams helping us. Brother Ashman and I put his temple clothes on ready for burial and then attended services."<sup>63</sup>

While there was some counsel regarding the dressing of the dead in the nineteenth century,<sup>64</sup> generally, the practice was learned, as other aspects of Latter-day Saint liturgy, through folk channels of instruction. The Relief Society did have an expanding institutional mandate, however. In the nineteenth and early twentieth centuries, Relief Society women were often called to sew both regular and ceremonial clothing for burial. Moreover, perhaps in response to exposés of the temple, the First Presidency asked the General Relief Society in 1912 to create the "Temple and Burial Clothing Department" to be the principal ceremonial clothing outlet for Latter-day Saints.<sup>65</sup> The general *Relief Society Bulletin* declared in 1914 that the "customs of clothing our dead," among other things, fell under the "rightful jurisdiction of this society," and the April General Relief Society Conference of that same year included short courses, one of which was "Burial of

the Dead.”<sup>66</sup> The 1915 “Circular of Instructions” for the Society also made provisions for stake and ward “Temple Clothing Committees,”<sup>67</sup> which were organized over the next several years in the various localities.<sup>68</sup> One member of the Deseret “Stake Burial Clothes Department” sewed as her primary activity.<sup>69</sup> Other stake Relief Societies created “burial committees” and worked within Relief Society to prepare the dead for their final resting places.<sup>70</sup> The General Relief Society also furnished “complete Burial Suits,” though undertakers and businesses also continued to offer the clothing with the Relief Society’s support.<sup>71</sup> Great care was often taken to procure the finest possible materials for clothing the dead.<sup>72</sup>

The shift in responsibility to the Relief Societies also coincided with the rise in scientific management and record keeping of Relief Society activities. In 1914 alone, Utah recorded certificates for 4,633 deaths;<sup>73</sup> that same year Relief Society members across the world prepared only “1,490 bodies . . . for burial.”<sup>74</sup> By this time, beyond families and fellow religionists, professionals took charge of an increasing percentage of the dead. Undertakers like celebrated “pioneer undertaker” Joseph E. Taylor had advertised regularly in the local papers for decades. Additionally, hospitals became increasingly common,<sup>75</sup> and, as one Salt Lake City news story wrote in 1911, “There is a very noticeable growing tendency on the part of people of means to be removed to hospitals in the case of serious illness.”<sup>76</sup> By this time, death was generally no longer a private or family affair, becoming increasingly professionalized. As historian Charles Rosenberg described this period, families came “increasingly to depend on strangers for care at times of sickness and approaching death.”<sup>77</sup> And while the organization of local burial committees did increase the number of bodies prepared for burial by the Relief Society for a few years, like other Americans, Mormons increasingly turned to strangers to care for their dead (see chart 1).

### **Mormon Burial and the Dedication of Graves**

Unlike those of the Methodists and Congregationalists, the early Latter-day Saint funerals were informal and generally included extemporaneous sermonizing. In Nauvoo, Joseph Smith delivered some of his most important and doctrinally innovative sermons at funerals or in honor of the recently deceased.<sup>78</sup> Some of these funerals were also officiated according to Masonic prescription, which included prayer.<sup>79</sup> Burials on the trail west, in Winter Quarters, and in early Utah were often hasty affairs due to the exigencies of pioneer life.<sup>80</sup> With time, however, life normalized and with it, Latter-day Saint funeral and burial practice.

Brigham Young preferred simple services, perhaps reflecting the conditions in his community. On March 6, 1877, Wilford Woodruff wrote:

**CHART 1:**  
**Bodies Prepared by the Relief Society per 100 Members, by Year**



*Source:* Data calculated from the Relief Society membership and burial preparation statistics in *Relief Society Magazine* 2 (May 1915): 264; 2 (December 1915): 528; 3 (April 1916): 271; 4 (April 1917), 276; 5 (June 1918), 310; 6 (May 1919), 353; 7 (April 1920), 289; 8 (May 1921), 363; 9 (April 1922), 287; 10 (May 1923), 264; 11 (May 1924), 266; 12 (July 1925), 376; 13 (May 1926), 271; 14 (May 1927), 257; 15 (May 1928), 287; 16 (May 1929), 285; 17 (June 1930), 341; 18 (April 1931), 290; 19 (May 1932), 275; 20 (May 1933), 304; 21 (April 1934), 316; 22 (April 1935), 302. Note that 1918 also had an abnormally high death rate resulting from the worldwide influenza epidemic.

I met at Presidet Youngs to attend to the burial of Br Tout. He was laid out in fine Clean linen robes and Apron and laid in a good but plain Coffin. Presidt Young remarked to us we are burying this man as we requested to be buried in our wills,<sup>81</sup> and when I die I want to be quietly laid away without any demonstration and then I want Evry body to go about their business. I made a Prayer at the house, but no funeral. Three Carriages of us went to the grave. Presidt Young went, made a few remarks at the Grave and we returned.<sup>82</sup>

In spite of this expressed desire for simplicity, however, large funerals with processions to the grave and thousands of observers were also common, especially for well-known Church leaders.

Not long before the Tout burial, Church members began the practice of offering formal dedicatory prayers at the graves of their dead. Though graveside prayers were likely common for decades, the first formal grave dedication that I have been able to document was that of George A. Smith in 1875. The *Deseret News* reported on the funeral and subsequent graveside service: “After the large crowd of people had dispersed save a few, Elder John L. Smith, brother of the departed, and others remaining, knelt around the grave while he offered up a heart-felt, soul moving, prayer, dedicating the ground and the remains, that they might rest undisturbed till the morning of the resurrection.”<sup>83</sup> This account does not seem improvised and relates details—particularly reference to the resurrection—that are hallmarks of later grave dedications. One can safely conclude that the dedication of George A. Smith’s grave was not the first in the history of Mormonism. However, Wilford Woodruff, who frequently mentioned details of burial services in his diaries, did not start mentioning graveside prayers and dedications until 1877.<sup>84</sup> It is therefore likely that the grave dedication ritual arose in the 1870s.

It is no surprise that grave dedications would explicitly mention the resurrection. Resurrection is the antidote to death and has been a common subject for Christian funeral sermonizing throughout history. After the Nauvoo Temple, however, Mormons viewed the resurrection as a communal event. Explicitly referencing this hopeful cosmology, Hosea Stout wrote emotively of burying his namesake son on the western trail next to the child of a fellow traveler and then “leaving the two lovely innocents to slumber in peace in this solitary wild untill we should awake them in the morn of the resurrection.”<sup>85</sup> Whereas dedicating the dying was an assurance that the dead died well, dedicating their grave assured that their bodies rested well until the community could be again reunited.<sup>86</sup>

The practice of dedicating graves likely grew out of a desire to preserve and sacralize the final resting places of loved ones and was a natural extension of other dedicatory rituals. After the 1870s, documentation for grave dedications is common, but, like other aspects of Mormon liturgy, no formal texts existed for its transmission. Mormons learned to dedicate graves by example. The 1905 periodical of the Church, however, included an account of the death and burial of James L. Peck and included this dedicatory prayer: “We dedicate, O God, this grave, as the resting place of our friend and fellow workman. May his body rest in peace; may this place be sacred to his name and memory; may he arise with the just on the resurrection day, in Jesus’ name. Amen.”<sup>87</sup> While prominent Church members—typically priesthood leaders—were frequently asked to dedicate graves, there is no evidence that grave dedication was viewed as a priesthood ritual and any member of the Church was consequently authorized to perform it.



Dedication of graves among Latter-day Saints was at first an uncodified practice, usually involving a graveside prayer. Under the administrations of Joseph F. Smith, Heber J. Grant, and George Albert Smith, many practices, including dedicating graves, were formalized as priesthood ordinances. *Ethel's Grave*, E. Lowry Reid, photographed by George Edward Anderson (ca. 1899). Courtesy Brigham Young University, Harold B. Lee Library, Digital Collections.

In September 1909, Joseph W. Booth was a missionary in the city of Aleppo, in what is now Syria. He had only a few weeks left before he was to return home, and he spent the time ministering to the local Saints. One man in particular was suffering. Booth wrote in his diary of his final Sunday in the city:

About an hour ^or so^ before noon several of us visited Bro Kevork Patukian and found him slowly sinking. We dedicated him to the Lord and at about 8.30 Ala Turka, he died, while a few friends were at the bed side. Preparations were made ^Reba & Loza made the clothes for him^ and the funeral services held in the evening between 11 & 12 Ala Turka. I spoke a short time, and Elder Newman dedicated the grave, and the last rites were done for Elder Kevork who has now gone to meet his reward.<sup>88</sup>

Though Patukian had not participated in the temple and consequently did not require priestly burial clothing, his last day shows how Mormonism's

last rites combined to comfort all witnesses of mortality's demise. Dedicating the dying, clothing them, and then dedicating their final resting place solidified the community of Saints, even in the far-flung Ottoman Empire.

### FORMALIZATION OF MORMON LITURGY

The modernization of Church bureaucracy initiated in Joseph F. Smith's administration<sup>89</sup> culminated in a complete reformation and modernization of all Church liturgy under his successor, Heber J. Grant. After his counselor Anthon Lund passed away, Grant directed a complete retooling of Mormon liturgy that successfully formalized it.<sup>90</sup> Working with George F. Richards over a period of several years, Grant approved the reformation of the temple liturgy (including the creation of the first written text of all the rituals), the removal of healers from the temple, and the end of baptism for health.<sup>91</sup> Reflecting the increased level of formalization, the General Relief Society sent circulars of instruction to all stake officers, including instructions on preparing the dead for burial.<sup>92</sup> The modern and codified liturgy that resulted from this process created an impressive level of uniformity across the growing Church and successfully trained many subsequent generations in ritual practice.

As part of their reforms, the First Presidency issued instructions against deathbed rituals. In the 1922 *Improvement Era*, Heber J. Grant, Charles W. Penrose, and Anthony W. Ivins of the First Presidency wrote:

The custom which is growing in the Church to dedicate those who appear to be beyond recovery, to the Lord, has no place among the ordinances of the Church. The Lord has instructed us, where people are sick, to call in the elders, two or more, who should pray for and lay their hands upon them in the name of the Lord; and "if they die," says the Lord, "they shall die unto me; and if they live, they shall live unto me." No possible advantage can result from dedicating faithful members of the Church to the Lord prior to their death. Their membership in the Church, their devotion to the faith which they have espoused, are sufficient guarantee, so far as their future welfare is concerned.

The administration of the ordinances of the Gospel to the sick, is for the purpose of healing them, that they may continue lives of usefulness until the Lord shall call them hence. This is as far as we should go. If we adhere strictly to that which the Lord has revealed in regard to this matter, no mistake will be made.<sup>93</sup>

As they had done just months earlier with the formal end of baptism for healing, the First Presidency appears to have broken with the common experience of many Latter-day Saints, including many in the governing quorums and Grant himself.<sup>94</sup> The letter's surprising characterization of dedicating the dying as innovative parallels the language of the letter which

formally ended baptism for health.<sup>95</sup> Unlike baptism for health, however, there are no publicly documented debates among Church leaders as to why the ritual was purged from Mormon liturgy. This relative disparity in documentation is likely due to dedication of the dying being much less common than baptism for health. Moreover, baptism for health was part of the regular temple function since Nauvoo, with records being kept on its frequency.<sup>96</sup>

Though no First Presidency letters are extant or available to historians to document it, other rituals with similar developmental origins, such as dedicating homes and graves, were formalized during this same period of liturgical reform.<sup>97</sup> Without documentation, it is impossible to determine exactly why Church leaders included certain rituals while excluding others in the formal liturgy. However, more and more of the dying were being cared for by professionals. The timing of death and the physical quality of life's last moments were increasingly mediated by scientific means. Like the healing forms that fell out of favor during this time due to being viewed as increasingly magical—drinking consecrated oil, anointing the area of affliction—perhaps the liturgical negotiation with Providence at the deathbed may have become outmoded by modern culture. Moreover, with the bodies of the dead being cared for by professionals, Church leaders likely felt that grave dedication helped families and communities to maintain connection with each other beyond death. The letter does hint that the awkward possibility of administering deathbed rituals to those who did not actually die may have also contributed to the shift. And it explicitly invokes the increasingly prominent perspective that a righteous personal life is the sole assurance that Latter-day Saints were to seek for their eternal reward.

Even though Church members were still instructed to not write down example blessing texts after this period of formalization, Church leaders felt that young missionaries needed written examples. Whereas missionaries in the nineteenth century were older men with families, by the 1920s young men who had not had the life experience requisite for traditional folk training were routinely called to serve. The missionary handbooks, first created regionally and then centralized in the 1930s, included liturgical instruction and example ritual texts. Though the regional handbooks did not include texts for grave dedication, the first general missionary handbook, printed in 1937, did. It included the following introduction: “Though one holding the Priesthood is generally chosen, any suitable person may dedicate a grave. This may be done either with or without the authority of the Priesthood.”<sup>98</sup>

The 1940 General Church Handbook of Instructions similarly stated that anyone could offer the dedication, “whether he be a bearer of the priesthood or not.” It stated that priesthood members are often asked, but in contrast to the missionary instructions, hinting at the still incomplete process of

liturgical formalization, “it is not advised, however, that one so ministering should use words to the effect that he is officiating by virtue of any power or authority pertaining to the Holy Priesthood, nor that by any such authority or power he dedicates the grave. He is acting as the leader in prayer in behalf of relatives and friends there assembled.”<sup>99</sup> The missionary handbook was reprinted in 1940 and 1944 without change. In 1946, however, a revised edition was released with different instructions: “A grave should be dedicated by one holding the Priesthood. . . . If no one holding the Priesthood is available for the dedication of a grave at the time of burial, any person may offer a graveside prayer, and if the kindred so desire the grave may be thereafter dedicated by one holding the Priesthood.”<sup>100</sup> In the Church question-and-answer section of the 1948 *Deseret News*, there was a question that asked whether someone ordained to the priesthood should dedicate graves. The editor responded: “In the new handbook issued by the General Melchizedek Priesthood Committee of the Church, with the approval of the First Presidency, instruction is given that graves are to be dedicated by the authority of the Holy Melchizedek Priesthood and in the name of the Savior. Inasmuch as this is the instruction, naturally one holding the authority of the Melchizedek Priesthood should perform the ordinance. Dedication of graves is considered one of the ordinances of the Church.”<sup>101</sup> Under the administration of Joseph F. Smith, priesthood firmly replaced polygamy as an organizing force within the Latter-day Saint community, and with time liturgy increasingly reflected that nexus.<sup>102</sup>

Both dedicating the dying and dedicating graves began as folk rituals after the death of Joseph Smith. When Church members faced the finality of mortality, they relied on their experience and adapted familiar rituals—healing, prayer, and dedications—to find solace and assurance of their integration within their sacred communities. Church leaders exemplified ritual practice. However, in the 1920s when the administration of Heber J. Grant reformed Church liturgy, dedicating the dying was removed from the liturgy, whereas dedicating graves became a formal part of it. In subsequent years, as priesthood became increasingly associated with Church bureaucracy and liturgy,<sup>103</sup> Church leaders determined that grave dedication was to be a “priesthood ordinance” and have affirmed that categorization since that time.<sup>104</sup>

Despite the formal injunction against the practice in 1922, the reasons that deathbed rituals originally developed remained with the Latter-day Saints, and manifestations of comparable rituals persist to the present. In spite of the scientific management of suffering and death, Mormons still seek assurance of their own and their loved one’s reception into the eternal community of the Saints and affirmation of a righteous death. And they still question “why,” engaging in a negotiation with divine providence. Levi

Peterson described the 1985 death of his mother and his brother-in-law's dedication of her to the Lord:

My brother-in-law Marion knelt beside her and dedicated her to God. Shortly the paramedics arrived and performed their grisly rite of resuscitation. Luckily my mother was beyond them. Perhaps my brother-in-law's prayer had put her there. The dedication of the dying to God is a folk ritual among the Mormons. It is often practiced but not officially defined. Probably the prayer of dedication is more important to the healthy than to the dying. A fervent ritual can domesticate even death, the ultimate terror. I for one took comfort in the fact my brother-in-law had sent forth this emigrant from mortality, our mother, with a heartfelt wish to do her good.<sup>105</sup>

Peterson is a perceptive observer and recognizes the tension that folk liturgy relieves when no formal alternative is available. Church authorities even appear susceptible to the pressures Peterson describes in mortality's final moments; Elder Boyd K. Packer blessed Bruce R. McConkie while on his deathbed in a manner such that he was "sealed . . . unto death."<sup>106</sup>

Discussion of deathbed ritual also occasionally manifests in institutional discourse, indicating the prevalence of the folk practice as well as a lack of systematic efforts to eliminate it.<sup>107</sup> In 2008, emeritus General Authority Alexander B. Morrison wrote an article for the *Ensign* about healing. In a section on the priesthood role in healing, Morrison taught that the will of God cannot be overcome in healing those destined to die. One of the anecdotes that Morrison shared involved administering to a woman who was very sick. "The husband anointed his wife's head with consecrated oil in the prescribed manner, and I proceeded to seal the anointing (see James 5:14). To my amazement, I found myself saying words I had not intended: the woman was 'appointed unto death' (D&C 42:48). She would not recover from her illness but would slip away from us peacefully, cradled in the Savior's loving arms. The woman died the next day, and I presided at her funeral, a sadder but wiser man."<sup>108</sup> Morrison's experience is almost identical to the first example of deathbed ritual described in this paper, where Caroline Crosby, while administering to a sick woman in Nauvoo, was moved to prepare the subject for death. The belief in spiritual gifts and power to bless coupled with a negotiation with divine providence that fueled early ritual innovation remain consistent in the lives of modern Mormons. And though no handbook of instruction teaches current Latter-day Saints how to administer deathbed rituals, when faced with the ultimate predicament of mortality, Mormons do have examples to follow.

An informal discussion of deathbed ritual among current Latter-day Saints yielded many comments evidencing the persistence of the practice.<sup>109</sup> One commenter noted, "Where I grew up and currently live (Northern

California) blessings releasing the spirit are still quite common. We did one for my mother, my grand-parent in-laws and various others in the ward.” Narratives of receiving inspiration that the recipient of a blessing was to die were frequent, and ritual form is apparently diffuse with commenters indicating that administrators variously “release the spirit” of the suffering person, speak words of consolation, or simply avoid mentioning healing. The language of release is very rare in earlier accounts and potentially highlights a valence of the practice that reflects modern experience as Church members are released from callings.<sup>110</sup> It may also signify the release from the bondage of attenuated existence, all the more common with modern medical life-support measures.

As with releases from callings, anointing is not an integral feature of many deathbed releases. Like their nineteenth-century coreligionists, however, dying Mormons still find comfort in the community of Saints here and beyond, and loved ones still hope that those passing may enter the rest of the Lord. One commenter described this perspective when her grandmother was dying: “My grandfather called everyone to her bedside when the nurses told him that she would not last the night. All her children and most of her grandchildren were there. My grandfather gave her a blessing with his sons, telling her that it was okay for her to go and join her parents and that she needed to go so that she could welcome the rest of us to heaven when we came.” Modern deathbed ritual among current Latter-day Saints is an excellent example of continuing folk ritual.

## CONCLUSION

Both dedicating the dying and dedicating graves began as folk rituals with no explicit revelatory beginning. In contrast, baptism for health was championed by Joseph Smith and viewed as an integral feature of the temple. As Mormon liturgy existed through folk transmission, however, until 1921 liturgical histories were not documented or well known. Dedicating the dying and baptism for health were deleted from Church liturgy through President Heber J. Grant’s reforms. In the case of healing, however, there was a formalized alternative to baptism for health: anointing with oil and the laying on of hands. There was no formal alternative for dedicating the dead. This lack of formal outlet for the pressures of the deathbed appears to have facilitated the continued folk practice of Mormon deathbed rites.

Mormon liturgy is dynamic throughout its history. After a period of ritual innovation and folk transmission, the administration of Grant evaluated this liturgy and reformed it. In doing so, they started a process of ritual formalization and codification that grew to the familiar procedures of modern Latter-day Saint practice. Despite the passage of time and the rise of

modernity, Mormons still confront death sharing many perspectives of the founders of their faith. Not all are healed by faith, and the interaction of the living and dying with divine providence as well as the broader culture results in ritual practice that constructs their holy community, helping all find comfort. Mormon deathbed ritual, whether practiced by anointing, dedication, or by release, and the ritualized care for the dead—clothing the body and dedicating the grave—demonstrates the evolution of Mormon liturgy and its formal institution as well as the persistence of folk pressures under the surface of such formalization. These rituals also acutely elucidate the poignancy of death, regardless of time period, and the unique approaches that Latter-day Saints have employed to seek consolation as their loved ones pass beyond.

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1. Robert Glass Cleland and Juanita Brooks, eds., *A Mormon Chronicle: The Diaries of John D. Lee, 1848–1876*, 2 vols. (San Marino, Calif.: Huntington Library, 2003), 2:15–17.

2. Previous discussions of this topic include Lester E. Bush Jr., *Health and Medicine among the Latter-day Saints: Science, Sense, and Scripture* (New York: Crossroad, 1993), 37; Julie Paige Hemming Savage, “‘Yet I Must Submit’: Mormon Women’s Perspectives on Death and Dying, 1847–1900” (master’s thesis, Brigham Young University, 1994), 59–61; Dennis Horne, *Faith to Heal and Faith to Be Healed* (Springville, Utah: Cedar Fort, 2009), 63–65.

3. Susanna Morrill, “Relief Society Birth and Death Rituals: Women at the Gates of Mortality,” *Journal of Mormon History* 36 (Spring 2010): 128–59, is a discussion of the ritualized care of the corpse preparatory to burial.

4. A general treatment of this period is available in Marcia L. Colish, *Medieval Foundations of the Western Intellectual Tradition, 400–1400* (New Haven: Yale University Press, 1999), 66–78.

5. The most sophisticated and accessible study of extreme unction is Frederick S. Paxton, *Christianizing Death: The Creation of a Ritual Process in Early Medieval Europe* (Ithaca, N.Y.: Cornell University Press, 1990). See also Achille M. Triacca, ed., Matthew J. O’Connel, trans., *Temple of the Holy Spirit: Sickness and Death of the Christian in the Liturgy* (New York: Pueblo Publishing, 1983); Antoine Chavasse, *Étude sur l’onction des infirmes dans l’Église latine du IIIe au XIe siècle*, vol. 1, Du IIIe siècle à la réforme carolingienne (Lyons, France: Librairie du Sacré-Cœur, 1942). Volume 2 of Chavasse’s study was never published; however, his findings are summarized in his “Prières pour les malades et onction sacramentelle,” in *L’Église en prière: Introduction à la liturgie*, ed. A. G. Martimort (Paris: Desclée, 1961), 580–94, and in Placid Murray, “The Liturgical History of Extreme Unction,” in *Studies in*

*Pastoral Liturgy*, ed. Vincent Ryan, 3 vols. (Dublin: Gill and Son for The Furrow Trust, 1963), 2:18–38. Note that there are several early extant references to anointing the bodies of the dead; however, this practice does not appear to have been part of the liturgical evolution of extreme unction. John Halliburton, “Anointing in the Early Church,” in *The Oil of Gladness: Anointing in the Christian Tradition*, ed. Martin Dudley and Geoffrey Rowell (Collegeville, Minn.: Liturgical Press, 1990), 89.

6. Geoffrey Rowell, “The Sacramental Use of Oil in Anglicanism and the Churches of the Reformation,” in Dudley and Rowell, *Oil of Gladness*, esp. 137–40.

7. E. Brooks Holifield, *Health and Medicine in the Methodist Tradition* (New York: Crossroad, 1986), 72.

8. Heather D. Curtis, *Faith in the Great Physician: Suffering and Divine Healing in American Culture, 1860–1900* (Baltimore: Johns Hopkins University Press, 2007), 27–34, 40. Curtis discusses Protestant belief later in the nineteenth century; however, her descriptions are equally applicable to the late eighteenth and early nineteenth centuries. References to “afflictive providence” during the first years of Joseph Smith’s religious career are common. For example, “An Address Occasioned by the Death of Mr. Danforth Billings,” *Christian Journal and Literary Register* 8 (May 1824): 141; C. M. Watts, “Submission to Afflictive Providences,” in *A Collection of Psalms and Hymns for Christian Worship*, ed. Francis William Pitt Greenwood, 12th ed. (Boston: Carter, Hendee, 1834), 456; “Benefit of Sanctified Affliction,” *Episcopal Watchman* 3 (October 17, 1829): 245; Minutes of the Prudential Committee, February 20, 1832, in *Missionary Herald* 28 (March 1832): 92; John F. Wright, “Memoir of Mrs. Electa Cowell,” *Methodist Magazine* 10 (June 1827): 247.

9. While by the nineteenth century the Tunkers were the only Christian group to anoint the sick, there is some evidence that earlier practice involved anointing the dying. *Minutes of the Annual Meetings of the Church of the Brethren: Containing All Available Minutes from 1778 to 1909* (Elgin, Ill.: Brethren Publishing House, 1909), 19, 30, 50. Donald F. Durnbaugh, *Fruit of the Vine: A History of the Brethren, 1708–1995* (Elgin, Ill.: Brethren Press, 1997), 120, claims that anointing “was ordinarily limited in earlier Brethren practice to cases of mortal illness.” For an example in the Ephrata commune, see Lamech and Agrippa, *Chronicon Ephratense; A History of the Community of Seventh Day Baptists at Ephrata, Lancaster County, Penna*, trans. J. Max Hark (Lancaster, Penn.: S. H. Zahm, 1889), 142–43 n. 1; compare the deathbed blessing “with laying on of hands” of Conrad Beissel on page 284. The Tunkers were also called the “Dunkers” and are now typically known as the Old German Baptist Brethren.

10. Samuel Brown, “The ‘Beautiful Death’ in the Smith Family,” *BYU Studies* 45, no. 4 (2006): 121–50. See also chapter 1 of Samuel Brown, *In Heaven as It Is on Earth: Joseph Smith and the Conquest of Death* (New York: Oxford University Press, forthcoming).

11. For example, Scott Stephan, *Redeeming the Southern Family: Evangelical Women and Domestic Devotion in the Antebellum South* (Athens: University of Georgia Press, 2008): 183–220. On the domestic heaven, see Colleen McDannell and Bernard Lang, *Heaven: A History*, 2d ed. (New Haven: Yale University Press, 2001), 228–75.

12. Dean C. Jessee, Mark Ashurst-McGee, and Richard L. Jensen, eds., *Journals, Vol 1: 1832–1839*, in *The Joseph Smith Papers*, ed. Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: Church Historian’s Press, 2008), 122;

Parley P. Pratt, *Autobiography of Parley Parker Pratt*, ed. Parley P. Pratt Jr. (New York: Russell Brothers, 1874), 325; Doctrine and Covenants 42:48. See also Jonathan A. Stapley and Kristine Wright, "The Forms and the Power: The Development of Mormon Ritual Healing to 1847," *Journal of Mormon History* 35 (Summer 2009): 42–87. Perhaps Smith's most famous invocation of providence was in describing the cholera crisis of Zion's Camp. 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), 2:114 (hereafter cited as *History of the Church*). See also Benjamin E. Park, "'Thou Wast Willing to Lay Down Thy Life for Thy Brethren': Zion's Blessings in the Early Church," *John Whitmer Historical Association Journal* 29 (2009): 33. For a discussion of one denomination's grappling with failed healings in the later Divine Healing movement, see Michael S. Stephens, *Who Healeth All Thy Diseases: Health, Healing, and Holiness in the Church of God Reformation Movement* (Lanham, Md.: Scarecrow Press, 2008), 32–33, 109–12, 160–63.

13. Doctrine and Covenants 42:48; also in 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), 101.

14. See also Stapley and Wright, "Forms and the Power," 66–71. For an alternate reading of Mormonism and providence see Matthew Bowman, "Raising the Dead: Mormons, Evangelicals, and Miracles in America," *John Whitmer Historical Association Journal* 27 (2007): 75.

15. For an in-depth discussion of these themes, see Stapley and Wright, "Forms and the Power." While there is evidence that Wesley may have approached this position of deathbed providence in prescribing both medicine and prayers, it appears that he was negotiating between enthusiasm and formalism, while maintaining a strict belief in universal providence. For example, Holifield, *Health and Medicine in the Methodist Tradition*, 36, states: "In explaining once how he had been healed of a painful sickness, Wesley emphasized that he had not expected the cure and did not look for such cures, because he believed that God did not intervene in accord with 'the will' of men and women."

16. Jonathan R. Baer, "Perfectly Empowered Bodies: Divine Healing in Modernizing America" (PhD diss., Yale University, 2002), 67, 86–87, 100, 112; Curtis, *Faith in the Great Physician*, 88–89, 195–98; Nancy A. Hardesty, *Faith Cure: Divine Healing in the Holiness and Pentecostal Movements* (Peabody, Mass.: Hendrickson Publishers, 2003), 92–94; Stephens, *Who Healeth All Thy Diseases*, esp. 98–100.

17. Stapley and Wright, "Forms and the Power," 42–87; Jonathan A. Stapley and Kristine Wright, "'They Shall Be Made Whole': A History of Baptism for Health," *Journal of Mormon History* 34 (Fall 2008): 69–112.

18. Brown, *In Heaven as It Is on Earth*, ch. 7.

19. Jonathan A. Stapley, "Adoptive Sealing Rituals in Mormonism," *Journal of Mormon History* 37 (Summer 2011): 56–74 (forthcoming).

20. See Kristine Wright, "Consecrating a Community: Uses and Perceptions of Holy Oil, 1834–1955," paper delivered at the 2009 Mormon History Association Conference, Springfield, Ill., copy in my possession.

21. In 1831, a revelation commanded that Sidney Rigdon dedicate the land of Zion; in 1833, Joseph Smith gathered with Church elders "in the printing office and

then proceeded to bow down before the Lord and dedicate the printing press and all that pertains thereunto to God”; Joseph Smith “dedicated the [Elders’] School in the name of the Lord Jesus Christ.” Doctrine and Covenants 58:57, also in Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 167; Bruce N. Westergren, *From Historian to Dissident: The Book of John Whitmer* (Salt Lake City: Signature Books, 1995), 86; Jessee, Ashurst-McGee, and Jensen, *Journals*, Vol. 1., 21, 84.

22. D&C 94 and D&C 109; Revelation, August 2, 1833–B, The Joseph Smith Papers, <http://beta.josephsmithpapers.org/paperSummary/revelation-2-august-1833-b-dc-94>; Jessee, Ashurst-McGee, and Jensen, *Journals*, Vol. 1, 201–11.

23. The earliest home dedication of which I am currently aware is Donald G. Godfrey and Rebecca S. Martineau-McCarty, eds., *An Uncommon Common Pioneer: The Journals of James Henry Martineau, 1828–1918* (Provo, Utah: Religious Studies Center, Brigham Young University, 2008), 118 (December 28, 1860). However, on April 25, 1849, Wilford Woodruff dedicated a home in the process of exorcizing it. Wilford Woodruff, *Wilford Woodruff’s Journal, 1833–1898, Typescript*, ed. Scott G. Kenney, 9 vols. (Midvale, Utah: Signature Books, 1983–84), 3:441.

24. The current liturgy is outlined in *Handbook 2: Administering the Church* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 2010), 174–75, 20.6. Historically, the healing liturgy has been more diverse. Stapley and Wright, “Forms and the Power.”

25. 1 Corinthians 12:9; Moroni 10:11; Article of Faith 7.

26. 1 Corinthians 12:10; Moroni 10:13; Article of Faith 7.

27. One potential exception to this characterization is described in Andrew Jensen, ed., “The Elk Mountain Mission,” *Utah Genealogical and Historical Magazine* 9 (October 1913): 198 (September 23, 1855).

28. *History of the Church*, 7:268 n. 2.

29. Frank J. Cannon and Harvey J. O’Higgins, *Under the Prophet in Utah: The National Menace of a Political Priestcraft* (Boston: C. M. Clark Publishing, 1911), 244–47.

30. It appears from these accounts, however, that they were not anomalous activities. One other antecedent was apparently administered by Sidney Rigdon, when he dedicated his dying daughter to the Lord in an apparent effort to heal her. According to the daughter, this ritual resulted in a near death experience. “Elder Rigdon &c.,” *Times and Seasons* 3 (September 15, 1842): 922–23; Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 300.

31. Stanley B. Kimball, *On the Potter’s Wheel: The Diaries of Heber C. Kimball* (Salt Lake City: Signature Books, 1987), 56; John Pack, *Autobiography*, 10 (January 13, 1847), digital image of holograph, online, [http://www.johnpackfamily.com/gallery/v/journal/page\\_11.jpg.html](http://www.johnpackfamily.com/gallery/v/journal/page_11.jpg.html); Charles Kelly, ed., *The Journal of John D. Lee, 1846–47 and 1859* (Salt Lake City: University of Utah Press, 1984), 65.

32. Lisle G Brown, *Nauvoo Sealings, Adoptions, and Anointings: A Comprehensive Register of Persons Receiving LDS Temple Ordinances, 1841–1846* (Salt Lake City: Smith-Pettit Foundation, 2006), 71, 256.

33. Edward Leo Lyman, Susan Ward Payne, and S. George Ellsworth, eds., *No Place to Call Home: The 1807–1857 Life Writings of Caroline Barnes Crosby, Chronicler of Outlying Mormon Communities* (Logan: Utah State University Press, 2005), 64–65. On female ritual healing, see Stapley and Wright, “Forms and the Power”;

Jonathan A. Stapley and Kristine Wright, "Female Ritual Healing in Mormonism," *Journal of Mormon History* 37 (Winter 2011): 1–85.

34. Samuel W. Richards, Diary, September 11, 1846, microfilm of holograph, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University.

35. Woodruff, *Journal*, 6:224 (May 14, 1865).

36. See also, for example, Cleland and Brooks, *Mormon Chronicle*, 2:16; Woodruff, *Journal*, 7:10.

37. In some cases, the design of the ritual was to abdicate desire to the will of God. For example, the day before Church President John Taylor passed away, his secretary recorded: "At the request of Sisters Taylor, President Cannon called ^all^ the brethren ^and sisters^ together and explained the wishes of the Sisters' Taylor to the effect that the President be administered to. The brethren and sisters all united with Prest Joseph F. Smith, who was mouth, in prayer. Afterwhich, Prest Smith anointed Prest Taylor with oil and Prests Cannon & Smith, Elders Nuttall, Bateman, Malin, Roueche and Barrell administered to the President, and dedicating him to the Lord either to live, or to go hence as the Lord Willed, Prest Geo Q Cannon being mouth." Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879–1892* (Salt Lake City: Signature Books, 2007), 217.

38. Godfrey and Martineau-McCarty, *Uncommon Common Pioneer*, 174. See also p. 308, where Martineau dedicates his daughter with his stake president and bishop.

39. Jacob Hamblin, Diaries and Reminiscences, October 6, 1856, microfilm of holograph, Church History Library, The Church of Jesus Christ of Latter-day Saints. I thank Todd Compton for bringing this account to my attention.

40. Sandra Ailey Petree, ed., *Recollections of Past Days: The Autobiography of Patience Loader Rozsa Archer* (Logan: Utah State University Press, 2006), 71. Similarly, when a Sister Webb was dying in San Bernardino in 1857, elders anointed her and then "rebuked all her pains, and commended her to the Spirit of God, told her she should die in peace." She claimed to have found immediate relief and died a half hour later. Lyman, Payne, and Ellsworth, *No Place to Call Home*, 484.

41. Donald G. Godfrey and Brigham Y. Card, eds., *The Diaries of Charles Ora Card: The Canadian Years, 1886–1903* (Salt Lake City: University of Utah Press, 1993), 443. For a similarly poignant account, see Charles M. Hatch and Todd M. Compton, eds., *A Widow's Tale: The 1884–1896 Diary of Helen Mar Kimball Whitney* (Logan: Utah State University Press, 2003), 486.

42. Woodruff, *Journal*, 8:335, 342 (September 26 and November 10, 1885). Woodruff's diary is one of the most common sources for ritual accounts, though sometimes it is ambiguous whether the ritual is explicitly a dedicating of the dying. See, for example, 7:502 (August 18, 1879).

43. Doctrine and Covenants 63:49; also in Jensen, Woodford, and Harper, *Manuscript Revelation Books*, 187; Revelation 14:13. See also Joseph Smith, Sermon, March 20, 1842, in Woodruff, *Journal*, 2:163. In the traditional Roman Catholic ceremony, when a coffin is removed to the cemetery, the following is sung during the procession: "May the angels lead you into paradise; may the martyrs come to welcome you and take you to the holy city, the new and eternal Jerusalem." *The Rites of the Catholic Church*, 2 vols. (Collegeville Minn.: Liturgical Press, 1990), 1:984.

44. John P. Hatch, ed., *Danish Apostle: The Diaries of Anthon H. Lund, 1890–1921* (Salt Lake City: Signature Books, 2006), 423 (March 17, 1910).

45. Hatch, *Danish Apostle*, 714 (November 18, 1918).

46. Bryant S. Hinckley, *Sermons of Melvin J. Ballard* (Salt Lake City: Deseret Book, 1949), 76.
47. Lucy Grant Cannon, "Stepping Stones to Faith: Lesson XI: A Remarkable Experience," *Young Woman's Journal* 29 (February 1917): 111.
48. James J. Farrell, *Inventing the American Way of Death, 1830–1920* (Philadelphia: Temple University Press, 1980); see also Gary Laderman, *The Sacred Remains: American Attitudes toward Death, 1799–1883* (New Haven: Yale University Press, 1996).
49. W. Paul Reeve, *Making Space on the Western Frontier: Mormons, Miners, and Southern Paiutes* (Urbana: University of Illinois Press, 2006), 146; line breaks removed; quoting Hebron Ward Historical Record, vol. 1, microfilm of holograph, Church History Library.
50. Brown, *In Heaven as It Is on Earth*, ch. 7.
51. For examples in Winter Quarters, see Woodruff, *Journal*, 3:96; Kelly, *Journal of John D. Lee*, 194; Aroet Hale, *Autobiography*, September 4, 1846, Perry Special Collections; Joseph Hovey, *Autobiography*, 90–91, Perry Special Collections. This is still standard practice in the contemporary church. *Handbook 1: Stake Presidents and Bishops* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 2010), 16; *Handbook 2: Administering the Church* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 2010), 47, 73, 148.
52. Woodruff, *Journal*, 6:13–15; A. R. Mortensen, ed., "Elias Smith, Journal of a Pioneer Editor March 6, 1859–September 23, 1863," *Utah Historical Quarterly* 21 (October, 1953): 349–50; Fred C. Collier, *The Office Journal of President Brigham Young, 1858–1863, Book D* (Hanna, Utah: Collier's Publishing, 2006), 344, 351; Church Historian's Office, *Journal*, 1844–79, August 4, 1862, available in *Selected Collections from the Archives of The Church of Jesus Christ of Latter-day Saints*, 2 vols., DVD (Provo, Utah: Brigham Young University Press, 2002), 1:17; John Devitry-Smith, "The Saint and the Grave Robber," *BYU Studies* 33, no. 1 (1993): 7–52.
53. Brigham Young, in *Journal of Discourses*, 26 vols. (Liverpool: F. D. Richards, 1855–86), 9:192–93 (February 9, 1862). Compare Woodruff, *Journal*, 6:17.
54. Morrill, "Relief Society Birth and Death Rituals," 137–41, 148–59.
55. Emmeline B. Wells, Relief Society Conference Address, October 30, 1914, "The Mission of Saving Grain," *Relief Society Magazine* 2 (February 1915): 47.
56. Willard Richards, *Diary*, July 10, 1845, in *Selected Collections*, 1:31.
57. Godfrey and Martineau-McCarty, *Uncommon Common Pioneer*, 175–76.
58. Melissa Lambert Milewski, ed., *Before the Manifesto: The Life Writings of Mary Lois Walker Morris* (Logan: Utah State University Press, 2007), 431.
59. Emmeline B. Wells, ed., *Charities and Philanthropies: Woman's Work in Utah* (Salt Lake City: George Q. Cannon and Sons, 1893), 14.
60. For example, Mary Wheeler Chadwick, *Biographical Sketch*, 6, ed. Thersa C. Lowder, in Jeanette S. Greenwell, comp., *Abraham and Mary Wheeler Chadwick* (N.p., n.d.), 367; "Some excerpts from the diary of Mary Anderson Jensen," in *Pearl, Baby! The Amazing Life and Chronicles of Reba Pearl Bischoff Mason* (River Ridge, Calif.: C. A. M. Christensen, 1994), 153–54.
61. "Ye Ancient and Honorable Order of Midwifery," *Relief Society Magazine* 2 (August 1915): 347; "The Mother of the Mothers in Israel: Eliza R. Snow," *Relief Society Magazine* 3 (April 1916): 186.
62. A. Karl Larson and Katherine Miles Larson, eds., *Diary of Charles Lowell Walker*, 2 vols. (Logan: Utah State University Press, 1980), 2:500–501. For other examples, see 2:572, 581.

63. Kym Ney, ed., *Allen Russell Autobiography and Journal*, June 1, 1901, typescript, holograph in possession of Brandon Gull. For examples of Wilford Woodruff preparing the dead, see Woodruff, *Journal*, 5:339; 7:177; 8:335.

64. See, for example, L. John Nuttall, *Diaries*, August 24, 1877, typescript, Perry Special Collections; Godfrey and Card, *Diaries of Charles Ora Card*, 340; Wilford Woodruff to Mary Isabella Horne, circa 188[8?], copied by Zina Young Card, holograph, Relief Society Washing and Anointing File, Church History Library; Abraham H. Cannon, *Journal*, January 31, 1890, photocopy of holograph, Perry Special Collections.

65. Jill Mulvay Derr, Janath Russell Cannon, and Maureen Ursenbach Beecher, *Women of Covenant: The Story of Relief Society* (Salt Lake City: Deseret Book, 1992), 198. See *Relief Society Guide* (Salt Lake City: Relief Society, 1914), 29. This was also called simply the "Burial Clothing Department." Clarissa S. Williams and Amy B. Lyman, "The Official Round Table," *Relief Society Magazine* 7 (March, 1920): 227.

66. "Address," *Relief Society Bulletin* 1 (February, 1914): 3; "Notes on the Relief Society Conference," *Relief Society Bulletin* 1 (June, 1914): 14.

67. "Circular of Instructions: To Officers and Members of the Relief Society," *Relief Society Magazine* 2 (February 1915): 135.

68. For example, "Notes from the Field," *Relief Society Magazine* 7 (June, 1920): 419.

69. Kay Lundell, comp., *Triumphant Banners: Higgins, Lowry, Tuttle, Gardner* (N.p., 1987), 617.

70. Hugh Roberts: *History and Genealogy of Hugh and Mary Owens Roberts of Eglwysbach, Denbighshire, Wales: Their Family with Biographies of the Individual Members, Articles and Pictures on Family Activities*, vol. 2 (N.p.: Hugh Roberts Family Organization, 1974), 241; Bruce H. Jensen, *Grandma in the Pink House: The Life Story of Melba Melvina Penrod Jensen* (Salt Lake City: Bruce H. Jensen, 1996), 45–46.

71. Advertisement, "Burial Clothes," *Relief Society Bulletin* 1 (March 1914): 16; advertisement, "Burial Clothes," *Relief Society Magazine* 2 (May 1915): 25; "Burial Clothing," *Relief Society Bulletin* 1 (February 1914): 23; advertisement, "J. S. Horne & Co.," *Deseret News*, December 12, 1903, 89; advertisement, "C. H. Bank's Undertaking," *Deseret News*, December 19, 1908, 75; advertisement, "Burial Clothes," *Box Elder News*, April 18, 1912, 4.

72. Godfrey and Martineau-McCarty, *Uncommon Common Pioneer*, 175–76; Seymour B. Young, *Diary*, July 27, 1921, typescript, Church History Library; Cleland and Brooks, *Mormon Chronicle*, 2:17.

73. Division of Archives and Records Service, Office of Vital Records and Statistics, Utah Death Certificate Index, online, <http://www.archives.state.ut.us/research/indexes/20842.htm>.

74. Amy Brown Lyman, "General Conference of the Relief Society," *Relief Society Magazine* 2 (December 1915): 528; Amy Brown Lyman, "Notes from the Field," *Relief Society Magazine* 4 (May 1917): 276.

75. George Rosen, *The Structure of American Medical Practice, 1875–1941*, ed. Charles E. Rosenberg (Philadelphia: University of Pennsylvania Press, 1983), 13–36.

76. "St. Mark's Hospital," *Salt Lake Herald*, November 26, 1911, 12.

77. Charles E. Rosenberg, *The Care of Strangers: The Rise of America's Hospital System* (New York: Basic Books, Inc., 1987), 8.

78. William V. Smith, *Joseph Smith's Funeral Sermons: A Textual Study* (forthcoming).

79. For example, Woodruff, *Journal*, 2:359; "Manuscript History of the Church," August 16, 1843, on *Selected Collections*, 1:1; Juanita Brooks, ed., *On the Mormon*

*Frontier: The Diaries of Hosea Stout*, 2 vols. (Salt Lake City: University of Utah Press, 1964), 1:29–30.

80. See, for example, Jennifer Lund, “Illness, Dying, Death, and Burial at Winter Quarters, 7/21/98,” copy in my possession.

81. The 1873 School of the Prophets decided to prepare instructions for their burials. Salt Lake School of the Prophets Minutes, November 3, 1873, photocopy of typescript, Leonard J. Arrington Papers, Special Collections and Archives, Merrill-Cazier Library, Utah State University, Logan, Utah. An example of one such will was written by John Taylor. “Salt Lake City, November 17, 1873. President B. Young. Dear Brother,—Being asked to give a written account of the way I wish to be buried, I present the following: I have no desire for any particular formula; but I should wish my body to be washed clean; to be clothed in clean white linen garments and robes, with shoes, apron, cap, etc.; to be laid in a coffin sufficiently large to contain my body without pressure. Should I die here, let me be buried in my own lot in the graveyard. Let the coffin be neat and comely, but plain and strong; made of cedar, or redwood, or of our own mountain pine; if of the latter, colored or stained, and placed in an outer strong box, with a light cotton or woolen mattress or bed, and a convenient pillow for the head. The services, such as prevail at the time among the Saints. A plain slab may be placed over the body, and a stone at the head and feet; on the headstone to be given an account of my name, age and birth, as shall suit the feelings of my family. Should I die in Jackson County, Mo., let the above directions be carried out, as far as practicable. Respectfully, your brother.” Brian Stuy, ed., *Collected Discourses*, 5 vols. (Sandy: B. H. S. Publishing, 1987), 1:40–41. See also James B. Allen, *No Toil nor Labor Fear: The Story of William Clayton* (Provo, Utah: Brigham Young University Press, 2002), 382; “President’s Death and Burial,” *Deseret Weekly*, September 10, 1898, 399; Matthias F. Cowley, *Wilford Woodruff: Fourth President of the Church of Jesus Christ of Latter-day Saints: History of His Life and Labors as Recorded in His Daily Journals* (Salt Lake City: Deseret News, 1909), 622.

82. Woodruff, *Journal*, 7:337–38.

83. “President Brigham Young,” *Deseret News*, September 8, 1875, 505.

84. For example, Woodruff, *Journal*, 7:244, 272, 440; 8:202, 242.

85. Brooks, *On the Mormon Frontier*, 1:171. See also George Dykes to Brigham Young, August 17, 1846, Fort Leavenworth, “Incoming Corr 1846,” typescript by Edyth Romney, Church History Library; Maurine Carr Ward, ed., *Winter Quarters: The 1846–1848 Life Writings of Mary Haskin Parker Richards* (Logan: Utah State University Press, 1996), 105–6; Woodruff, *Journal*, 3:301, 325; 4:390; Robert Lang Campbell, *Diary*, June 20, 1847, 81, digital copy of holograph, Perry Special Collections.

86. Perhaps in bridging the two dedicatory valences, two years after Lorenzo D. Barnes died as a missionary in England, Wilford Woodruff visited his grave. He recorded the event in his diary, “While Standing upon his grave I offered up my vocal Prayer to Israels God, that I might die the death of the righteous when Called away & that my last end might be as wise & safe as his & that his sacred dust might be called forth in the morn of the first resurrection.” Woodruff, *Journal*, 2:510.

87. Edward H. Anderson, “An Incident of Every-day Life,” *Improvement Era* 8 (September 1905): 823–26.

88. Joseph W. Booth, *Diary*, 10:144–45, September 26, 1909, digital copy of holograph, Perry Special Collections.

89. Thomas G. Alexander, *Mormonism in Transition: A History of the Latter-day Saints, 1890–1930* (Urbana: University of Illinois Press, 1986), 93–115.

90. For a more detailed analysis of this liturgical reformation, see Stapley and Wright, "Female Ritual Healing in Mormonism."

91. Dale C. Mouritsen, "A Symbol of New Directions: George F. Richards and the Mormon Church, 1861–1950" (PhD diss., Brigham Young University, 1982), 203–10; Alexander, *Mormonism in Transition*, 302; Stapley and Wright, "They Shall Be Made Whole," 69–112. Healing in the temple was a regular feature from Nauvoo on, with male and female temple workers devoting a significant portion of their time to healing rituals. See Stapley and Wright, "They Shall Be Made Whole," 69–112; Stapley and Wright, "Female Ritual Healing in Mormonism."

92. Amy Brown Lyman, "Instructions to Relief Society Presidents [1922]," microfilm of mimeograph, Church History Library.

93. First Presidency, "On Dedicating the Sick and the Suffering to the Lord," *Improvement Era* 25 (October 1922): 1122, reprinted in *Messages of the First Presidency of The Church of Jesus Christ of Latter-day Saints, 1833–1964*, comp. James R. Clark, 6 vols. (Salt Lake City: Bookcraft, 1965–75), 5:219–20.

94. See Stapley and Wright, "They Shall Be Made Whole," 105–11.

95. First Presidency to Temple Presidents, December 15, 1922, quoted in First Presidency to Stake Presidents, January 18, 1923, Salt Lake City, in Clark, *Messages of the First Presidency*, 5:224. Readers should note that Clark's commentary on the letter is ahistoric.

96. Stapley and Wright, "They Shall Be Made Whole," 96, 98.

97. Note, however, that it was several decades later that home dedication became formalized. The 1968 General Handbook, the first to include ritual outlines, did not include it. In the pattern of early grave dedication, a nonexclusive priesthood element was added to home dedication in the 2010 handbook. *The Church of Jesus Christ of Latter-day Saints General Handbook of Instructions*, no. 20 (Salt Lake City: First Presidency of The Church of Jesus Christ of Latter-day Saints, 1968); *Church Handbook of Instructions, Book 1, Stake Presidencies and Bishoprics, 2006* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 2006), 42; *Handbook 2* (2010), 176–77, 20.11; "Ordinances Can Foster Tranquility," *Church News*, November 12, 1994.

98. *The Missionary's Hand Book* (Independence, Mo.: Press of Zion's Printing and Publishing, 1937), 145.

99. *Handbook of Instructions for Stake Presidencies, Bishops and Counselors, Stake and Ward Clerks and Other Church Officers*, no. 16 (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1940), 127–28. This was also taught in priesthood curricula: John A. Widtsoe, *Priesthood and Church Government in The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret Book, 1939), 360; Melchizedek Priesthood Committee of the Council of the Twelve, "Melchizedek Priesthood: Melchizedek Priesthood Outline of Study, December, 1941," *Improvement Era* 44 (November 1841): 685.

100. *The Missionary's Hand Book*, rev. ed. (Independence, Mo.: Press of Zion's Printing and Publishing, 1946), 150.

101. "I Want to Know," *Deseret News*, September 1, 1948, 24C. I thank Ardis E. Parshall for sharing this reference with me. See also General Priesthood Committee, *Melchizedek Priesthood Handbook* (Salt Lake City: Deseret News Press, 1948), 86; General Priesthood Committee of the Council of the Twelve, "Melchizedek Priesthood: Ordinances and Ceremonies," *Improvement Era* 51 (November 1948): 731. At the time of this printing, the General Priesthood Committee included Harold B.

Lee, chairman; Ezra Taft Benson, Marion G. Romney, Thomas E. McKay, Clifford E. Young, Alma Sonne, Levi Edgar Young, Antoine R. Ivins, Richard L. Evans, Oscar A. Kirkham, S. Dilworth Young, Milton R. Hunter, and Bruce R. McConkie.

102. Stapley and Wright, "Female Ritual Healing in Mormonism," 40–53.

103. For a more detailed discussion of this shift, see Stapley and Wright, "Female Ritual Healing in Mormonism."

104. It should be noted that it did take several years for all materials to be updated to reflect this position. For example, *Principles of the Gospel* (N.p.: The Church of Jesus Christ of Latter-day Saints, 1951), 318–19, a small book intended for military servicemen and originally distributed during World War II, included the older direction into the 1950s.

105. Levi S. Peterson, "My Mother's House," *Dialogue* 24 (Fall 1991): 87.

106. Dennis B. Horne, *Bruce R. McConkie: Highlights from His Life and Teachings* (Roy, Utah: Eborn Books, 2000), 211.

107. For example, the 1937 *Improvement Era* reprinted the story of Heber J. Grant dedicating his dying wife to the Lord. Marba C. Josephson, "Careers of Service to Young Womanhood," in *Improvement Era* 11 (December 1937): 790.

108. Alexander B. Morrison, "The Spiritual Component of Healing," *Ensign* 38 (June 2008): 48.

109. J[onathan]. Stapley, "Dedicating the Dying," online at <http://bycommonconsent.com/2009/05/05/dedicating-the-dying/> (accessed May 11, 2009). Unless otherwise noted, all quotations in the following paragraphs are from the comment section of this weblog.

110. Whereas only some nineteenth-century Latter-day Saints received callings to serve in the Church and frequently kept those callings for life, today all practicing Mormons are encouraged to have a calling that lasts from one to five years (or about ten in the case of stake presidencies). Sometimes, as in the case of full-time missionary service, callings and releases mark dramatic life transitions. Being released from responsibility is a regular and sometimes painful change for all practicing Mormons. It appears that some view modern life as metaphysically analogous to Church service with many individuals experiencing ritual release upon death.

# “That They May Secure It and Hold It Forever”

Bluff’s Revival, 1885–1886

*David S. Carpenter*

*Editor’s note: This brief excerpt comes from a new BYU Studies publication titled Jens Nielson, Bishop of Bluff, pp. 111–32. Home to only a couple of hundred people in 2011, Bluff is located in southeast Utah. The experiences of the hardy pioneers in this hostile and forbidding region have become legendary among Latter-day Saints.*

*The arduous Hole-in-the-Rock trek of 1879–80 was only the beginning of troubles for these pioneers. Uncertain of the intentions of their neighbors and hard-pressed each spring to excavate their irrigation lifeline to the San Juan River, the settlers were blindsided by an unexpected adversary in 1884: massive flooding. Most of the residents took this as the sign that it was time for them to reside somewhere else. A few remained to see what the next year might bring along with the inevitable wind and sand.*

## Remnants

Few Saints assembled in Bluff’s log schoolhouse for their December conference in 1884. Out of the 245 who were in the Montezuma and Bluff settlements when the year started, only 79 remained. Bishop Jens Nielson’s family, along with those of his counselors, were there. Almost all of the Saints born in England had left, and the Nielsons were the lone remaining Danes. Bishop Nielson was the presiding authority on the stand as these relatively few Saints assembled for their December stake conference. In the way of good news, Thales Haskell reported that the Indians were causing the settlers less trouble. In fact, they hadn’t raided the stock at all that season.<sup>1</sup> But as the members of the Bluff Ward left the conference, they saw most of the homes empty, most of the yards and fields untended.

There were two dozen men and older boys to repair the washed-out ditch, less than half the number they had had amid the optimism of the previous winter. But as the bishop and others surveyed the wreckage, they found the damage was less than they had expected. Repairs to the ditch would take months of labor, but they could be made by extending the head two more miles upstream. They also hoped to dig the channel two or three feet deeper than needed to allow sediment to settle. When the ditch was nearly full, they could cut open a bank and let the sediment sluice back into the river. The men set to work, hoping once again for fresh settlers to reinforce them. They received encouraging letters from some who had left in the fall that they intended to return once the high snows in the mountains had melted. But many of the others who had left spread discouraging words about the prospects on the San Juan.<sup>2</sup>

Most importantly, however, the Church was going to help. The General Authorities called a new stake president, Francis Asbury Hammond, to replace Platte Lyman. Those in Bluff hoped President Hammond, from Huntsville in northern Utah, would bring many new settlers when he came. He tried to visit Bluff in December, but the high snows did not let him get much closer than the end of the railroad line in Durango.<sup>3</sup>

Stymied by the season from visiting personally, Hammond began corresponding with Bishop Nielson. He fired off a series of questions about prospects and practices in Bluff. He reassured the settlers that there was no longer ambivalence about the mission among the leaders of the Church, who were “determined to strengthen your hands, and hold that mission from going into the hands of our enemies, and it is designed to call from 40 to 50 families to accompany me to settle in that vicinity.”<sup>4</sup>

The bishop wrote at least two buoyant letters to President Hammond, full of possibilities wrapped in his usual enthusiasm. “Our prospects for raising a crop have never been better since we came here.” There had been a lot of rain, the stock was good, and the residents of Bluff expected to have the ditch done by the end of February. There was an “excellent spirit” among the people, kept up by entertainments and theaters put on by the youth associations.<sup>5</sup>

The settlers knew by now that they could not become a completely independent agricultural village. The bishop related that they were contemplating a number of “home industries” that would make them more self-sustaining. They had already shown they could make molasses from sorghum cane. A dairy would be profitable, and the prospects for one looked good. The town needed a sawmill and gristmill, since there were none within a hundred miles. They had about five hundred head of cattle, but they were thinking of exchanging some of these for sheep. Fruit trees would do well if transported

correctly.<sup>6</sup> But the previous years proved they could not grow enough grain for themselves, and if they could not do that, they must depend on trade with Colorado Gentiles to survive. President Hammond urged them to grow corn, beans, and sweet potatoes for the market in Durango. This permanent reliance on outsiders was a blow to the town's ideal, but the mission itself was more important than the methods. By the spring, the settlers could look forward to a vigorous new leader and the promised host of new settlers. The mission, however modified, would survive.

### **Whirlwind of Activity**

In early May, just as the spring surges began to burst the banks of the ditch, Francis Hammond arrived to reconnoiter. Five dismayed men in his expedition had turned around before they had gotten close to Bluff, but others, including one of Hammond's sons and two of his sons-in-law, pushed through with him. The new stake president brought news that Church leadership had plans to call as many as seventy more families, from all the stakes of Zion, to strengthen the San Juan Stake.

President Hammond lodged near Bishop Nielson's house, and soon the two patriarchs exchanged their stories. As they inspected the seven-mile ditch, the bishop and others recited what it had cost to hold this place, and while President Hammond feasted with almost every family in town, he told the experiences he had packed into his sixty-three years.<sup>7</sup> His adventurous life, like that of the bishop, had started near the sea. In fact, the ocean had drawn him away from his father's tannery on Long Island when he was fourteen, and young Francis circled the globe as a cook, cabin boy, and sailor. But somewhere in the Arctic Ocean, a falling barrel almost broke his back, and the invalid was later set ashore in Hawaii. After a surprising recovery, Francis Hammond made his way to San Francisco just in time to meet Mormons from the ship Brooklyn departing overland for Utah. He was quickly converted to their faith and joined the thinning stream of pioneers that trickled past the gold fields at Mormon Island in late 1848. Upon arriving in Utah, he threw himself to work in the Church with the same enthusiasm he had applied to everything.<sup>8</sup>

That energy was apparent as soon as President Hammond arrived. He immediately announced that he was impressed with the "most excellent spirit" of the people at Bluff and was "well pleased with the bishop and people of this stake."<sup>9</sup> Then he launched into perpetual motion. In two weeks, he cleared and planted his lot and also sowed some concerns in his mind about the ditch.<sup>10</sup> With a half dozen other men, he explored the land to the north for the next two weeks, looking for resources, including "stock, dairy, and farming facilities, timber, water, power, etc."<sup>11</sup> He found just what he was looking for:

“saw nothing but a first class country for stock range for summer, and it [is] connected with a good winter range; the whole country is well-watered for stock purposes.”<sup>12</sup> Elk Mountain looked especially promising, though the Indians they met there “did not like to have any white men intrude upon them.”<sup>13</sup> Neither did the ranchers in the area, and President Hammond felt that the residents of Bluff would have to act swiftly to secure this outstanding range. Establishing a base closer to this pasture would help, and the expedition found good spots for settlements. White Mesa was “a fine place for a city and farms” once the water from nearby creeks could be brought onto it.<sup>14</sup>

President Hammond quickly started carrying out his plans. He and a few others almost immediately returned to White Mesa in mid-June to further study raising the water, and they dedicated that site “for the use of the Saints.”<sup>15</sup> A week after they returned, it was time for stake conference, which was also an opportunity to begin wooing the Indians for the cattle lands Hammond’s party had just explored. About a hundred Navajos, Utes, and Paiutes came to feast and receive presents of “bread, coffee, beef, molasses, etc.”<sup>16</sup> Many stayed to hear Bishop Nielson report the progress of the Bluff Ward, then listened to President Hammond expound on his plans for the future. “The Lord had sent us here to do them good and not to steal their land or to take away any of their rights but to teach them to work and be honest and live in peace.”<sup>17</sup> Within a few weeks, a Ute chief accepted Bluff’s purchase of the rights to the land from Elk Mountain to the Colorado River.<sup>18</sup> Whether the Utes agreed out of genuine friendship or a wary calculation that Mormons were safer than Gentiles, this agreement was a significant diplomatic victory for the new stake president.

The spirituality of the San Juan Stake was reinvigorated at the same time as its temporal prospects were revived. For the first time, the stake president had counselors: William Halls, a resident of Mancos, Colorado, and William Adams. All the stake organizations were staffed at this conference, mostly with Bluff residents. Home missionaries, including Joe Nielson, were called to travel around the stake and exhort the Saints to do their duty. During the conference, Bishop Nielson reviewed the history of the mission. Out of the roughly 150 men who had been called to the San Juan, only about 25 had stuck to it, verifying the words, in the bishop’s view, “Many are called but few are chosen.” But now the future looked bright. Stock raising would be important, but the bishop reminded the Saints they should not be reckless but rather take care “of that which the Lord had made us stewards over.”<sup>19</sup>

Soon after the conference ended, President Hammond rode the three-hundred-mile circuit around the stake, visiting Burnham, New Mexico, and the new branch in Mancos, Colorado, that Elders Snow, Smith, and Morgan

had organized on their way to Bluff the previous year. Hammond even finished his initiation in San Juan County by arguing with the Mitchells at McElmo on his way back to Bluff.<sup>20</sup> Within a week, he was en route to Huntsville once more so he could pack up his whole household and return to Bluff by Christmas. In the few stationary days before he departed, President Hammond experimented with tanning goatskins by using the extract of local brush and persuaded the board of the Bluff Co-op to finish financing a gristmill on which he had put down money in Mancos. He also encouraged the board to follow up on the negotiations started with the Indians over Elk Mountain. On the whole, the Indians felt "first rate towards us," Hammond thought, but "they want some ponies for their good will."<sup>21</sup> When President Hammond left in early July, Bluff men were already working on a road to Elk Mountain and preparing to return to White Mesa to dig irrigation ditches up there.

Even away from Bluff, Francis Hammond continued to zestfully boost the region. To counter the negative reports that disgruntled ex-settlers had circulated, he maintained a letter-writing campaign to the *Deseret News* and other papers that was remarkable for its frequency and optimism. He meticulously kept the public posted on his travels, activities, and the advantages of the San Juan region. One of his reports was so enthusiastic that the editors of the paper tacked on the subtitle, "The San Juan Country Proves to Be a Genuine El Dorado," something that would never have been inferred from the more measured reports of Platte Lyman.<sup>22</sup> According to Hammond, the place needed hundreds more people and had only half the stock it could contain, and Jens Nielson "is a fine old gentleman, a father indeed to his people, and much beloved by the Saints of his ward." The people themselves were "a first-class lot of Latter-day Saints, fully devoted to their mission."<sup>23</sup> With sufficient reinforcements, they would be "salt to save the country."<sup>24</sup>

But Hammond was not satisfied lobbying the public at large. He also tried to influence authorities. He regularly requested money from the Utah legislature, usually for roads to get people into and products out of San Juan County.<sup>25</sup> It did not hurt that his nephew, W. W. Riter, had become Speaker of the House. Hammond also peppered the First Presidency of the Church with so many requests for settlers that by January 1886 they reminded him, "It is best not to become too eager, and to run faster than our strength will allow."<sup>26</sup> The stake president tried to get a miller called to Mancos and looked into importing blacksmiths from the Southern States Mission.<sup>27</sup> Some of his lobbying was effective. The First Presidency wrote to various stake presidents to recruit settlers and asked Wilford Woodruff, President of the Quorum of the Twelve, to have the Apostles speak with the Saints about the San Juan Mission as they traveled around the stakes of the Church.<sup>28</sup>

In many ways, President Hammond was like the bishop, which may have created a problem. Bishop Nielson had previously rallied his ward and accomplished his plans “mostly by the force of his strong personality.”<sup>29</sup> And now President Hammond, in his tour de force, was doing the same. The bishop and the stake president agreed on the large principles of the Church and its settlement program. But Bishop Nielson had his reservations about some of President Hammond’s particulars, and he drew the line when it came to buying the Mancos Mill. According to President Hammond’s recollections of the meeting in which he proposed the venture, “All seemed to favor the matter except Bishop Nielson.”<sup>30</sup> The bishop may have thought the investment too risky since the co-op had such limited capital after the floods. He probably disliked the regional approach that came with running a mill in Mancos instead of constructing one in Bluff. Perhaps he resented someone so new taking such decisive action. Whatever the reason, the bishop was unable to persuade a majority of the co-op to vote against it, and the deal went through.<sup>31</sup>

On the whole, though, as the summer days waned, the Saints in Bluff felt blessed. With their short manpower, it seemed miraculous that they brought in a crop. By the time they assembled for conference in early fall, they celebrated a “bountiful harvest,” making “the people feel quite encouraged.” Their improved log houses and the tracks they continued to beat through the weeds began to look almost like a small village again, and some orchards began to bear fruit. For the first time, the smell of drying peaches competed with that of ripe watermelons in August and September.<sup>32</sup>

When President Hammond returned in early December, he brought thirty-two people and five hundred head of cattle with him.<sup>33</sup> He had been elected a selectman of the county while he was gone and was soon put on the board of directors for the Mancos grist- and sawmills.<sup>34</sup> Even though the number of new settlers was not as high as promised, falling far short of the 134 families that Church leaders had assessed to the various stakes, thirty new settlers meant there would be more hands to work on the ditch and help hold Bluff that winter.<sup>35</sup> Ward members spruced up the meetinghouse with a new roof and floor before the December conference and anticipated what was to come.

### **Holding Their Own**

What came in herds to San Juan County were many more four-legged residents. Before Bluff was founded, the area attracted those who had hoped to make themselves rich off livestock. In 1883, around fifteen thousand head of cattle roamed San Juan County, driven in by cowboys such as Tom Ray, “Spud” Hudson, and Preston Nutter. By 1885, however, bigger money was attracted to such profits, and most of the individual cattlemen had been

bought out by larger companies. The Pittsburgh Cattle Company ascended the south slopes of the La Sal Mountains, the Kansas and New Mexico Land and Cattle Company, better known as the Carlises after the English brothers who financed the operation, occupied the north and east drainages of the Blue Mountains, while the Widow Lacy moved her LC Company cattle onto the range near South Montezuma Creek. The Carlises alone drove eleven thousand head to market in 1884 and branded fifty-three hundred calves the next year.<sup>36</sup>

The Mormons had recognized the potential of the range around them since they arrived. While traveling from Moab to Bluff in September 1880, Platte Lyman's brother Marion reported, "The road lies through the finest range for cattle that I have seen for many years."<sup>37</sup> Francis Hammond's observations in mid-1885 were at least as enthusiastic.<sup>38</sup> But he also felt they had to act fast to secure this livelihood. Just as the Bluff Saints had been sent to occupy San Juan County in order to hold it against Gentiles, now they were impelled to hold its ranges against gentile cattle. Their mission gave the settlers a strong sense of entitlement. The Saints worried about holding "our range" against Navajo herders, who brought their flocks of sheep and goats across the San Juan River, as well as cattle companies and cowboys, alternately called "our enemies," "outsiders," and "strangers."<sup>39</sup>

By the end of 1885, the residents of Bluff had already begun to stock the range themselves. Soon after President Hammond's five hundred Durhams arrived with him in early December, Jens Nielson's five hundred cattle came from Cedar City with his transplanted family members.<sup>40</sup> Others, such as Lemuel Redd and Kumen Jones, made plans to buy more cattle in Utah. President Hammond appealed to his friends and to the Saints in general to come and help them stock up the range to secure it "from falling into the hands of cattle king monopolists."<sup>41</sup>

Francis Hammond had met the two largest "cattle kings," Edmund and Harold Carlisle, a few times already, and on the surface their relations were cordial. One of the brothers called on the Mormons' White Mesa camp in June 1885. Francis Hammond remarked, "He is our friend [and] told me he was making a shelter for one of our brethren who are now hiding up from persecution. May the Lord bless him for his kindness to our people. He seems like a fine, liberal English jolly gentleman."<sup>42</sup> The Carlises returned the compliments, expressing their preference for Mormons as neighbors, since they always returned strays.<sup>43</sup> The "outside" cattle companies employed some of Bluff's young men, such as Jens Peter Nielson, and provided a closer market than Colorado for Bluff's trade.<sup>44</sup> But both sides also moved to secure as much of the range as they could hold and perhaps more. Bluff's White Mesa expedition was trying to establish an advanced outpost against the Carlises'

expansion, while the “cattle kings” attempted to control “36,000 acres of the best cattle range” by digging small irrigation ditches all along the South Montezuma and claiming 640 acres around each trickle.<sup>45</sup>

The Mormons in Bluff felt they were moving just in time by the winter of 1885–86 because they were under siege from a number of other parties as well. Just as the Hammond and Nielson herds arrived in December, ten thousand “outside” sheep were set to graze on the Recapture Wash, which the Bluff residents hoped to use as a winter range. Early the next year, the LC Cattle Company turned a few hundred head loose, and even talked of stocking Elk Mountain. A cowboy named Wilson, then a pair named Eliot and Matthews stopped by Bluff, also on their way to scout Elk Mountain. This was especially threatening since the Mormons felt they had bought rights to this area from the Indians and were counting on it as their summer range. As with the cattle companies, the leaders in Bluff were hospitable to these interlopers, providing lodging and guides for them, but at the same time they developed plans to compete against them. It appeared providential when the cowboys’ plans changed. On April 6, 1886, President Hammond reported that Eliot and Matthews “did not think very much of the country. We are pleased that they did not.”<sup>46</sup>

Instead of approaching the cattle business as independent capitalists, Mormons entered as a cooperating community. While the cattle companies competed exclusively for profits, the Mormons, while not opposed to financial gain, were primarily hoping to find a way to subsist in the county and fulfill their mission. The importance of their mission along with their permanent residence in the county gave them their strong sense of entitlement to surrounding lands, even though legally the range was open to anyone.<sup>47</sup> The deeper roots of Bluff gave its people an important advantage in the competition for this marginal land. If Mormons profited, so much the better, but all they had to do to succeed was subsist. Mere subsistence for the cowboys was failure. In a sense, the Mormons in Bluff and their cooperative tradition were competing with the cattle companies and their unbridled capitalism.

The danger in all this was that Mormons might throw off their own bridles and become full capitalists themselves.<sup>48</sup> Such a conversion would be harmful in at least two ways. First, in a purely practical sense, Mormons competing against Mormons would weaken their collective place in the contest for the range. But more importantly, if they practiced pure individualism, the settlers at Bluff would deny their mission and their faith. The leaders of the town had been raised on Brigham Young’s principles of self-sufficiency, home manufactures, and cooperation as touchstones of fidelity as long as they had been in Utah. If they denied these principles for individual pursuits, they would no longer be a united stake securing this

corner of Zion. Instead, they would look far too much like the enterprising Gentiles they hoped to displace.

### **Conflict and Resolution**

It was therefore imperative for Bluff's cattlemen to cooperate among themselves. Many of them had been involved in cooperative cattle enterprises before. Jens Nielson had been president of the Cedar City Cooperative Cattle Company when it was organized in 1875, and Kumen Jones had worked for it for three years as well. But it had been very difficult to reconcile the members' interests with the cooperative ideal, and the Cedar City Cooperative broke into its component herds in 1883.<sup>49</sup> This experience led the bishop to move cautiously in putting together a similar undertaking in Bluff. In the last weeks of 1885, various residents formed a cooperative stock company after spirited discussions.<sup>50</sup> But the names of Jens Nielson and Francis Hammond, probably the two largest stockholders in town, were conspicuously absent from the list of officers, and the venture fell apart within a month when its members could not agree on a constitution.<sup>51</sup> In the meantime, the whole town almost came apart.

It was the ditch again. By the time the ward started planning for it in mid-January, many of the newer settlers had grown skittish about the place. Their land claims were too far from the established ditches to have hopes of getting enough water to grow crops. So the older residents offered to divide and redistribute the land to encourage as many as possible to stay and help labor on the ditch. This gesture seemed to be well received.<sup>52</sup> But a more divisive problem still loomed: the older settlers, who already had built up stock in the ditch through their past labors, wanted to redeem some of that stock to reduce their share of labor this year. The newer settlers resented the prospect of bearing a disproportionate share of the dispiriting burden in the immediate future.

President Hammond was disturbed by the "lack of union in [the] temporal affairs" of the town. In the afternoon meeting on Sunday, January 17, he addressed the issue in his frank, energetic style, thereby making the divisions much worse. As Bishop Nielson listened to his priesthood leader speak, his indignation grew. Hammond dwelled on "Bluff being a hard place to maintain because of the difficulty of securing water." This much was obvious to anyone who had been there, and these doubts were no greater than those Platte Lyman used to voice. But the bold, entrepreneurial spirit of President Hammond had already developed a program to wean the San Juan Stake off the settlement at Bluff. Many who had come with Hammond had already relocated to Mancos or other places in Colorado, and he himself had property there. Now the stake president said the purpose was to

raise enough money to get water onto White Mesa, apparently to relocate the major settlement there. Bluff itself was not vital to President Hammond; it was the overall region that mattered.<sup>53</sup>

That was not how the bishop felt. He and others had invested years of toil in this town. They had been told by higher authorities that Bluff could not be abandoned, and they had been promised specific blessings for staying here. It was not hard for President Hammond to see that “my remarks gave offense to the Bishop Bro. Nielson and some others.”<sup>54</sup> The 7:00 PM meeting became a referendum on the president’s remarks. Hammond himself did not feel well enough to attend, but his views were defended by some of those present and criticized by others. Bluff was again divided.

The question festered for a week. The next Sunday a priesthood meeting was held in the evening. After the assembled group sang “Come All Ye Sons of God,” President Hammond spoke on the duties of the priesthood. Then he warned against the “division liable to spring up in relation to our sentiments as regards Bluff City Ward, its building up and maintenance.” He then emphasized the necessity of unity. All present knew he was right. They had to be united or deny their mission. But united on what? The discussion continued until after midnight, with both sides weighing in on more particular issues such as ditch credits.

As the tired residents left the schoolhouse that night, a “good feeling prevailed.”<sup>55</sup> Once again, both sides felt better after airing out their grievances and backtracking to principles in which they all believed. But this did not resolve everything, because the next morning Bishop Nielson, his counselor Lemuel Redd, as well as William Adams and James Decker called on President Hammond to discuss the “knotty problem” of resolving ditch credits. After further discussions, the older settlers gave in again. They agreed to tax everyone equally for this year’s ditch construction, “without reference to capital stock they have in the ditch.”<sup>56</sup>

Even with the immediate finances resolved, the larger issue still remained. President Hammond and Bishop Nielson surveyed the new and old ditches together, but they maintained different opinions on Bluff. At the quarterly stake conference in late March, both men emphasized the importance of cooperation and union, “notwithstanding the efforts of our enemies to the contrary.”<sup>57</sup> If Mormons sometimes relieved internal tensions by transferring blame to outsiders, they were also quick to condemn themselves for not fully living up to the principles of the gospel.<sup>58</sup> Their enemies would never triumph if the Saints were pure, and both Bishop Nielson and President Hammond felt the obligation to keep the commandments as fully as they could. Outwardly, the two men had appeared much more united since the controversy in January. In mid-March, for example,

President Hammond had helped Bishop Nielson transport barley at his place, and they often had mixed pleasantly in Bluff's endless social season.<sup>59</sup> But each seemed to grow more convinced of his position in the following weeks. The bishop might have felt reassured by a couple of developments. First, the Mancos Mill project he had opposed the previous year lost money from the beginning, and the Bluff Co-op disassociated itself from the mess.<sup>60</sup> Second, Bluff's men and boys got water into the ditch for eight dollars an acre, significantly less than they had anticipated.<sup>61</sup>

But President Hammond still could not understand why the bishop and others chose to huddle by this fickle river when there were more promising locations so close. He often referred to the trouble and cost of maintaining an existence by fighting "this turgid stream."<sup>62</sup> And so he attempted to trump the convictions that Bishop Nielson and others held that Bluff was essential. The main pillar of these feelings seemed to be what President Joseph F. Smith had told the holdouts after their cathartic meetings following the floods in 1884. It just so happened that Joseph F. Smith was an old friend of Francis Hammond's; they had served together as missionaries in Hawaii in the 1850s. So President Hammond wrote to President Smith soon after the disagreements erupted in January. Since Smith was in Hawaii again, a place less likely to be probed for polygamists by federal marshals, his answer took almost three months to arrive. But it came in early April, and President Hammond read parts of it in church.

President Smith wrote that in 1884 he felt the "Sahara of the San Juan" should be held and the key to holding it was the settlement at Bluff. But he also believed that "in the event of the proper development of the country that Bluff was destined to recede into the shade of better locations, if not eventually abandoned." It would clearly have to be abandoned if the water could not be controlled. Still, he pointed out, "Sometimes a thing may cost more than it is worth, but having been purchased at that excessive price, it is too valuable to throw away." President Smith concluded, "My counsel is to hang on to the San Juan Country and if possible make Bluff a 'stronghold.' But men need not ruin themselves in a hopeless cause. Bluff will doubtless some day be built up."<sup>63</sup> While President Hammond may have hoped the letter would tip the balance of the argument in his favor, it was far from conclusive.<sup>64</sup> The two strong-willed leaders continued to co-exist as well as they could. The bishop would have heartily endorsed the sentiment President Hammond inscribed in his journal the night of Bluff's sixth Founders' Day: "May the Lord assist us to yet redeem and make this land lovely."<sup>65</sup>

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1. "San Juan Stake Manuscript History," December 21, 1884, Church History Library, The Church of Jesus Christ of Latter-day Saints, Salt Lake City; Jens Nielson, "The San Juan Country," *Deseret News*, February 18, 1885, 69.

2. Nielson, "San Juan Country," 69; Francis A. Hammond, Journal, May 9, 1885, Francis A. Hammond Papers, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

3. See entries in Hammond, Journal, for late December 1884, Perry Special Collections. His journal entry for March 24, 1885, recalls that he was called by the First Presidency to be stake president in October 1884, not long after Platte Lyman was released.

4. Francis A. Hammond to Bishop Jens Nielson, January 27, 1885, in "Bishop Jens Nielson, History and Genealogy," comp. Jay P. Nielson, 1965, typescript, Perry Special Collections.

5. Jens Nielson, "San Juan Country," 69.

6. See Journal History of the Church (chronology of typed entries and newspaper clippings, 1830–present), February 28, March 13, and March 26, 1885, Church History Library, microfilm copy in Harold B. Lee Library, which cites the other letter written from Jens Nielson to Francis A. Hammond, February 28, 1885. Parts of the letter were published in *Ogden Herald*, March 3, 1885, and *Deseret News*, March 27, 1885.

7. Francis A. Hammond, "Colorado River to San Juan," *Deseret News*, June 10, 1885, 335; see also Hammond, Journal, May 11, 1885, Perry Special Collections, when he visited around town and was, in the preceding days, "fed by Adams, Waldron [Walton], Haskell, Allan, Perkins, & Bishop." He was impressed enough by the fare to report the dinners were put on as well as "we could have done it in Huntsville in our palmiest days."

8. See Nathan W. Adamson, *Francis Asbury Hammond, Pioneer and Missionary* (Salt Lake City: David H. Allred and West Hammond, 1993), for details on President Hammond's life.

9. Hammond, Journal, May 10, 1885, Perry Special Collections; Hammond, "Colorado River to San Juan," 335.

10. Hammond, Journal, May 12–May 24, 1885, Perry Special Collections.

11. Hammond, Journal, May 25, 1885, Perry Special Collections.

12. Hammond, Journal, May 28, 1885, Perry Special Collections.

13. *Ogden Herald*, June 22, 1885, in Journal History, June 4, 1885.

14. Hammond, Journal, June 3, 1885, Perry Special Collections.

15. Hammond, Journal, June 8–June 12, 1885, Perry Special Collections.

16. Hammond, Journal, June 20, 1885, Perry Special Collections.

17. Hammond, Journal, June 20, 1885, Perry Special Collections.

18. Francis A. Hammond, "More of the San Juan," *Deseret News*, August 26, 1885, in Journal History, August 26, 1885, 3.

19. Charles E. Walton, "San Juan Stake Conference," *Deseret News*, July 15, 1885, 415.

20. Hammond, Journal, July 8, 1885, Perry Special Collections.

21. Hammond, Journal, July 9, 1885, Perry Special Collections.

22. Francis A. Hammond, "A Fine Country," *Ogden Herald*, June 22, 1885, in Journal History, June 4, 1885.

23. Hammond, "More of the San Juan," 3.

24. Francis A. Hammond, Journal, December 13, 1885, Francis A. Hammond Collection, Church History Library.

25. Francis A. Hammond, "From Here to San Juan," *Deseret News*, January 6, 1886, 814.
26. John Taylor and George Q. Cannon, letter to Francis A. Hammond, January 14, 1886, Francis A. Hammond Papers, Perry Special Collections.
27. John Morgan, letter to Francis A. Hammond, February 13, 1886.
28. John Taylor and George Q. Cannon, letters to Francis A. Hammond, September 7 and December 8, 1885, Hammond Papers.
29. Kumen Jones, "Bishop Jens Nielson Sketch," in "Jens Nielson History" CD-ROM, ed. Mike Halliday and Donna Jensen, 21.
30. Hammond, Journal, July 8-July 9, 1885, Perry Special Collections.
31. The bishop or some others in Bluff might have previously expressed concerns about some of President Hammond's regional plans. When the Hammond group of explorers was about to return to Bluff on June 3, 1885, they held a small meeting in which Hammond "gave some advice as to how we should report our trip." See Hammond, Journal, June 3, 1885, Perry Special Collections.
32. See "Bluff Ward Manuscript History," 1885, Church History Library; and Charles E. Walton, "Quarterly Conference of the San Juan Stake," *Deseret News*, October 7, 1885, 596. The conference was held September 19 and 20, 1885.
33. Francis A. Hammond, letter to *Deseret News*, December 2, 1885, 723. The letter was written November 8, 1885, as he was making his way through Emery County back toward Huntsville.
34. Francis A. Hammond, Journal, December 8 and 12, 1885, Church History Library.
35. See note inserted into "San Juan Stake Manuscript History," 1885, after page 33 for the assessment on the stakes.
36. See Charles S. Peterson, *Look to the Mountains: Southeastern Utah and the La Sal National Forest* (Provo, Utah: Brigham Young University Press, 1975), 80-85; Bryant L. Jensen, "An Historical Study of Bluff City, Utah, from 1878 to 1906" (master's thesis, Brigham Young University, 1966), 58-59; and Don D. Walker, "The Carlisles: Cattle Barons of the Upper Basin," *Utah Historical Quarterly* 32 (Summer 1964): 269-72.
37. Francis Marion Lyman, "On the Way: The Trip to San Juan," *Deseret News*, September 29, 1880, 558-59.
38. Hammond, Journal, June 1, 1885, Perry Special Collections.
39. Hammond, Journal, January 27, February 26, March 9, March 21, 1886, Church History Library; Hammond, Journal, November 20, December 4, and December 17, 1886, Perry Special Collections; George Q. Cannon, letter to Francis A. Hammond, January 1, 1887, Hammond Papers, Perry Special Collections.
40. See Francis A. Hammond, "Arrived," *Ogden Herald*, January 8, 1886, in Journal History, January 8, 1886, 13; Myrna Kimmerle, "A Little Visit with Aunt Caroline Nielson Redd," August 1957, in Halliday and Jensen, "Jens Nielson History" CD-ROM, 235.
41. Hammond, Journal, February 11, 1886, Church History Library; Francis A. Hammond, letter to *Deseret News*, October 28, 1885, 649.
42. Hammond, Journal, June 12, 1885, Perry Special Collections.
43. Hammond, "More of the San Juan," 3.
44. See Hammond, Journal, July 14, 1885, Perry Special Collections, for Jens Peter's employment building fences for the Carlisles and Nephi Bailey engaging in trade with the cowboys.

45. Hammond, Journal, June 1, 1885, Perry Special Collections.
46. Hammond, Journal, April 6, 1886, Perry Special Collections.
47. Levi S. Peterson, "The Development of Utah Livestock Law, 1848–1896," *Utah Historical Quarterly* 32 (Summer 1964): 201–2.
48. See Peterson, *Look to the Mountains*, 45–46, 51, for a comparison of the Mormons and the cattle camps. See also Charles S. Peterson, "Imprint of Agricultural Systems on the Utah Landscape," in *The Mormon Role in the Settlement of the West*, ed. Richard H. Jackson (Provo, Utah: Brigham Young University Press, 1978), 99–100; and Dean L. May, *Three Frontiers: Family, Land, and Society in the American West, 1850–1900* (New York: Cambridge University Press, 1994), 81.
49. See Janet Burton Seegmiller, *A History of Iron County* (Salt Lake City: Utah State Historical Society, 1998), 356; Kate B. Carter, comp., *Our Pioneer Heritage*, 20 vols. (Salt Lake City: Daughters of Utah Pioneers, 1958–77), 18:240; Jones, "Writings," 157.
50. Hammond, Journal, December 21, 1885, Church History Library.
51. Hammond, Journal, March 23, 1886, Church History Library.
52. Hammond, Journal, January 13, 1887, Perry Special Collections.
53. Hammond, Journal, January 17, 1886, Church History Library.
54. Hammond, Journal, January 17, 1886, Church History Library, for all the quotations in this paragraph.
55. See Hammond, Journal, January 24, 1886, Church History Library, for what happened at the meeting.
56. Hammond, Journal, January 25, 29, 1886, Church History Library.
57. Charles E. Walton, "San Juan Conference," *Deseret News*, April 21, 1886, 211. See also Dean L. May, "The Making of Saints: The Mormon Town as a Setting for the Study of Cultural Change," *Utah Historical Quarterly* 45 (1977): 75–92, for a consideration of how internal frustrations in a Mormon town might have been vented on outsiders.
58. See Leonard J., Arrington, Feramorz Fox, and Dean L. May, *Building the City of God: Community and Cooperation among the Mormons* (Salt Lake City: Deseret Book, 1976), 8.
59. Hammond, Journal, March 13, 1886, Church History Library; Hammond, Journal, April 6, 1886, Perry Special Collections.
60. Hammond, Journal, March 1 and 23, Church History Library; Hammond, Journal, May 30, June 19, 1886, Perry Special Collections. The mill resulted not only in financial loss but very hard feelings among the Saints in Mancos. Charges and countercharges were lobbed back and forth into the early 1890s.
61. Hammond, Journal, June 29, 1886, Perry Special Collections. Other settlements had severe difficulties with their irrigation, but usually not of the same magnitude as those in Bluff. The colonists on the Little Colorado in Arizona were upset about the "enormous" burden at Snowflake and other nearby settlements in 1889 from the three-dollar-per-acre ditch tax. See Peterson, *Take Up Your Mission*, 180, 185–91.
62. Hammond, Journal, April 6, 1886, Perry Special Collections.
63. Joseph F. Smith, letter to Francis A. Hammond, March 4, 1886, Hammond Papers, Perry Special Collections.
64. Francis Hammond recorded in his journal that night that the letter was about holding "not Bluff in particular but San Juan County and all the region round about." See Hammond, Journal, April 4, 1886, Church History Library.
65. Hammond, Journal, April 6, 1886, Perry Special Collections.

# Should I Keep Trying To Work It Out?

## Sacred and Secular Perspectives on the Crossroads of Divorce

*Alan J. Hawkins and Tamara A. Fackrell*

*Editor's note: This article will appear as a chapter in a book titled Successful Marriages and Families, edited by Alan Hawkins, David Dollahite, and Thomas Draper, forthcoming from BYU Studies in 2012.*

*This book aims to strengthen readers' faith of and testimony in the principles of the restored gospel of Jesus Christ especially as they relate to family life. The topics covered in the various chapters will help readers understand and implement principles from "The Family: A Proclamation to the World" and enable readers to share and defend these principles more effectively.*

**T**he Family: A Proclamation to the World" states, "Marriage between man and woman is essential to [God's] eternal plan."<sup>1</sup> Virtually all Latter-day Saints desire a healthy, stable marriage, but when a person's marriage does not fit that description, he or she may consider divorce. Researchers have estimated that 40 to 50 percent of first marriages—and about 60 percent of remarriages—are ending in divorce in the United States.<sup>2</sup> And although the United States unfortunately has one of the world's highest divorce rates, divorce is common in many other countries as well.<sup>3</sup>

Faithful Latter-day Saints are hardly immune to divorce. Precise estimates of the LDS divorce rate are difficult to obtain. One estimate is that 25 to 30 percent of LDS couples who regularly attend Church experience a divorce.<sup>4</sup> Other researchers estimate that the lifetime divorce rate for returned missionary men was about 12 percent and for women about

16 percent.<sup>5</sup> While it is heartening to know that the divorce rate for faithful Latter-day Saints is much lower than the national average, still many Latter-day Saints face difficult decisions regarding serious problems in their marriages at one time or another. Some will find themselves at a crossroads, pondering whether their marriages can be repaired or would best be ended. Our purpose is to provide spiritual principles and secular wisdom pertaining to the decision to divorce or stay together.

After seeing a lot of divorce around them and perhaps even experiencing their parents' divorce, young people today probably already sense what researchers are finding about the impact of divorce on children. While many children are resilient,<sup>6</sup> still the process of family dissolution is associated with about twice the risk for various social and emotional problems in children of divorce.<sup>7</sup> Feelings of loneliness are more common for children who experience family breakdown.<sup>8</sup> They are much more likely to experience financial hardship,<sup>9</sup> not only in the United States but also in European countries that have more generous social welfare systems than the United States.<sup>10</sup> Children who experience their parents' divorce are less likely to graduate from high school, go to college, or graduate from college once they start.<sup>11</sup> They are twice as likely to doubt their parents' religious beliefs and less likely to attend church services.<sup>12</sup> They are at greater risk for early sexual behavior and pregnancy.<sup>13</sup> And they are much more likely to experience a divorce when they marry.<sup>14</sup> One prominent divorce researcher described children's experience with their parents' divorce this way: "For a young child, psychologically, divorce is the equivalent of lifting a hundred-pound weight over the head. Processing all the radical and unprecedented changes—loss of a parent, loss of a home, of friends—stretches immature cognitive and emotional abilities to the absolute limit and sometimes beyond that limit."<sup>15</sup>

### **Spiritual Counsel on Divorce**

Marriage is ordained of God and central to our spiritual and temporal well-being. Accordingly, ancient and modern prophets have provided important counsel on marriage and divorce. Though our actions often fall short, celestial law treats the bonds of marriage as permanent. The Lord taught: "But from the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife. . . . What therefore God hath joined together, let not man put asunder" (Mark 10:6–9). That God intended from the beginning for us to cleave to our spouse and not separate is evident in Adam's response to God's inquiry of whether he had partaken of the fruit of knowledge of good and evil: "The woman thou gavest me, and commandest that she should remain with me,

she gave me of the fruit of the tree and I did eat” (Moses 4:18). In the celestial law of marriage, God has commanded us to remain together and keep our marriages strong, even when that means we must partake of some of the bitter fruits of life together.

In our day, latter-day prophets and apostles have provided valuable clarifications and counsel regarding divorce. First, President Gordon B. Hinckley said: “There is now and again a legitimate cause for divorce. I am not one to say that it is never justified. But I say without hesitation that this plague among us . . . is not of God.”<sup>16</sup> Referring directly to the doctrine of marriage, Elder Dallin H. Oaks explained: “Because ‘of the hardness of [our] hearts’ (Matt. 19:8–9), the Lord does not currently enforce the consequences of the celestial standard [of marriage]. He permits divorced persons to marry again.”<sup>17</sup> Like the ancient Israelites whom Moses suffered to divorce (see Deut. 24:1), Latter-day Saints too struggle to live the higher law. Thus, a loving God gives us a law more aligned with mortal capabilities and circumstances.

In addition, Elder Oaks taught that “when a marriage is dead and beyond hope of resuscitation, it is needful to have a means to end it.”<sup>18</sup> For LDS couples, it would be wise to make this determination in consultation with a bishop. Elder Oaks also explained that when one spouse abandons the other, the option of divorce allows an innocent spouse to remarry. He adds that this is not an available option in some places, for example the Philippines, and those situations prevent abandoned spouses from moving forward with their lives. In other cases, there is complete psychological abandonment, as well.

Although the Lord permits divorce and remarriage, the standard for divorce is still high. President James E. Faust addressed this issue directly:

In my opinion, any promise between a man and a woman incident to a marriage ceremony rises to the dignity of a covenant. . . .

Over a lifetime of dealing with human problems, I have struggled to understand what might be considered “just cause” for breaking of covenants. I confess I do not claim the wisdom nor authority to definitely state what is “just cause.” Only the parties to the marriage can determine this. They must bear the responsibility for the train of consequences which inevitably follow if these covenants are not honored. In my opinion, “just cause” should be nothing less serious than *a prolonged and apparently irredeemable relationship which is destructive of a person’s dignity as a human being.*

At the same time, I have strong feelings about what is not provocation for breaking the sacred covenants of marriage. Surely it is not simply “mental distress” nor “personality differences,” nor “having grown apart,” nor “having fallen out of love.” This is especially so where there are children.<sup>19</sup>

President Faust's humble statement is striking in that he does not claim to possess "the wisdom [or] authority to definitively state what is 'just cause.'" His statement underlies an important principle—circumstances surrounding each marital breakdown are unique and perhaps cannot be fully understood by others. Thus, only the individuals involved—and an omniscient and all-loving God—can determine just cause.

President Faust provides some counsel, however, on the decision to divorce. He gives a three-part "test" for those seeking to determine if ending a marriage is justified: "just cause" should be nothing less serious than "a prolonged and apparently irredeemable relationship which is destructive of a person's dignity as a human being." In the sections that follow, we explore President Faust's counsel. Then, from a secular perspective, we show how social science research supports this counsel. Finally, we address the question of how we are to act when the possibility of divorce presents itself.

**Prolonged difficulties.** The first part of President Faust's test is that only prolonged marital difficulties should be considered just cause for divorce. By this we believe President Faust counsels that spouses should not seek a divorce without a lengthy period of time to attempt to repair or reduce serious problems. The standard does not require that couples spend the time living together, and in cases where a spouse's or child's personal safety is at stake, a separation likely is necessary while determining whether repentance, forgiveness, and change are possible. For obvious reasons, President Faust does not specify how long is long enough to meet the "prolonged" standard, and indeed behavior that places family members at risk may require immediate separation from the perpetrating spouse. But the principle President Faust sustains is that a determination of just cause for divorce requires a substantial period of problems, time for potential change to occur, and an unrushed, careful decision. Elder Oaks counseled: "Even those who think their spouse is entirely to blame should not act hastily,"<sup>20</sup> noting that most unhappy marriages become happy again if couples hang on and work to resolve their problems.

As professionals, we strive to promote this counsel not to be hasty about a divorce decision. We encourage people at the crossroads of divorce to do everything possible to correct the problems: get rid of the computer (if internet pornography is an issue), go to counseling, move (if needed)—whatever it takes. At the end of this process, a person can look her or his children—and God—in the eyes and honestly say, "I tried everything possible." The process of trying everything to keep the marriage covenant is as important as the outcome of staying married. One case involved a man who had been having an affair for several months. His wife had small promptings that led to the discovery of the sinful secret. Upon discovery, instead

of being brash and advertising the offense to many others, she was wise and kept the issue from her children and others except for the closest friends and family. She began slowly and decided she would try everything possible to save her marriage. The road was extremely difficult, but through the repentance process, the support of ecclesiastical leaders, and the gift of forgiveness, the couple was able to repair their marriage. Several years later, the couple is thriving, and both are extremely grateful they made the decision not to act hastily.

**Apparently irredeemable relationship.** The second part of the test is directly related to the first. The marital relationship must reach the point where it is apparently irredeemable. By this we believe President Faust means that there appears to be little hope for repairing the marital relationship. This determination requires that sincere and sustained efforts have been made to understand and fix the problems. If one spouse is unwilling or unable to make such an effort, this does not excuse the other spouse from determining his or her part in any problems and making needed change. Elder Oaks reassures us that the Lord will “consecrate [our] afflictions for [our] gain” (2 Ne. 2:1–2) in difficult circumstances such as these, and promises, “I am sure the Lord loves and blesses husbands and wives who lovingly try to help spouses struggling with such deep problems as pornography or other addictive behavior or with the long-term consequences of childhood abuse.”<sup>21</sup> Elder Bruce C. Hafen reminds us that we have a shepherd’s covenant in our marriages, not a hireling’s contract: “The good shepherd giveth his life for the sheep; but he that is an hireling . . . seeth the wolf coming, and leaveth the sheep and fleeth” (John 10:11–12). Even in the face of serious problems, Elder Hafen urges us to do all that we can to protect the marriage.<sup>22</sup>

In one case, a marriage survived one spouse’s addiction. After surgery, a spouse became addicted to prescription drugs and later other drugs, which adversely affected the marriage. Further, the addicted spouse incurred large debts to purchase the drugs. The husband lost his employment because of the drug problem. The wife needed to learn to set limits within the marriage and attended the LDS twelve-step program.<sup>23</sup> She felt tremendous support through this program. After a time of separation and rehabilitation for the addicted spouse, the family was reunited. Many years later, both spouses are grateful that they made the decision to work together on the issue.

**Destruction of human dignity.** The third part of the test is that the relationship has deteriorated to the point that it threatens to destroy the dignity of one or both spouses. By this we believe President Faust means that the marital problems have become serious enough over a period of time that an individual begins to lose his or her sense of worth. Although this may

be a difficult standard to discern, certainly abuse or repeated infidelity can threaten a victim's sense of worth. President Faust's counsel suggests that feeling unhappy or unfulfilled in the marriage does not meet this standard. Nor do feelings of emotional or psychological distance or growing apart. Irritations or conflicts brought on by personality differences and other personal preferences rarely rise to the level of threatening our sense of worth. Indeed, these kinds of problems motivate us to pursue changes and improvements that affirm our agency, good desires, and skills that, in turn, reinforce our personal dignity. If this appears to be the hardest course, we can take strength in knowing that we are on the right path. Elder Bruce C. Hafen, again referring to the parable of the shepherd, the sheep, and the wolf, taught that "life is hard and full of problems—wolves. Dealing with the wolves is central to life's purpose. For a husband and wife to deal with the wolves together is central to the purpose of marriage."<sup>24</sup>

In a case of a couple confronting the serious challenge of adultery, the husband also was insulting to his wife and belittled her often in front of friends and family. Not surprisingly, the wife's sense of worth eventually hit rock bottom. Nevertheless, the couple was able to work through this difficult time through tears and counseling. Many years later, however, the husband again had multiple affairs. At this point, the wife knew that the marriage needed to end. Later the wife remarried a good man. She was confident she made the right choice to divorce. Another couple began the divorce process because of a pornography addiction, but with the aid of professional counseling, the couple overcame the problem and eventually reconciled.

The three-part test that President Faust offers to determine just cause for ending marital covenants is a high standard by contemporary secular ethics. Such a high standard is best understood in light of God's eternal plan for his children. In "The Family: A Proclamation to the World," the Lord's anointed proclaim that marriage is "ordained of God"; it is "essential to His eternal plan" and "central to the Creator's plan for the eternal destiny of His children."<sup>25</sup> In this context we can fully understand the spiritual significance of marriage and God's commandment not to "put asunder" (Mark 10:9) the marital bonds that God ordains for his purposes.

### **Secular Perspectives on the Crossroads of Divorce**

A strong case for a high standard in determining just cause for divorce also can be made with secular research. In the next section, we review the secular case for a high bar on the decision to divorce. We believe reviewing this research provides more insight into the wisdom of President Faust's counsel.

**Allowing time for deciding about divorce.** The first test President Faust gave was that serious marital problems should exist for a prolonged period of time before one can determine if there is just cause for ending a marriage. (Although if there are safety issues, then a separation is likely necessary while assessing whether change can occur.) There is not much research on how long people experience problems before seeking a divorce. However, research documents that the first five years of a marriage are the years with the highest risk of divorce, and these risks are even higher for remarriages.<sup>26</sup> Apparently, then, many who divorce are married for a relatively short period of time. In our own professional work, we have learned that unfortunately many people divorce after a short period of problems and make their decision quickly, based almost solely on emotion.

Some research suggests that many who divorce have regrets about the divorce later. Divorce scholar Robert Emery reports that ambivalent or mixed feelings about a divorce are common.<sup>27</sup> A handful of surveys from various states in the United States estimate that perhaps half of individuals wished they had worked harder to overcome their differences.<sup>28</sup> A study that followed divorced individuals over a long period of time found that in 75 percent of divorced couples, at least one partner was having regrets about the decision to divorce one year after the breakup.<sup>29</sup> If feelings of regret are common, this suggests that the decision to divorce may not have been fully considered. One divorced woman remarked: “Now that I’m older and more mature, I look back and I think, ‘Oh my goodness, the issues were really not as big as we made them out to be.’ And truly, I wish I would have done things differently to maybe work on that relationship further.”

**Trying to resolve problems before deciding to divorce.** The second part of President Faust’s test of just cause is that the marriage is “apparently irredeemable,” or that there is little hope of repairing the relationship. Related to this point, researchers estimate that only about 30 percent of U.S. couples who divorce make an attempt to reconcile before the divorce.<sup>30</sup> Other research suggests that most couples do not seek counseling before they divorce. A survey of Utah adults found that only about half of couples who divorced first sought either secular or religious counseling.<sup>31</sup> This is unfortunate because researchers have estimated about 80 percent of couples may see improvement in their relationship after visiting a marriage counselor<sup>32</sup> and, over the short term, almost half say all of their major problems were resolved.<sup>33</sup> One LDS couple said, “One of the things we’ve worked on since [we decided to try to save our marriage], we’ve actually gone to counseling a lot. . . . It’s been really helpful. . . . I think [counseling] opened up a backbone of stability for us.” A final determination of whether problems are

“irredeemable” rests with each spouse. However, we should seek help from various sources, including religious leaders and professional counselors who provide needed perspective and help distressed couples develop the skills to resolve their problems.

Many people seem to believe that once a marriage has gone “bad,” it is like bruised fruit that cannot be restored, but instead needs to be thrown out and new fruit bought. But research shows that a high percentage of people who say they are unhappy in their marriage but persevere for several years later report that their marriages are happy again.<sup>34</sup> More than 75 percent of individuals in Waite and Gallagher’s study who gave the lowest rating on a marital satisfaction scale but persisted reported a few years later that they were happy or very happy. This study suggests that long-lasting marital unhappiness is uncommon; unhappy marriages often improve significantly over time for those who are patient and keep trying to work things out. Thus, we think there should be a presumption that current unhappiness in a marriage will diminish, problems will be resolved, and happiness will return. Patience and perseverance can make a real difference.

Perhaps this intriguing research finding can be better understood in the context of the common reasons people give for divorce. A national study documented that the most common reason people gave for their divorce was a lack of commitment; nearly 75 percent said it was a major factor.<sup>35</sup> Other common reasons were too much arguing (56 percent), infidelity (55 percent), unrealistic expectations (45 percent), lack of equality in the relationship (44 percent), and lack of effective preparation for marriage (41 percent). A survey in Utah found a similar pattern of common reasons.<sup>36</sup>

Most of these reasons seem amenable to patience and effort. People can learn better communication and problem-solving skills; they can establish more realistic expectations; they can learn to treat each with greater respect and act as equal partners. Also, many good resources are available for engaged couples who want to work before their marriage to prepare better for the challenges that lie ahead.<sup>37</sup> There are ways to strengthen commitment to each other and to the marriage before and after the wedding.<sup>38</sup> While infidelity is one of the most difficult marital injuries to heal, therapists devoted to helping couples recover from infidelity report significant success.<sup>39</sup> Even though most Americans (63 percent) say they would not forgive their spouse and would get a divorce if they discovered he or she had been unfaithful,<sup>40</sup> in actuality, researchers have found that about half of men and women who have been unfaithful are still married to their same spouse.<sup>41</sup>

Another interesting finding that sheds light on whether marriages can be repaired is that most divorces come from marriages that were not

experiencing abuse or high levels of conflict. One set of researchers estimated that from half to two-thirds of divorces come from couples who were not having a lot of serious arguments or experiencing abuse.<sup>42</sup> Instead, these divorces seem to result from other problems, such as one or both spouses having unrealistically high expectations about the marriage. Also noteworthy is the finding that the children of these divorces are generally the ones who have the hardest time adjusting to divorce.<sup>43</sup> In high-conflict marriages, the children likely are aware of the problems and divorce may be an expected and even welcome resolution. But in low-conflict marriages that end in divorce, the children likely are surprised and bewildered; a key foundation of their world has been cracked and they struggle to deal with these unwanted and, from their perspective, unwarranted changes in their family.

An LDS couple was married for decades before divorcing because of solvable irritations. The wife was mad at her husband because she felt he was not a good provider; she had grudgingly worked most of their married lives. They experienced serious friction regarding the cleanliness of the home and the undefined roles of each spouse. The children, although all adults, were furious about the divorce. Some of the children have refused to talk to their mother, who initiated the action.

In our professional work, we see that family and friends often encourage a struggling couple to bail out. They see the pain these struggles are causing and instinctively want to end the pain. But instincts are often shortsighted. Again, we acknowledge that there are situations in which divorce is justified, and family and friends should support the difficult choice to end such marriages. But as a general principle, we believe that family and friends should encourage their loved ones to work hard to repair their marriage.

**Divorce, dignity, and well-being.** The third, interrelated part of President Faust's test of just cause for divorce is that the marital relationship has become destructive to a person's basic human dignity. Certainly there is ample evidence that the process of marital breakdown, the aftermath of divorce, and struggles to rebuild a life and meet daily challenges can leave people feeling exhausted, lost, beaten down, lacking confidence, and depressed.<sup>44</sup> Of course, for some adults, divorce, despite its difficulties, can be the beginning of a new, energizing, and exciting path.<sup>45</sup> But for most, marital breakdown and divorce carry with them difficult adjustments that challenge our personal resources to adapt.<sup>46</sup> In this body of research findings, it is difficult to separate the effects of marital breakdown from the effects of adjustment to divorce. Most likely both contribute to adjustment difficulties. That is, problems in the marriage make people unhappy and contribute to lower self-esteem, for instance, but problems adjusting to divorce exacerbate

these problems and likely spawn additional ones. Moreover, research finds little evidence that, overall, those who divorce rather than stay together are able to rebuild a greater sense of well-being and happiness.<sup>47</sup> Specifically, those who were unhappy in their marriage and divorced did not end up having greater emotional well-being a few years down the road compared to unhappily married individuals who stayed together. This was true even for those who remarried (or repartnered) after the divorce. Evidently, for most, divorce is not a reliable path to improving one's well-being over time.

However, it is important to acknowledge that this is only a general statement. Certainly there are far too many instances when one's basic human dignity or safety—as well as children's well-being—is put in jeopardy by a destructive marital relationship. Spousal abuse carries with it a high risk of destructive consequences, including poor mental and physical health.<sup>48</sup> Similarly, the discovery of infidelity, especially a pattern of repeated infidelity, can produce feelings of traumatic stress, anger, depression, anxiety, disorientation, and psychological paralysis.<sup>49</sup> Furthermore, when children are witnesses to ongoing high levels of marital conflict, research suggests that most are better off if their parents divorce.<sup>50</sup>

One challenge associated with this third principle is that sometimes individuals struggling in a destructive marriage get so worn down that they lose a sense of self-efficacy and an ability to trust their own judgment. Hence, they may be unable to make a difficult but correct decision to divorce. In these instances, caring family and friends may need to help. As we said earlier, generally we believe family and friends should encourage loved ones at the crossroads of divorce to act with faith and do all they can to repair the marriage. But there may be times when a family member or close friend will need to prayerfully and carefully intervene to help a loved one see that the marriage has become destructive or unsafe and strengthen them to make a difficult decision to divorce.

One situation that can cause great marital pain occurs when one spouse rejects or questions his or her faith while the other remains devout. We do not believe that by itself a spouse's spiritual wandering is just cause for divorce. With the right perspective, this situation does not constitute a threat to human dignity. Instead, the other spouse should offer compassion, love, and patience as a light to attract him or her back onto the path of full righteousness. One LDS husband left the Church early in the marriage. The wife remained devoted to the Church and her husband, even during his struggle with addiction. She raised her children in the Church and all of her children were married in the temple. After more than twenty-five years of inactivity, the husband again embraced his faith.

## **The Best Course**

The Lord's standard for just cause for a divorce is a high one, even if God mercifully allows us to live by something less than the celestial law. In no way do we want to imply that adhering to this standard is easy. Without question, it takes courage and discipline to stay in an unhappy marriage for a prolonged period of time to attempt change and improvement. It takes wisdom (and perhaps seeking some wise counsel) to evaluate whether a highly troubled marriage can be redeemed, plus skill and effort and humility to repair the relationship. And it takes spiritual insight to discern if an unhappy marriage is becoming destructive of one's basic human dignity. But because marriage is "central to the Creator's plan for the eternal destiny of His children," the bar should be set high, encouraging couples to work to preserve the marriage. Moreover, from a secular perspective, research suggests that a wise course includes patient efforts to repair the relationship, if possible, and that there is wisdom in carefully considering the potential consequences of divorce for all in the family.

Then what is the best course if we come to the crossroads of divorce? Echoing similar, earlier teachings from President Gordon B. Hinckley, Elder Dallin H. Oaks provided challenging but needed counsel:

Now I speak to married members, especially to any who may be considering divorce.

I strongly urge you and those who advise you to face up to the reality that for most marriage problems, the remedy is not divorce but repentance. Often the cause is not incompatibility but selfishness. The first step is not separation but reformation. . . . Under the law of the Lord, a marriage, like a human life, is a precious, living thing. If our bodies are sick, we seek to heal them. We do not give up. While there is any prospect of life, we seek healing again and again. The same should be true of our marriages, and if we seek Him, the Lord will help us and heal us.

Latter-day Saint spouses should do all within their power to preserve their marriages.<sup>51</sup>

Some divorces are necessary and just, and may actually serve to clarify the moral boundaries of marriage by identifying behavior that seriously violates marriage covenants. But both spiritual principles and secular learning should motivate us to do all we can to keep our marital covenants. If we find ourselves at the crossroads of divorce, the best path usually is to seek divine help to change course and repair the marriage. Prayer can be invaluable in this process. There is social science evidence that personal and couple prayer and the faith that motivates it can soften hearts and help strengthen marital relationships.<sup>52</sup> Seeking spiritual guidance from

priesthood leaders can also be helpful, even though it is difficult for some because they do not want to reveal their personal struggles to others. Similarly, it can be helpful to seek out trusted family members or friends who have overcome struggles in their marriages and gain strength, perspective, and support from them. In addition, it is important for those at the crossroads of divorce to surround themselves with a network of friends and family who will support their efforts to repair and strengthen their marriage rather than urge them to abandon the marriage. It is more effective to work on repairing the relationship together, but if only one spouse is willing to do so, there is still hope that the actions of one can create positive change in the relationship and spur the other spouse to action.<sup>53</sup> We also recommend several excellent books—some with a secular focus and some with a spiritual focus—for those at the crossroads of divorce to give them perspective and guidance: *The Seven Principles for Making Marriage Work*<sup>54</sup> (secular focus), *The Divorce Remedy*<sup>55</sup> (secular focus), and *Covenant Hearts*<sup>56</sup> (sacred focus).

Whatever sincere actions are taken, we know that a loving God will support those efforts to help couples preserve a union that is essential to his plan for the eternal welfare of his children. And if those efforts ultimately prove unfruitful, then they can know that they have done all they could to honor a relationship ordained of God.

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## Hourglass

The curve of the pond . . .  
is it needled already with ice

does milk fern frost windows  
frame the river turned  
a rind of gray metal

did the grape clusters shatter  
this year, under shelter of silver-  
palmed leaves

the bulbs—  
are they saved

have the wings of white birds  
already blossomed, the sounds  
strophic and deeper than waves,

overhead blue distanced once more  
from migration

didn't you just call to me  
is it weeks since you left

is the light gone cold  
filling the moon?

—Dixie Partridge

*This poem won first place in the  
BYU Studies 2011 poetry contest.*

# The Educational Philosophy of Eliza R. Snow

*Jolene Merica*

Eliza R. Snow established a legacy as a poet and as general president of the Relief Society of The Church of Jesus Christ of Latter-day Saints; she was also a wife to two Latter-day Saint prophets, Joseph Smith and Brigham Young.<sup>1</sup> Snow's lifework was devoted to the establishment of a faith focused on preparing its members for a postmortal existence and eternal life with God. Central to that preparation, and therefore to Snow's work, was education—not just to equip the Saints for eternity, but also to make them useful in mortality. Although in her early life Snow was a school teacher, she gained prominence in the Church not as a teacher but as “Zion's Poetess,”<sup>2</sup> and so her educational thinking and practice remain largely unexplored facets of her contributions to the nineteenth-century community in which she lived. But Snow's ideas on education appear repeatedly in her poetry and in her speeches and other writings.

In a 1907 memorial service in honor of the Prophet Joseph Smith's 102nd birthday, Elder B. H. Roberts paid tribute to Joseph as a “Prophet-Teacher.” He expressed the idea that a prophet must primarily “be a teacher of men, an expounder of the things of God.” Roberts further suggested that the Prophet Joseph's “philosophical principles were flung off in utterances without reference to any arrangement or orderly sequence.”<sup>3</sup> Eliza R. Snow was also a teacher. She “became very intelligent in regard to the principles of the Gospel, from frequent conversations with the prophet [Joseph], whose knowledge of God and the plan of salvation seemed to unlock the past and future eternities.”<sup>4</sup> Like Joseph, Eliza left no formally stated educational philosophy, but her recurrent poetic themes and public statements suggest educational principles that also expounded the things of God.

### Snow's Core Educational Assumptions

The Saints in the Utah Territory were tasked with building a society that hoped to be temporally, if not also somewhat intellectually, independent of the world they had left. A simplicity was required because of tough temporal circumstances; and yet in that simplicity Snow presented an example of fundamental principles to assist any person to grow and develop and, in her words, to “possess energy of character sufficient to determine to *be somebody* and to *do something*.”<sup>5</sup>

In “Good Society,” a prose piece written between 1854 and 1856, Snow wrote, “He [God] has implanted in our organizations, the germ of mental, moral, and physical faculties capable of expansion, and possessing the rudiments of eternal progression.”<sup>6</sup> Ten years later, in a letter to Dr. Martin Luther Holbrook, editor of the New York journal *Herald of Health*, Snow added “social” to the list of faculties to be expanded and described human progress as “the development of all the rational and noble faculties of man, physically, morally, mentally and socially.”<sup>7</sup> Snow modified her list of faculties in a second letter to Holbrook in 1869, replacing socially with spiritually and mentally with intellectually.<sup>8</sup>

This list of faculties—intellectual, moral, physical, and spiritual—summarizes the areas of development Snow felt were necessary for eternal progression.<sup>9</sup> While Snow advocated for the complete development of all these abilities, it was the improvement of the spiritual and moral faculties that would receive her greatest attention.

Snow reflected that when the Saints arrived in the Utah Territory, “there were no regular schools; but as soon as we obtained the necessities of life, attention was turned to educating the children mentally, but as they were born in the Church, and heirs by right to the kingdom, no thought was bestowed upon their spiritual culture.”<sup>10</sup> Snow believed it was spiritual food that the young wanted and lacked and that the education of the world could not prepare youth to fill high positions in the kingdom of God.<sup>11</sup>

### Educational Themes in Snow's Poetry

Snow's educational thinking was not what President Joseph Fielding Smith later called a “vain philosophy, full of doctrine that [was] not of the Lord” but rather one comprised of principles based on eternal truth.<sup>12</sup> Beginning in her early twenties, her poetry would be “a means to convey her feelings and ideas.”<sup>13</sup> In 1838, Joseph Smith called upon Snow to use her poetic gift to bless the Latter-day Saints. As Zion's designated poetess, she would add to her existing work and amass a collection of over five hundred poems.<sup>14</sup> What readers find in Snow's poetry is her most cogent expression of the relationship of God

to his children, and it is this understanding and her sense of the purpose of life that undergirds what we might identify as her educational philosophy.

Four of her poems written between 1830 and 1867 embrace explicit educational themes. (The full text of these four poems is included at the end of the article.) “Genius Emancipated” portrays the fruitful effects of education and the potential for continued growth and learning. “The Tool and the Gem” focuses on the educational process and the interplay between the teacher and the learner. “To Parents” underscores the importance of educating children to prepare them to perform the mission God intended for them. “Man Capable of Higher Development,” the capstone piece, connects the educational ideas expressed in the other three poems and clearly articulates Snow’s belief that the “grand immortality man is design’d” for is the ultimate educational outcome.

The first poem, “Genius Emancipated Or, the Effects of Education on the Human Mind,” was published in 1830 in the *Ohio Star* newspaper.<sup>15</sup> Snow was in her mid-twenties at the time and lived with her family in Mantua, Ohio. It was a season of religious seeking for Snow, who had affiliated with the Campbellites and would soon become acquainted with the Prophet Joseph Smith. “Genius Emancipated” speaks of immortal crowns and heavenly thrones, religious concepts consistent with Snow’s Christian beliefs. Her vivid imagery of an uneducated person chained by “Ignorance,” eventually unleashed by the freedom that only education offers, foreshadowed principles Snow would learn from Joseph Smith when she became a Latter-day Saint—concepts such as the eternal progression of the soul and intelligence being “the glory of God” (D&C 93:36).<sup>16</sup>

Beginning in Nauvoo and continuing through the end of her life, Snow would use her poetry to “chronicle her people’s history, broadcast their beliefs, and speak in their defense.”<sup>17</sup> For example, the second poem, published in 1841, “The Transformation; or the Tool and the Gem,” was written for the students of the newly established Nauvoo University.<sup>18</sup> In this poem, Snow echoes many of the same educational themes articulated in “Genius Emancipated.” The human mind was “a useless gem . . . wrapped in cumbrous earth” until the “transforming edge” of education “expos’d to view—its nature and its worth.”

The third poem, “To Parents,” was written for a meeting of the Polysophical Society, which met in Salt Lake City during the winter of 1854–55.<sup>19</sup> This group (organized by Eliza’s brother Lorenzo) gathered weekly for musical and literary presentations by its members. While Snow would never bear children, she was affectionately referred to by many as a mother in Zion. In her poem “To Parents,” she reminds mothers and fathers that the “improvement of the youthful mind” should be a priority because adult action and postmortal progression depend upon the “outlines sketch’d in youth and infancy.” This poem

suggests that to Snow a primary purpose of education was to prepare people for a postmortal existence and eternal life.

The fourth poem, “Man Capable of Higher Developments,” was published in 1867 in the New York journal *Herald of Health*. This poem centers on the Latter-day Saint doctrine that men and women can become gods and goddesses, a belief that was a recurrent theme in her work with the Church auxiliary organizations.<sup>20</sup>

In 1882, Snow compiled two volumes of *Recitations for the Primary Associations, in Poetry, Dialogues and Prose*. These materials were prepared for the “spiritual cultivation and progress” of the children of Zion and included “Genius Emancipated,” “The Tool and the Gem,” and “Man Capable of Higher Development.”<sup>21</sup> Snow’s inclusion of these poems in her Primary curriculum suggests the value she placed on education. She would also encourage Primary leaders to explain the meaning of the recitations to the children so they were fully understood and not merely memorized.<sup>22</sup>

### **Snow’s Perspective—Both Eternal and Practical**

While Snow’s focus was eternal and elevated in tone, she recognized the importance of applying that perspective to daily choices and practical living. In a meeting of the Young Women of Weber Stake in 1881, Snow stressed that the key to self-improvement was to practice what they professed. “The Lord has given us perfect principles, but it will require the practice of these as well as the profession.”<sup>23</sup>

In Snow’s poems, as in her speeches and writing, she repeatedly mentioned perfect principles, all of which she saw as theologically based. Through imagery and heightened poetic expression, she demonstrated her nuanced understanding of the connection between these eternal principles and the practical experience of living and learning. As education in the country and in the Utah Territory became increasingly secularized, she continued to keep her eye on what she saw as the ultimate purpose of education.

### **Snow’s Educational Principles**

We are eternal beings divinely endowed with the capacity to learn. In her poem, “Man Capable of Higher Development,” Snow wrote:

We wake into being—how helpless at birth!  
How short, at the longest, our visit on earth!  
Too short to develop (we merely begin)  
The germ of the Deity planted within.<sup>24</sup>

This, of course, echoes the revolutionary doctrine that Joseph Smith taught and Eliza R. Snow embraced: each individual on earth possesses

divine potential, the capacity not only to become *like* God, but to attain godhood. For any person to receive God's approbation in life, choices between good and evil are crucial; but to the adherent of Mormonism, knowledge and personal growth take on special significance. Developing positive traits, gathering information, gaining wisdom, even learning skills—all draw a person closer to godhood. Or, as Snow expressed later in this same poem:

Though frail and imperfect, unlearn'd and unwise  
 We're endow'd with capacities needful to rise  
 From our embryo state, onward, upward!—at length  
 To a fullness of knowledge, of wisdom and strength.<sup>25</sup>

The implications in this doctrine were monumental to Snow. In her poem "To Parents," Snow reminds parents that they do not have the power to create ability in their children but only to cultivate or advance a child's growth. The poem underscores the fact that untrained mental powers "will not arrive at their diploma'd worth, / nor shed their own inherent lustre forth."<sup>26</sup> In other words, divine endowments will not reach their potential without education; and, as Snow so vividly portrays in "The Tool and the Gem," that potential is often masked in a "rough exterior" with capacities "forc'd to lie in buried depths." In this poem, education is the mechanism that enables the transformation:

Each cumbrance from its surface, clear'd—  
 The gem, expos'd to view—  
 Its nature and its worth appear'd—  
 Its form expansive grew.<sup>27</sup>

"Genius Emancipated," the earliest of Snow's educational poems, also expresses the idea that as education frees the mind from ignorance, "unbounded prospects in succession rise."<sup>28</sup> When Snow joined the Latter-day Saints, these thoughts were both reinforced and augmented by principles she learned from Joseph Smith. Smith taught that all "minds and spirits that God ever sent into the world are susceptible of enlargement"<sup>29</sup> and that God "created man with a mind capable of instruction, and a faculty which may be enlarged in proportion to the heed and diligence given to the light communicated from heaven to the intellect."<sup>30</sup>

Echoing these ideas, Snow taught that "God has implanted in the human organization the germ of every faculty necessary for a perfected glorified being; and these germs are all developed or undeveloped according to circumstances."<sup>31</sup> Those circumstances, of course, might include a good teacher—or a good school or a good Church organization—to help prepare a child not only for this world but for worlds without end.

**Each person is an agent with freedom to choose.** If one function of education is to impart knowledge regarding choices and the consequences of those choices, then education enhances not only a person's range of

options but also his or her ability to choose wisely and act honorably. In “Man Capable of Higher Development,” Snow gives poetic expression to the Latter-day Saint doctrine of moral agency.

Man becomes his own agent, with freedom to choose,  
 With pow’r to accept and with pow’r to refuse;  
 With a future before him, the sequel of life,  
 To which this is a preface with consequence rife.<sup>32</sup>

The same year that “Man Capable of Higher Development” was published, Snow also published a poem for children with choice as a central theme. “Gold and Tinsel” didactically warns children to “be very careful what you choose, / and careful too, what you refuse.”<sup>33</sup> Through the image of “tinsel’s glitt’ring show” and the warning to not be “deceived by shining things,” Snow illustrates the principle of discernment—a skill youth need to learn in order to make wise choices, so that they “squander no talents, no health and no time.”<sup>34</sup>

Snow was reared in a home where her parents “extended to their children the right, and afforded us every opportunity we desired, to examine all creeds—to hear and judge—to ‘prove all things.’”<sup>35</sup> Endorsing this pattern in her poem “To Parents,” Snow encourages those with children to “inspire your sons and daughters” to take advantage of opportunities when “education waits before your door.” This poem also expresses the responsibility of the learner:

’Tis true, the Lord his Spirit does bestow,  
 And thro’ that medium, streams of knowledge flow:  
 But when the opportunities are giv’n,  
 Thro’ the o’er-ruling providence of heav’n  
 For self-cultivation; no one need expect  
 That God with smiles will sanction our neglect.<sup>36</sup>

Individuals who understand their own eternal nature and who develop—with a teacher’s or a parent’s encouragement—a sense of who they can become, must choose self-cultivation if they are to reach that divine potential. God may plant the germ of divinity, but he expects his children to improve it and nurture its growth.

In “Genius Emancipated,” an individual with an educated mind “aims at crowns on high, / and seeks a passport to the upper sky.”<sup>37</sup> Expanding on this idea many years later, Snow affirmed in “We Are, We Were and Are to Be” that moral agency and obedience open the door to eternal rewards:

Man, as free moral agent, has the right  
 And power to choose his future destiny  
 Thro’ his adherence to whichever law  
 Or code he shapes his life. The fullness of  
 The Everlasting Gospel of the Son

Of God contains the perfect law by which  
Perfection's full proportions are attained,  
With Immortality and Endless Lives.<sup>38</sup>

In a piece written for children, Snow explained how agency can affect educational outcomes here in mortality: "I have noticed that some of those who go to school most, and have the best advantages do not learn as fast as others who have few privileges, but apply themselves more diligently to their studies. Merely going to school does not make scholars, without close application to study."<sup>39</sup>

While individual motivation is a key to success in both religious development and secular learning, the gift of the Holy Ghost can lift students to even loftier heights. Snow "desired all to cultivate the Sixth Sense which was the Spirit of God."<sup>40</sup> She also explained that "we need not be in the dark; for there are ways by which we can be instructed. We have God's Spirit and agency at our head."<sup>41</sup>

**To receive eternal life, our minds must be expanded and refined, transformed and perfected.** Each of Snow's four educationally themed poems includes the concept of immortality (living forever) or eternal life (enjoying the quality of life God lives).<sup>42</sup> According to Snow, the latter is achieved as individuals are "perfected in body, perfected in mind."<sup>43</sup> As they gather knowledge and as they refine and use that knowledge, they are transformed from "gem[s] . . . chain'd in crudeness" to "polish'd stones."<sup>44</sup> Snow described the need for this refining process and taught that "we are never to come to a standpoint. We are to be progressing, and growing better. If we have done well to-day, we must do still better tomorrow. We believe in eternal progression."<sup>45</sup>

For Snow, with an eternity to grow and with the motivation provided by the exhilarating ability to choose, potential joy is limitless. She endeavored in her speeches and her poetry to inspire her audiences with that same excitement. "I aim—I live for Immortality," she wrote. "Life, knowledge, bliss, without one stopping point."<sup>46</sup>

One danger that can attend such lofty goals is hubris. Snow warned her readers to remember the ultimate source of both their capacities and their potential. In her poem "The Tool and the Gem," she described education as the tool that could transform a person from rude, cumbrous earth into a beautiful work of art. The gem to be transformed was the human mind; the sculptor who "lent his aid" was God.<sup>47</sup> Individuals could assist in the transformation through their choices and personal effort, but only the guidance and power of the Lord could ever carry them to an eternal end.

Still, Snow put great stress on individual responsibility. It was not enough to pray for perfection or to ask God to change one's heart instantaneously. For her, progress was a long learning process requiring daily effort:

Of I pause and ask myself the question, What is the object of life? There certainly must be a grand and holy purpose at the foundation of our creation, else why this innate longing and thirst for knowledge—this perpetual desire for improvement and advancement. . . . The object of this life must be to test us, to try us in all things, and to make us more “perfect, even as our Father in Heaven is perfect.” We may feel that we are far from this, but it is by overcoming the small things, and being able to bear the little trials and perplexities of life patiently and meekly, striving to profit by our daily experiences, that we are enabled to become more perfect, overcoming our weaknesses and not allowing them to overcome us.<sup>48</sup>

Snow expressed a similar sentiment in a dialogue written expressly for use in the Primary Association: “You, each one, will form your own characters, either for good or for evil, and what you do now, is laying the foundation for your future lives. If you want to be great, you must be good—if you want to be good and great, you must lay a solid foundation. A flimsy one will not support a noble structure.”<sup>49</sup>

On another occasion, in a farewell address to the pupils in her Nauvoo School, Snow pointed the children’s minds toward their desired eternal destination: “How awkward you would feel to be introduced into the society of beings filled with intelligence and surrounded with glory, if entirely unprepared for such society? Life itself might seem too short for such a preparation. Then diligently seek wisdom and knowledge.”<sup>50</sup>

**Capacity, greatness, and usefulness are developed through improving oneself and serving others.** As Snow bade farewell to her thirty-seven pupils, aged four to seventeen, in the large second-story room of Joseph Smith’s red brick store in Nauvoo in 1843, she again tried to “impress [their] minds with the importance of scholastic pursuits.”<sup>51</sup> At the same time, Snow seemed to recognize the danger of an overemphasis on self and urged students to employ their knowledge and individual talent in being useful:

Let your thoughts be elevated—let them rise superior to the superficial glare—the pompous nothingness of the fashion of this world which ever passes away, and study to make yourselves useful. By early habit you will accustom yourselves to blend the useful with the agreeable in such a manner as that the every-day duties of life will be pleasurable; and that course of life which proposes the most usefulness, will conduce most to your individual happiness by contributing most to the happiness of others. How much better—how much nobler the principle of habituating yourselves to derive pleasure by contributing to the happiness of those around you, than to seek it in the indulgence of that little selfishness of feeling which extends no farther, and has no other object than mere personal gratification?<sup>52</sup>

Snow’s “Man Capable of Higher Development” expresses the idea that the blessings of education and knowledge are intended to extend beyond the

individual self. Snow illustrates the impact of these acquired traits in “Genius Emancipated.” The untrained or undeveloped mind is a dark and dreary scene with a “strange mysterious gloom” until education enters and rises “phoenix-like, to renovate the earth.” The effects of education are not confined to the individual human mind but “swept th’ encumber’d soil, / And made it teem with honey, wine and oil.”<sup>53</sup>

Again, for Snow, the purpose of life was improvement, and a goal of education was to cultivate and prepare oneself for usefulness.<sup>54</sup> She once boldly proclaimed that individuals “might as well have been born in some other nation or dispensation” if they did not feel they had “a mission in Zion.”<sup>55</sup> While a person may find joy in growth and may work constantly at self-improvement, the greatest achievement comes in turning outward, not inward, and working with others to improve life for everyone.

To this end, Snow believed that a united effort would “accomplish incalculably more than can be accomplished by the most effective individual energies.”<sup>56</sup> Implied in her poetic works and overtly expressed in her discourse was the idea of learning in community. Snow taught that one of the blessings of being organized was to bring people together like “coals of fire, imparting warmth and life to one another.”<sup>57</sup>

An educator, then, must hope to enlarge students’ minds so that they can grasp the infinite possibility within them and, in the very act of doing so, help them understand that to be like God means going beyond self-gratification to a life of service. Snow believed that the more good people did, “the more their faculties would become developed.”<sup>58</sup> She said it was “not the talented alone, but the willing, that are the most useful” and that “in order to improve society” people must first improve themselves.<sup>59</sup>

## Conclusion

A fitting summary of the educational principles that guided Snow’s work is captured in this concluding thought to her Nauvoo class: “With the most earnest desires for your present & eternal welfare, praying God in the name of Jesus Christ that you may be blest with the richest of heaven’s blessings—that you may be preserved from the evils that are in the world, and be of that number who . . . inherit the glory of the celestial kingdom, I bid you all, an affectionate farewell!”<sup>60</sup>

Eliza R. Snow was not just “Zion’s Poetess” and an influential auxiliary leader; she was also an educator. Her teachings and philosophical thought, much of it preserved in her poetry, will continue to influence the lives of learners willing to read her words and, like her, see the central role of education in their quest for eternal life.

## Selected Poems by Eliza R. Snow with Education Themes

### Poem 1: Genius Emancipated

#### Or, the Effects of Education on the Human Mind

Published in the *Ohio Star*, May 19, 1830

The scene was rude, and in its scenic pride,  
Wild, mossy thickets cluster'd side by side,  
Spontaneous rubbish cloth'd the rugged soil,  
The lean brake doted on the thistle's smile;  
Nature's green umbrage closely interwove,  
And form'd the darksome, orbless arch above.  
There, on the rocky base by Ignorance chain'd,  
Untam'd, uncultur'd, savage Genius reign'd;  
Thick clouds of vapor gather'd round her head,  
Her winding paths thro' miry mazes led,  
Her ling'ring step and vague ambiguous air  
Bespoke distraction rather than despair:  
Her harsh speech grated thro' the craggy oaks,  
Or fell unheeded on embedded rocks;  
Her harp was silent, and it matter'd not,  
For no kind gale could reach th' ill-fated spot;  
And when full aiming at the vocal song,  
She seem'd the mimic of a palsied tongue.

At length, amid the strange mysterious gloom,  
Freedom's bold spirit shook the bolted tomb;  
And Education usher'd into birth,  
Rose phoenix-like, to renovate the earth.

The scene is chang'd—the scenery now appears  
Like hope's fine portrait of prospective years—  
That mighty skill has swept th' encumber'd soil,  
And made it teem with honey, wine and oil;  
Fair lilies flourish and gay tulips bud,  
Fresh roses bloom where prickly brambles stood,  
Tall trees are bending with perennial fruit,  
And golden diamonds sparkle at the root;  
Unbounded prospects in succession rise  
On either side, and tow'r amid the skies.

See Genius now, in splendid robes array'd,  
Expanding blossoms deck her laurel'd head;

Fair gems of science brighten on her brow,  
She speaks, kings nod, and thrones and empires bow,  
She takes the harp, and letter'd pinions bear  
Enchanting music thro' the ambient air.

See her ascend Olympus' blazing height  
Where fabled deities carouse in light:  
Aspiring still, she aims at crowns on high,  
And seeks a passport to the upper sky;  
Obtains the grant, by Inspiration giv'n,  
And with its chart and compass, sails to heav'n,  
Scales the high walls, and in the bright abode  
Is crown'd immortal at the throne of God.

**Poem 2: The Transformation; or the Tool and the Gem**

Dedicated to the Students of the Nauvoo University;  
under the Tuition of Elder O. Pratt

Published in *Times and Seasons*, November 15, 1841

I saw a thing of rudest form,  
From mountains' base brought forth—  
A useless gem—devoid of charm,  
And wrap'd in cumbrous earth.

Its rough exterior met the eye  
With a repulsive show;  
For every charm, was forc'd to lie  
In buried depths, below.

The Sculptor came,—I wonder'd, when  
His pliant tool was brought;  
He pass'd it o'er the gem, and then  
I mark'd the change it wrought.

Each cumbrance from its surface, clear'd—  
The gem, expos'd to view—  
Its nature and its worth appear'd—  
Its form expansive grew.

By gentle strokes, it was set free—  
By softer touch, refin'd;

Till beauty, grace and majesty,  
 Were with its nature join'd.

Its lustre kindled to a blaze—  
 'Twas Wisdom's lamp begun,  
 And soon the splendor of its rays  
 Eclips'd the noon-day sun.

That gem was chain'd in crudeness, till  
 The Sculptor, lent his aid:  
 I wonder'd at the ready skill,  
 His potent hand display'd.

But 'twas the virtue of his tool  
 Of fine, transforming edge;  
 Which serv'd for pencil, mould and rule—  
 For polisher and sledge.

The *tool* requires a skilful hand—  
 That *gem*, no charm should bind;  
 That tool is *Education*, and  
 That gem, the *Human Mind*.

### Poem 3: To Parents

Composed winter 1854–55; published in *The Mountaineer*, March 10, 1860

FATHERS and mothers! love for Zion's weal  
 Inspires the muse to proffer an appeal,  
 In Zion's name. Her welfare is our aim,  
 And mutual int'rest; therefore I will claim,  
 Not the indulgence of your list'ning ear,  
 Nor the vain plaudits sycophants would hear;  
 But your attention, thoughtful, calm and grave—  
 Your sober judgment I would fondly crave.

You all are stewards of what you possess:  
 You may abuse or use in righteousness;  
 And thus the children giv'n you of the Lord  
 May prove your curse, or prove a rich reward.

Early in life, is the direction giv'n  
Which leads them down to hell or up to heav'n.  
As outlines sketch'd in youth and infancy,  
The manhood and womanhood will be.  
The infant mind is like an empty cell,  
Where good and evil find a place to dwell,  
And may, by culture, be enlarg'd and fill'd,  
And truth and error, one or both, instill'd.

Our bodies, thro' exertion, strength obtain—  
By exercise, to proper growth attain:  
Let healthy, vig'rous limbs, inertly lie,  
How soon they perish—ultimately die!  
And without practice too, the mental powers,  
Weak, unsupplied with needful, useful stores;  
Will not arrive at their diplom'd worth,  
Nor shed their own inherent lustre forth.

We cannot pow'rs and faculties create,  
But 'tis our province, both to cultivate;  
And while life's busy scenes are hurrying thro',  
The most important is the first to do;  
And surely none can more of worth combine,  
Than the improvement of the youthful mind.

Will ignorance—will wit and sportive glee—  
Will nonsense qualify your sons to be  
Your representatives to carry on  
The work you have commenced, when you are gone?  
In high important offices to act—  
As Zion's judges, business to transact  
In things momentous for all Israel's sake,  
With the salvation of the world at stake?

When education waits before your door—  
When her rich streams in golden currents pour;  
Altho' yourselves have not the time to sip,  
Inspire your sons and daughters too, to dip.  
Prompt them to mental service, while the mind,  
Like pliant boughs, is easily inclined—  
While they with readiness and pleasure take  
The impressions which the sculptor's chisels make.

Your sons as heralds, soon must go abroad  
 To face the world—to teach the truth of God—  
 The wise—the erudite of earth to meet—  
 Knowledge with knowledge—mind with mind compete—  
 All their attainments criticised and tried,  
 Before tribunals of ungodly pride:  
 Where no apologies will be received,  
 And no mistakes and errors be retriev'd.

'Tis true, the Lord his Spirit does bestow,  
 And thro' that medium, streams of knowledge flow:  
 But when the opportunities are giv'n,  
 Thro' the oèr-ruling providence of heav'n,  
 For self-improvement; no one need expect  
 That God will smile upon our own neglect.  
 The Lord assists all those who do their part—  
 The dilatory ones must feel the smart.

Would not your bowels of compassion yearn  
 To think your child, in stranger lands must learn,  
 By force of cruel circumstances, what  
 He might have been, at home, in kindness taught?

Among the brutes, and brutish of our kind,  
 The pow'r of sinew rules, instead of mind:  
 Where cultivation sheds its genial ray,  
 Knowledge is pow'r, and mental strength bears sway.

As fins obscure the vision of the blind,  
 So ign'rance hides the lustre of the mind—  
 To rude unpolish'd gems, it will compare,  
 Till education stamps an impress there.

Should Zion's sons, in aught deficient be,  
 That will adorn, or yield utility?

And very soon your blooming daughters will  
 Their destin'd place as wives and mothers fill.  
 The best—the noblest boon they can receive—  
 The richest fortune, you have power to give—  
 The wealthiest patrimony under heav'n,  
 Is Education timely—wisely giv'n.  
 Not erudition's superficial gloss—  
 Its glitt'ring tinsel, and its flimsy dross,

Vain useless lumber—foolish, empty boast,  
Which constitutes the braggadocia's toast.

Instead of fabled, false, fictitious glare,  
Teach them what was—what will be, and what are;  
Which will their minds with useful stores supply—  
Expand, ennoble, and exalt them high,  
Teach them the principles of life and health,  
And make them rich with intellectual wealth:  
As your best legacy, teach them to find,  
By constant searchings, treasures for the mind:  
All else will perish or elude their grasp,  
Tho' much they cherish—tho' they fondly clasp;  
But what they gather up of mental worth,  
Will not forsake them when they leave the earth.

The pow'r of method students gain in school,  
Forms a credential—constitutes a tool,  
An operative instrument, whereby  
Their own resources, they can self-apply.

Then, let your children be well taught in youth,  
Upon the basis of eternal Truth—  
Self-cultivated too, as well as taught—  
Train'd to reflection, and inur'd to thought:  
And both in Time, and in Eternity,  
Your sons, as pillars, in the church, will be—  
As chosen saviors on Mount Zion stand,  
And sway the royal sceptre of command:  
Your daughters too, as polish'd stones, will shine,  
And ornament their parentage and line—  
To grace—to dignify celestial courts,  
Where the illustrious from all worlds resort;  
And mingle in the high assemblies, where  
The Holy Ones—the Gods and angels are.

**Poem 4: Man Capable of Higher Developments**

Composed February 1867; published in *Herald of Health*, April 1867

MAN'S tide of existence is fearfully chang'd—  
From God and from nature how widely estrang'd!

Vice, dandled by custom, mocks nature's designs,  
And existence is lessen'd where virtue declines.

We wake into being—how helpless at birth!  
How short, at the longest, our visit on earth!  
Too short to develop (we merely begin)  
The germ of the Deity planted within.

As a father transmits from the father to son,  
So God, our Creator, our Father has done;  
There's no attribute God, in his glorified form,  
Possesses, but man, too, inherits the germ.

Though frail and imperfect, unlearn'd and unwise  
We're endow'd with capacities needful to rise  
From our embryo state, onward, upward!—at length  
To a fullness of knowledge, of wisdom and strength.

Man becomes his own agent, with freedom to choose,  
With pow'r to accept and with pow'r to refuse;  
With a future before him, the sequel of life,  
To which this is a preface with consequence rife.

He may learn how to strengthen this life's feeble chain,  
And redeem the longevity man should obtain—  
Develop capacity, greatness and worth,  
By improving himself and improving the earth.

He should squander no talents, no health and no time;  
All, all is important—age, manhood and prime.  
As we sow we shall reap, what we earn we'll receive—  
We'll be judged by our works, not by what we believe.

We now lay the foundations for what we shall be,  
For life's current extends to Eternity's sea;  
Whatever ennobles, debases, refines,  
Around our hereafter an impress entwines.

We're the offspring of God; shall we stoop to degrade  
The form which at first in his image was made?  
To honor our beings and callings, while here,  
Secures an admission to life's higher sphere.

In the likeness of Deity gracefully form'd,  
 With his own noble attributes richly adorn'd;  
 For a grand immortality man is design'd—  
 Perfected in body, perfected in mind!

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1. Jill Mulvay Derr and Karen Lynn Davidson, "A Wary Heart Becomes 'Fixed Unalterably': Eliza R. Snow's Conversion to Mormonism," *Journal of Mormon History* 30, no. 2 (2004): 98.

2. This title was reportedly given her by Joseph Smith sometime in early fall 1838. [Emmeline B. Wells], "Eliza Roxie Snow Smith: A Tribute of Affection," *Woman's Exponent* 16 (December 15, 1887): 109.

3. B. H. Roberts, *Joseph Smith, the Prophet-Teacher: A Discourse* (Salt Lake City: Deseret News, 1908), 12, 62. Brigham Henry Roberts (1857–1933) was an assistant Church historian for thirty-three years.

4. Emmeline B. Wells, "Pen Sketch of an Illustrious Woman," *Woman's Exponent* 9 (September 1, 1880): 50.

5. Eliza R. Snow, "To the Young Sisters in Provo," *Woman's Exponent* 2 (April 15, 1874): 170, italics in original.

6. Eliza R. Snow, *Poems, Religious, Historical, and Political*, 2 vols. (Liverpool: F. D. Richards, 1856), 1:135. Snow wrote this piece for the Polysophical Society, a biweekly gathering organized by Lorenzo Snow where "speeches, songs, readings recitations and instrumental music" were presented. See also Eliza R. Snow, *Biography and Family Record of Lorenzo Snow* (Salt Lake City: Deseret News, 1884), 251–53; and Maureen Ursenbach Beecher, "Three Women and the Life of the Mind," *Utah Historical Quarterly* 43 (Winter 1975): 28–32.

7. Jill Mulvay Derr and Matthew J. Grow, "Letters on Mormon Polygamy and Progeny: Eliza R. Snow and Martin Luther Holbrook," *BYU Studies* 48, no. 2 (2009): 157.

8. Derr and Grow, "Letters on Mormon Polygamy," 161.

9. See Snow, "To the Young Sisters in Provo," 170; "Special Meeting of Kanosh Relief Society," *Woman's Exponent* 9 (December 1, 1880): 102–3; "Minutes of Quarterly Conference of the Relief Society of Utah Stake," *Woman's Exponent* 13 (March 15, 1885): 159–60; Eliza R. Snow, "Well, If We Make It So," *Recitations for the Primary Associations, in Poetry, Dialogues, and Prose No. 1: Adapted to the Capacities of Members from the Age of Four to Ten Years* (Salt Lake City: Deseret News, 1882), 177.

10. "R. S. Reports: Residence Elder John Pack, Jan. 17, 1878," *Woman's Exponent* 6 (February 15, 1878): 138.

11. "The Second Annual Meeting of 10th Ward Young Ladies' Retrenchment Association," *Woman's Exponent* 3 (February 1, 1875): 130. See also "East Porterville, Sept., 1878," *Woman's Exponent* 7 (October 1, 1878): 66.

12. Joseph Fielding Smith, *Doctrines of Salvation: Sermons and Writings of Joseph Fielding Smith*, ed. Bruce R. McConkie, 3 vols. (Salt Lake City: Bookcraft, 1960), 3:274.

13. Jill Mulvay Derr, "Form and Feeling in a Carefully Crafted Life: Eliza R. Snow's 'Poem of Poems,'" *Journal of Mormon History* 26, no. 1 (2000): 7.

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26. Snow, "To Parents," in *Complete Poetry*, 466.

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36. Snow, "To Parents," in *Complete Poetry*, 467. The last two lines reflect edits made to the original poem for publication in *Poems, Religious, Historical, and Political*, vol. 2. See Derr and Davidson, *Complete Poetry*, 1171.

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52. Snow, "Nauvoo Journal," 68–69.
53. Snow, "Genius Emancipated," in *Complete Poetry*, 37.
54. See Snow, "Object of Life," and "Good Example."
55. Snow, "An Address," 20.
56. Eliza R. Snow, "Female Relief Society," *Deseret News* 17 (April 22, 1868): 1.
57. "Utah Stake," *Woman's Exponent* 12 (October 15, 1883): 78.
58. "Relief Society Conference," *Woman's Exponent* 8 (June 1, 1879): 252.
59. "R. S. Reports," *Woman's Exponent* 8 (November 1, 1879): 86.
60. Snow, "Nauvoo Journal," 71.

Royal Skousen, editor.  
*The Book of Mormon: The Earliest Text.*  
 New Haven: Yale University Press, 2009.

Reviewed by Robert L. Maxwell

Royal Skousen, professor of linguistics and English at Brigham Young University, has spent much of his career researching the text of the Book of Mormon. Over the last decade, he has published numerous textual studies of the Book of Mormon. The main volumes in his Book of Mormon critical text project include a typographical facsimile of its original manuscript,<sup>1</sup> another of the printer's manuscript,<sup>2</sup> and a monumental six-volume study of the textual variants of the Book of Mormon.<sup>3</sup> Although some of Skousen's work in this field is available on the web at maxwellinstitute.byu.edu, most of his scholarly volumes may be difficult to obtain and are probably too technical and too expensive for all but the most serious Book of Mormon scholars. Skousen has, therefore, with this volume published by Yale University Press, filled a gap by providing to a wider audience the main conclusions he has drawn from his twenty years of work in Book of Mormon textual analysis. Skousen's impressive work—which builds anew on a long Latter-day Saint tradition of utilizing the manuscripts, comparing the published editions, and analyzing the variants of this sacred scripture—leaves a lasting legacy that will be influential in this field of research for generations to come.

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1. *The Original Manuscript of the Book of Mormon: Typographical Facsimile of the Extant Text* (Provo, Utah: Foundation for Ancient Research and Mormon Studies, Brigham Young University, 2001).

2. *The Printer's Manuscript of the Book of Mormon: Typographical Facsimile of the Entire Text in Two Parts* (Provo, Utah: Foundation for Ancient Research and Mormon Studies, Brigham Young University, 2001).

3. *Analysis of Textual Variants of the Book of Mormon*, 6 parts (Provo, Utah: Foundation for Ancient Research and Mormon Studies, Brigham Young University, 2004–9).

*The Book of Mormon: The Earliest Text* begins with a twenty-two-page introduction by Grant Hardy about the nature and coming forth of the Book of Mormon, together with an inviting call for the further study of that book within LDS, American, and world contexts; and also with a seventeen-page editor's preface by Skousen, describing the nature of the Book of Mormon text and the goals and typographical conventions of this "Yale Edition." The bulk of the book (1–738) consists of a presentation of the complete text of the Book of Mormon itself, a stemma showing the genealogy of the various published versions of the Book of Mormon (739–44), and a superb and most useful appendix setting forth in tabular form the 719 most significant textual (including 95 of the conjectural) differences between the Original and Printer's manuscripts and also between the different printed editions (745–89).

The text of the Book of Mormon has been set in "sense lines," that is, by phrases and clauses, in an effort "to present to the reader a dictated rather than a written text" (xlii), as these phrases and clauses may have been separated as the translation was being dictated by Joseph Smith. Punctuation and paragraphing have been added; these elements are "noncanonical, yet grouping sentences into larger topical units is much like organizing phrases into sentences" (xliv). This format makes reading somewhat easier than the typeset columns used in most other printings of the scriptures. Modern spelling and regular capitalization have also been used throughout. Readers interested in the original spelling, capitalization, and punctuation will find that information in Skousen's earlier publications.

Royal Skousen's research has applied to the Book of Mormon the same level of intense textual scrutiny that biblical scholars have given to the Bible over the last several centuries. As anyone who has copied a text by hand will know, every time a text is copied, no matter how carefully, changes creep in. With important texts, it becomes the task of textual scholars to compare differing versions to try to recover the original, inasmuch as that is possible. It is particularly important to understand what the original text was when people regard that text as holy.

In the Latter-day Saint tradition, inspiration plays a part in discovering the original text. This was the basis of Joseph Smith's project to retranslate and revise the Bible: he wanted to find the original text and, as a prophet, he went directly to the source, receiving the text by inspiration. However, scholars who immerse themselves in the study of a text by comparing different versions also have an important part to play in this process by discovering connections between manuscripts and other versions and coming

to logical conclusions based on the evidence of the available texts. This is exactly what Professor Skousen has accomplished.

Like biblical scholars who compare differing manuscripts to try to ascertain the original text of each book of the Bible, Skousen has compared differing texts of the Book of Mormon, namely the two manuscripts (the remains of the Original Manuscript, written down as Joseph Smith dictated the text, and the Printer's Manuscript, prepared by Oliver Cowdery for use by the typesetters in the printing of the 1830 first edition) and twenty textually significant printed editions, in an attempt to ascertain the original (English-language) text.

In the case of the New Testament, no original manuscripts by any of its writers have survived. The earliest fragmentary manuscripts we have are from the second century AD, and most of the important New Testament manuscripts were copied two or three centuries after the originals were written. Hundreds of subsequent manuscripts were also created, in Greek, Latin, Syriac, and several other ancient languages. Therefore, the work of presenting the text of the New Testament is an ongoing process involving comparison of hundreds of different New Testament manuscripts, understanding their relative importance and relationship to one another, and applying principles of textual criticism when attempting to determine which of several competing versions of an individual passage might be the original.

At first glance, the problem of finding the original text of the Book of Mormon seems much simpler. We have the complete original manuscript, don't we? Well, as a matter of fact, we do not. The Original Manuscript was placed in the cornerstone of the Nauvoo House in 1841, and when the cornerstone was opened in the 1880s, it was discovered that 72 percent of the manuscript had been destroyed by water (xvi). Additionally, the extant 28 percent has evidence of erasures, corrections, and cross-outs (xv), suggesting that the process of transmission of the text from Joseph Smith's oral dictation to the pen of the first scribe unwittingly introduced occasional changes to the text (again, anyone who has attempted to copy verbatim an oral text will know how easily this can happen). In other words, this Original Manuscript was not the "original," in the sense that the true "original" consisted of the oral words that the Prophet pronounced as he translated the plates.

The second copy of the written text was the Printer's Manuscript. A comparison of this manuscript with the extant pages of the 28 percent of the Original Manuscript that has survived shows that Cowdery made an average of about three copying mistakes per page (xvi), from which one may assume that the error rate was about the same in the other 72 percent of

the Printer's Manuscript. Changes were also introduced as the printer typeset the manuscript to produce the 1830 first edition. Some of these changes were very minor, such as improper paragraphing, but some were unintended changes to the wording itself. As Hardy puts it in his introduction:

Minor errors inadvertently crept into the text of the Book of Mormon at every stage of its transmission, from Joseph's occasional misreading of the text or from Oliver's mishearing some of Joseph's dictation, to visual misreadings of the original manuscript when copying the text into the printer's manuscript, to slips of the pen in writing, and to errors in setting the type for printed editions. There are also numerous deliberate corrections, some of which were made during the early transmission of the text and others which were added later as editors and typesetters prepared various editions of the Book of Mormon. (xvi)

Skousen began his work in 1988 with a careful examination and transcription of the remains of the Original and the Printer's Manuscripts. He next identified all the variants in the manuscripts and the printed editions, including words, phrases, capitalization, spelling, punctuation, and versification. Skousen then analyzed the evidence he found of insertions, deletions, and other corrections and changes. He also analyzed spacing, inks, and pen types used in the manuscripts. His findings are briefly characterized numerically on page xxxv. There are 2,241 differences between the Yale Edition and the standard LDS text, 606 of which "have never appeared in any standard printed edition." Of those 606 occurrences, 491 follow either the Original Manuscript, the Printer's Manuscript, or both; 2 are found in copies of the title page; and 113 are "conjectural" or "possible emendations" (xxxix).

What should we conclude from Skousen's efforts to discover the "earliest text" of the Book of Mormon? Skousen suggests that we should not conclude that canonized versions of the Book of Mormon should be revised to reflect this text. The aim of his study is to offer a scholarly reconstruction of the original text, not to suggest that any church that regards the Book of Mormon as scripture should "correct" their text. Hardy notes that Joseph Smith himself made numerous changes to the text, mostly grammatical, between the 1830, 1837, and 1840 printed editions (xx), suggesting that he did not regard the original dictation copy as a flawless text. Neither should we.

In addition, it should be clear from Skousen's meticulous work that the Book of Mormon not only can withstand the scrutiny of textual criticism but in fact deserves and rewards it. Skousen has given all readers many necessary tools with which to make judgments for themselves. Like everything else surrounding the gospel, one is expected to study the matter out

in one's mind (D&C 9:8) and come to conclusions by a combination of faith, inspiration, and intelligence. We might also conclude that the creation and transmission of the texts of all our scriptures have come to us through a union of human and divine processes, and that indeed the principle of continuing revelation applies to the study, analysis, and publication of canonized scripture as well as to any other parts of the true and living Church. But without the facts and other data before us, we would be unable to judge any of this very well. In giving us this information, we should thank Royal Skousen and all those who have supported the work of his career.

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Jill Mulvay Derr and Karen Lynn Davidson, eds.

*Eliza R. Snow: The Complete Poetry.*

Provo, Utah: Brigham Young University Press;

Salt Lake City: University of Utah Press, 2009.

Reviewed by Susan Elizabeth Howe

It is unfortunate but nevertheless true that most of today's educated readers do not understand, are indifferent to, or even dislike poetry. Given that fact, many readers might pass up *Eliza R. Snow: The Complete Poetry* without so much as a glance at its contents. That would be a mistake. In preparing this comprehensive collection of Eliza R. Snow's poetry, editors Jill Mulvay Derr and Karen Lynn Davidson have rightly understood that Eliza's writings have great significance in their relationship to her personal life as well as the religious and historical events to which she was responding. Derr and Davidson have provided such contextual information by including in the introduction an overview of Snow's poetry and a short biography. They also introduce each chapter with more specific historical and personal information about the period in Snow's life when the chapter's poems were written. By preceding each of the 507 poems with an explanation of the context and all unfamiliar references, the reader is prepared to encounter and understand Eliza's verse.

Chapter 1 includes Eliza's earliest work, the poems she wrote between 1825 and 1835. The chapter introduction discusses her parents and grandparents, the home she grew up in, and her development as a poet. She published her first poem in the *Western Courier* newspaper in 1825 when she was twenty-one, after which her poems were regularly featured there and in the *Ohio Star* (3). Influenced by the teachings of Alexander Campbell, Eliza embraced New Testament Christianity and was later convinced that Joseph Smith was the one called to restore the primitive Christian gospel (4). In 1835, she was baptized a member of the Church and gathered with the Saints to Kirtland (4).

The cumulative information provided by each chapter's introduction gives ample evidence that Eliza lived through extraordinary events in the history of Mormonism. Readers interested not only in literature but in early Church history will be satisfied to learn what Eliza considered important

enough to write about during these momentous years of her life. Chapter 2 describes the years between 1838 and 1842, when Eliza and her family fled Missouri with the rest of the Saints, hoped for redress from the United States government, and attempted to establish a life for themselves in Illinois (73–76). Between 1842 and 1845, the years of chapter 3, Eliza became the secretary of the Nauvoo Relief Society, married Joseph Smith, mourned his martyrdom, and then married Brigham Young (197–207). During the years covered in chapter 4, from 1846 to 1849, the Saints were driven from Nauvoo and suffered the long arduous journey across middle America to reach the Great Basin.

One of the most interesting time periods in the book is chronicled in chapter 5, from 1850 to 1856, that interlude of peace the Saints experienced in their new home in the West, before U.S. military troops and others again arrived to oppose their lifestyle and their hegemonic government. During the years of chapter 6, from 1857 to 1865, the Saints found their home and refuge invaded by U.S. soldiers. When the Civil War broke out, Eliza claimed that the Latter-day Saints in the Mountain West were the only people preserving the freedoms and government established by the Founding Fathers, and that the United States government had led the country into dissolution and moral decadence (611–12). Chapters 7 through 9 take up the last twenty-one years of Eliza’s life, in which she wrote poems for children (701–4), organized Relief Societies throughout the wards of the Church, presided over the General Relief Society, supervised the Young Ladies’ Mutual Improvement Association and Primary (703, 960), went on a tour of Europe and the Holy Land with her brother Lorenzo and other leaders (823), and helped to oppose the legal straightjacket created by U.S. federal legislation and territorial officers seeking to control or eliminate the Church (822, 961). To see these events through Eliza’s poems is to see how they were perceived by and deeply affected the people who experienced them.

After she moved to Kirtland, she apparently did not write any poems for three years. Then Joseph Smith asked her to write poems on behalf of the Church (73), to help the larger U.S. community identify with the injustices the Saints had experienced, as well as to encourage and remind Church members of the nobility of their callings and the blessings God would bestow on them for faithfulness. As early as the Nauvoo period, Eliza became known as “Zion’s Poetess” (393), and many of her poems chronicle the mistreatment of the Saints in Illinois and Missouri. “The Gathering of the Saints, and the Commencement of the City of Adam-ondi-Ahman” (78–84) reviews the attacks suffered by the Saints trying to settle Adam-ondi-Ahman and asks, “Where are thy far-fam’d laws, Columbia? Where / Thy boasted freedom—thy protecting care? / Is *this* a land of Rights? Stern

facts shall say / If legal justice here maintains its sway” (lines 175–78). Eliza published twenty poems in the *Quincy Whig*; the first few poems were written to win the sympathy of the Illinois citizens for the Mormons who had been expelled from Missouri: “There’s a dark, foul stain on the Eagle’s crest, / For Columbia’s sons, have her sons oppress’t; / And chas’d into exile, now they roam / Far away from their land, and their much lov’d home!” (85–86, lines 19–22). To cheer and encourage the Saints as they traveled in wagons away from their homes in Nauvoo and toward a new, unknown land, she composed several songs the Saints sang at night around the campfire: “Lo! A mighty host of Jacob / Tented on the western shore / Of the noble Mississippi, / Which they had been crossing o’er; / At the last day’s dawn of winter, / Bound with frost and wrapt in snow: / Hark! The sound is onward, onward! / *Camp of Israel!* Rise and go” (321–22, lines 1–7). Her poems of this era are emphatically faithful; they assure the Saints that God is with them, that their trials will bring the Lord’s blessings, and that all will be well.

Another responsibility that fell to Eliza as Zion’s Poetess was to write poems for special occasions, many of which were set to music. For the Twenty-fourth of July celebration of 1850, she wrote four compositions: “National Song” (397–98), which was sung by the choir; “Ode to Deseret” (398–400), which was recited by Edgar Blodget; “Young Ladies’ Song for the Twenty-Fourth” (400–402), appropriately sung by a chorus of young women; and “National Anthem” (402–3), sung before a flag called “The Flag of Deseret,” which seems to recognize Deseret as its own separate nation. Eliza composed another ten poems or songs for Twenty-fourth of July celebrations between 1851 and 1885 and eleven for the Fourth of July during the same time period. This is not to mention her twenty-one hymns, many of which have endured in the hymnody of the Latter-day Saints, including “O My Father” (312–14), “Though Deep’ning Trials” (130–32), “The Time Is Far Spent” (415–16), “Think Not When You Gather to Zion” (518–20), “How Great the Wisdom and the Love” (840–42), and “Behold, the Great Redeemer Die” (842–43).

A great deal more could be said of her poems than can be included in this brief review. Eliza wrote psalms, sonnets, elegies, epic poems of broad historic sweep, theological addresses for such organizations as the Polysophical Society and the Literary and Musical Assembly, and poems of comfort, welcome, and farewell. Her best poems are often in blank verse, and she demonstrated considerable virtuosity in creating poems with a variety of meters and stanzaic patterns.

Much of Eliza R. Snow’s poetry was public and communal, but Derr and Davidson also direct the reader to occasional glimpses of her private life as revealed in her poetry. There are good reasons to conclude that the poem

“Narcissa to Narcissus” (94–95) can be read as Eliza’s explanation of how she came to love Joseph Smith. The poem says that she was at first indifferent to him, until she learned of his compassion, his principled behavior, his steadfastness, and his “towering soul” (line 17). The poem concludes, “I lov’d thee then, for virtue’s sake, / And ’twas no crime to part / With all that wealth bestows to make / The purchase of thy heart” (lines 21–24). Likewise, “The Bride’s Avowal” (210–11), although it is inscribed “to Miss L. for Her Bridal Morning” and may have been a gift to a woman named Irena Elizabeth Lincoln on her wedding day, quite plausibly expresses Eliza’s feelings about her own marriage to Joseph Smith two months before the poem was published. The poem is written in the voice of the bride and begins “Dearest, the hour approaches, / Our destinies to twine / In one eternal wreath of fate, / As holy beings join” (lines 1–4). The end of the poem seems to express the particular relationship that must have existed between Eliza and Joseph with these lines:

The world has smil’d upon me—  
 I scorn its flattery,  
 For nought but thy *approving look*,  
 Is happiness to me.  
 I would not sell thy *confidence*,  
 For all the pearls that strew  
 The ocean’s bed or all the gems  
 That sparkle in Peru. (lines 17–24)

Other tender revelations in these poems are the deep and abiding relationships Eliza developed with her Latter-day Saint sisters. She writes to Sarah Kimball, “Sarah, I love you—I have lov’d you long / With love that can’t be utter’d in a song— / That will not perish with life’s hopes and fears, / But lives and strengthens with increasing years” (443, lines 1–4). In the poem “To Mrs. Mary Ann Young” (359–60), Brigham Young’s sole wife before the introduction of polygamy, she writes, “Mother of mothers! Queen of queens / For such thou truly art— / I pray the Lord to strengthen thee / And to console thy heart” (lines 1–4). To Eliza Partridge, she says, “You know, dear Girl, that God is just— / He wields almighty pow’r; / Fear not his faithfulness to trust / In the most trying hour” (265–66, lines 1–4). There are hundreds of poems to other women (and also to men), comforting them on the death of a loved one or encouraging them through difficult circumstances.

Just who all the individuals are that Eliza addresses in her poems is made clear by the carefully researched introductions to each poem. For example, poem 174 is titled “To Mrs. E. A. W.” The introduction indicates that Mrs. E. A. W. was Elizabeth Ann Smith Whitney, first counselor in

the Female Relief Society of Nauvoo, known for her compassion and her gift of healing. It also gives a brief biography of Whitney's life, notes that she and Eliza participated together in women's prayer meetings, recounts that Eliza had rejoiced to hear "Mother Whitney" singing in tongues, and explains LDS doctrines mentioned in the poem—those of premortal existence, eternal progression, Elohim or God the Father, and Jesus Christ, the Redeemer and Elder Brother of humankind. The poem was composed while Eliza and her sisters in the gospel were living in Winter Quarters, suffering from inadequate food and housing. Mother Whitney was concerned about the frailty of her two youngest children, and it is likely that Eliza wrote this poem to comfort and encourage her (350).

Such careful, thorough scholarship is the hallmark of *Eliza R. Snow: The Complete Poetry*. Besides the introductions to the entire volume, to each chapter, and to each poem, Derr and Davidson have also provided an appendix with poems attributed to Eliza that may not have been written by her; a section of textual notes that provides the variant texts of each poem and the text of whatever poem or letter Eliza may have been responding to. There is a twenty-two-page bibliography of sources cited in the book and three indexes: title and first line index, scripture index, and general index. This wonderful collection of Eliza R. Snow's poems is usable in every way. Karen Lynn Davidson and Jill Mulvay Derr are to be thanked for the preparation of this extraordinary book that will help us become acquainted with Eliza R. Snow's poetry and to know this remarkable Church leader in a far deeper and more significant way.

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*Think Independently: How to Think in This World but Not Think With It*, by Chauncey C. Riddle (Provo, Utah: Rescate, 2009).

Chauncey C. Riddle, emeritus professor of philosophy at Brigham Young University, has placed an attractive capstone on his professional life with a slim and readable volume that will be of great interest to any Latter-day Saint with a strong philosophical bent. Even those without such a bent will find the book understandable and thought-provoking.

Riddle received his MA and PhD from Columbia University, and adds to his education four decades of experience as a philosophy professor. Each thought in *Think Independently* is carefully crafted; readers will likely have the sense that behind every sentence is a lifetime of examining, weighing, and pondering—often in a wonderfully nonlinear way that is peculiar to the mind of the philosopher.

Chapter 1 argues that, historically speaking, all the sciences grew out of philosophy. Riddle notes that many scientific disciplines have recently worked to distance themselves from the auspices of philosophy by means of accepting only empirical evidence; however, he effectively argues that they have not escaped their various philosophical underpinnings.

For example, in chapter 3, his dialogue on evolution makes an insightful distinction between the *law of evolution* and the *theory of organic evolution*. The law of evolution is easily observable. Life-forms are always changing; evolution and change can be seen not only in the fossil record but in various life-forms that adapt and mutate and evolve before our eyes. The law of evolution, thoroughly observable and in some cases replicable, may be considered science.

The *theory of organic evolution* as propounded by Darwinists, however, takes a giant philosophical leap away from what is observable. Darwinism claims that life sprang up through random chemical processes, and that through natural selection life evolved without the need of a supernatural first cause or divine intervention. Such a theory, something like a secular version of Catholic *creatio ex nihilo*, is completely unobservable and must be taken on faith. “The problem comes in that some persons wish to attach the surety of the law of evolution to their favorite conjecture: the theory of organic evolution” (56).

However, this volume is much, much more than a call for scientists to humbly admit their underlying philosophical assumptions. The book is intended for a very broad audience, for, as Riddle recently said to me, “All people have a philosophy, even if they don’t know it.” The nine chapters within the book explore epistemology, metaphysics, ethics, art and aesthetics, and several different worldviews, all within the framework of revealed religion.

The mode of language Riddle employs moves seamlessly between that of rational philosophy and religious devotion. Such a linguistic mix might be arresting to both religious and scientific purists, but most Latter-day Saints, comfortable with the injunction to learn “by study and faith,” will find the intermingling refreshing.

In his approach, Riddle may strike some as too prescriptive, often using language that is quite authoritative and declarative, something akin to a dictionary definition. The trade-off is a book that can, in only 146 pages, satisfactorily cover nearly every major philosophical conundrum faced by the faithful, as well as nearly every powerful philosophical idea that emboldens

Latter-day Saints to keep the faith and “to become independent of the foibles and pitfalls of a fallen world” (146). For those with an abiding interest (or even a hint of interest) in philosophy within an LDS context, I highly recommend *Think Independently*.

—James Summerhays

*A Search for Place: Eight Generations of Henrys and the Settlement of Utah's Uintah Basin*, by LaMond Tullis (Spring City, Utah: Piñon Hills, 2010).

LaMond Tullis, emeritus professor of political science at Brigham Young University and author of *Mormons in Mexico* and *Lord and Peasant in Peru*, among other works, tries in his latest book to put his ancestors in their rightful place. He tells the story of the Henrys, from the Scotch-Irish John Henry who settled in Rhode Island in the late 1600s down to the generation of his mother's family, who settled in the Uintah Basin. Migrating from New England through New York to the Midwest and the Rocky Mountains, these westering Henrys are placed by Tullis into larger contexts, their stories woven into and symbolic of American life. The experiences of these “migratory risk takers” in the Uintah Basin of Utah clarify what it cost to settle in that stern and exacting locale (xv).

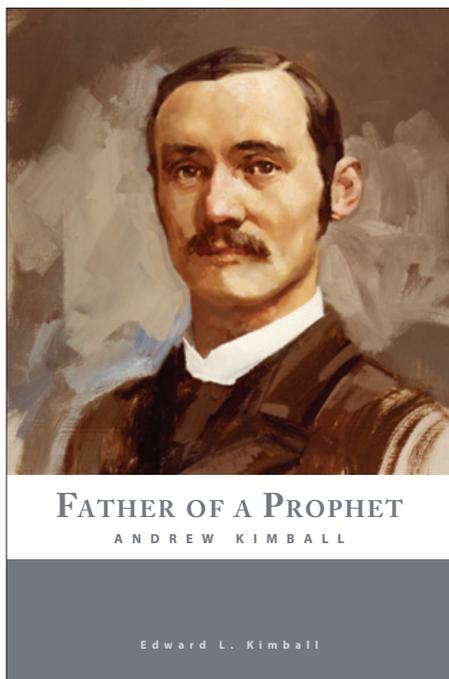
As the title indicates, these ancestors are also studies in the human need and hope to find a place of their own. Tullis broadly defines this “sense of place” as the merging of a person's internal and external landscapes, a situation where they feel right. The “place” framework is also enlightening in a story with so much movement. The term is loaded with enough meaning in the prologue to make the reader pause to consider how it is used when encountered, as it frequently is, in the text (xix–xxi).

As a descendant eager to elucidate his ancestors, Tullis writes as lively a history as the sources and his proficient pen allow; as more original sources become available with each new generation researched, the family subjects transform from silhouettes, whose circumstances are better preserved than they are themselves, to complex characters in more vivid settings.

The Henrys' story ably illustrates larger American themes. Tullis frequently broadens the scope to national events or fills in details on premodern aspects of American agriculturalists, from frontier medicine to hog slaughtering. The book succeeds on many levels, and due to the many layers of this work, it will be of use to those interested not only in the line of Henrys but in the early history of Uintah Basin settlement, in reliving earlier American semisubsistence lifestyles, and in considering questions of migration and belonging. What, after all, puts us in our place?

—David S. Carpenter

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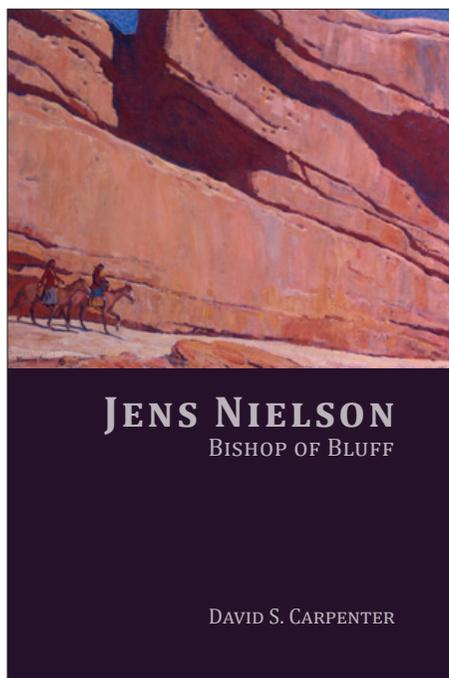
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Spencer W. Kimball spent innumerable hours working on a biography of his father, Andrew, but was unable to finish it. This book, completed by Spencer's son and biographer, Edward L. Kimball, brings that desire to fulfillment. *Father of a Prophet* is the link between Andrew's Apostle father (Heber C. Kimball) and his prophet son (Spencer W. Kimball), and it provides an important prologue to the biographies *Spencer W. Kimball* (1977), and *Lengthen Your Stride: The Presidency of Spencer W. Kimball* (2005).

Andrew presided for twelve years over the Indian Territory Mission, and he worked for years as a salesman in Utah and Idaho traveling from village to village. Then, in 1898, Church leaders called Andrew to move with his family to Arizona and preside over the St. Joseph Stake, covering southeastern Arizona and extending to El Paso, Texas, including the Mormon settlements in the Gila River Valley. Andrew invested himself deeply in his adopted community. He served a term in the Arizona legislature and exerted statewide influence as chair of the agricultural and horticultural commission.

Whenever a vacancy occurred in the Quorum of the Twelve, Andrew's name received speculative mention. His years in stake administration illuminate the Church's maturation from pioneer times to a period of international growth, and his exemplary loyalty and his personal high principles were passed on to his son Spencer, especially as they served in Church assignments together.

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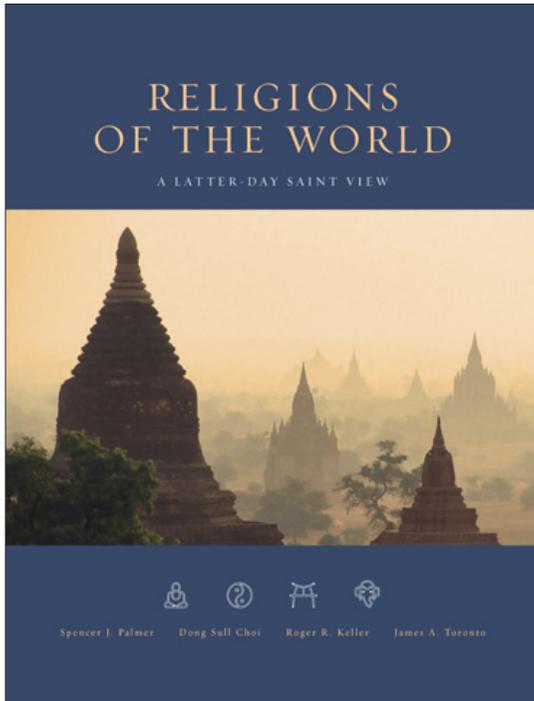
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A Denmark native, Jens Nielson emigrated to Utah Territory in 1856–57. By 1880 he joined the Hole-in-the Rock expedition to settle Bluff, where he served as ward bishop for over two decades.

As much a part of the landscape as the red cliffs, Bishop Nielson helped the town develop the contrasting characteristics that most impressed outsiders: dogged tenacity and kind hospitality. Bluff's settlers were to establish peaceful relations with Native Americans in the Four Corners region and to occupy that area and preempt non-Mormons from settling it.

Nielson and the families who chose to stay came to know each other intimately through their celebrations, mournings, endeavors, and arguments. Modern society would not trade its luxuries for Bluff's hardships, but sometimes it longs for what it left behind—the strong community and sense of shared purpose.

This publication of a 2003 Brigham Young University thesis examines Nielson's life and the community from 1880 to 1906. Bluff's history demonstrates the lengths some Mormons would still go in the late nineteenth century to fulfill the requirements of their faith in a particularly harsh physical and cultural environment.



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Joseph Smith said, “The Great Parent of the universe looks upon the whole of the human family with a fatherly care and paternal regard,” and Nephi testified, God speaks “unto all nations of the earth” (2 Ne. 29:12). This unique book clearly demonstrates how truth and goodness are indeed found among the teachings and practices of all these ennobling religions of the world.

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