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Joseph Smith: "Author and Proprietor"

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Chapter 43

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Mosiah 28:14 "for the purpose of interpreting languages"

Joseph Smith repeatedly testified during his lifetime that he translated the Book of Mormon through the gift and power of God. At the bottom of the Title Page and in the Testimony of the Eight Witnesses of the 1830 edition of the Book of Mormon, Joseph Smith is identified as "*Author and Proprietor*," and the publisher's line reads "PRINTED BY E. B. GRANDIN, FOR THE *AUTHOR*." Are these references to Joseph Smith as author inconsistent with his role as translator? Recent research into early federal copyright laws clearly explains that this terminology is not a problem because it is consistent with early nineteenth-century practice.

On June 11, 1829, Joseph Smith deposited a copy of the Title Page of the Book of Mormon with R. R. Lansing, clerk of the Northern District of New York. He did this in compliance with federal law enacted in 1790. That law required "every person who shall . . . claim to be the *author or proprietor* of any maps, charts, book or books," who wishes to assert a copyright, to perfect that copyright (1) by "recording the title thereof in the clerk's office," (2) by publishing within two months in a United States newspaper a copy of the clerk's record, (3) by inserting the clerk's record "at full length in the title-page or in the page immediately following," and (4) by delivering a copy of the book to the Secretary of State within six months after its publication.¹

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he 1790 statute even spelled out the words that the district clerk should write in his book: "*Be it remembered*, that on the ___ day of ___ in the ___ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books (as the case may be) the right whereof he claims as *author or proprietor* (as the case may be). . . ." Those who complied held a fourteen-year copyright (renewable one time for another fourteen years). The Book of Mormon copyright thus was to expire in 1843, one year to the month before Joseph Smith was killed.

In 1831 the law was expanded so that copyright could be claimed by "authors" of any "musical composition, print, cut, or engraving"

as well as any books, maps, or charts.

With this background, the following points are clear:

1. Joseph Smith complied with the law by depositing the required information with the district clerk and by publishing the clerk's record on the back of the Title Page of the Book of Mormon. The need for protection was real. Indeed, the book's copyright was soon violated by Abner Cole's *Palmyra Reflector*, forcing Joseph to return to Palmyra to assert his copyright.

2. The wording of the statute did not require him to claim *to be* the author, but simply to claim "the right whereof . . . *as* author." Moreover, the statute only allowed two options: the claimant had to identify himself either as "author" or as "proprietor." Since the word "proprietor" referred to those who purchased materials "*from authors*,"² Joseph could not claim to be a proprietor (since he had not purchased the book from anyone else). Thus he had to declare himself as "author" for official purposes.

Where he had a choice, he followed the statutory language and called himself *both* "author and proprietor," perhaps because Joseph felt that neither of these legal categories applied squarely in his case, or perhaps to prevent any other person (e.g., printer E. B. Grandin or Martin Harris—who had rights to the book's first sales proceeds) from claiming an assigned copyrightable interest in it as a proprietor.

3. Joseph fits comfortably, in any event, within the broad legal meaning of the word *author*. Musical composers, cartographers, etchers, engravers, and designers were all authors within the meaning of that term in this statute.

A *translator* also qualified, for copyright purposes, as the author of a book he had translated.³ Indeed, other translators called themselves "authors." An 1824 printing of a King James Version of the Bible (Huddersfield, England) listed the Reverend B. Boothroyd as "the author."

4. On the same Title Page where the phrase "author and proprietor" appears, Joseph made it clear that he had translated the Book of Mormon. The title reads: "The Book of Mormon: An Account Written by the Hand of Mormon, Upon Plates Taken from the Plates of Nephi." In the preface to the 1830 edition, Joseph also wrote, "I would inform you that I translated, by the gift and power of God, and caused to be written [the Book of Mormon]." He speaks of translating the book *six* times in this thirty-five line preface, making his role as translator unmistakable.

To prevent confusion, Joseph changed the word "author" to "translator" in the second edition of the Book of Mormon, printed in 1837. It has appeared that way ever since.

Based on research by Miriam A. Smith and John W. Welch, August 1985.

Footnotes

1. 1 *Statutes* 124 (1790), as amended by 2 *Statutes* 171 (1802); italics added.

2. See the marginal note to 1 *Statutes* 124 (1790) and the Supreme Court decision of *Mifflin v. R. H. White Co.*, 190 U.S. 260, 262 (1903), so holding.

3. See, e.g., *Lesser v. Sklarz*, Federal Case No. 8276a (C.C.S.-N.Y. 1859), holding that an English translation of portions of the Old Testament was copyrightable; see also *Wyatt v. Bernard*, 3 V. & B. 77, 35 *English Reports* 408 (1814).