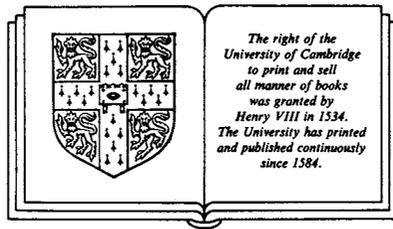


BEFORE COPYRIGHT  
THE FRENCH BOOK-PRIVILEGE SYSTEM  
1498-1526

ELIZABETH ARMSTRONG



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# 1 · ORIGINS AND DEVELOPMENT OF BOOK-PRIVILEGES IN EUROPE

THE CONCEPT OF COPYRIGHT was unknown in the manuscript era, and was slow to develop even when printing with movable type had revolutionised the rate at which copies of a book could be produced. Once a book was published, it passed into the public domain. To seek to protect it, even for a short time, from unrestricted reprinting was to ask for an exception to be made in its favour. However, one concept was quite familiar and was to prove useful to authors and publishers asking for such protection. This was the right of a ruler to grant a 'privilege' or commercial monopoly, whether permanently or for a fixed period of time, within his jurisdiction, to the inventor or initiator of a new process, a new product or a new source of supply (such as mines) capable of exploitation for profit. This right can still be exercised by governments at the present day, and, in the guise of 'patents', such monopolies benefit the originators of articles as diverse as machines and medicines, the justification being to secure a fair return on the enterprise, ingenuity and financial outlay expended to perfect the article and put it on the market. The privileges to be studied in the present work were monopolies only in the most limited sense: they conferred on an author or publisher the exclusive rights in a new book or books for a very restricted period. But the monopoly concept had played a part in the evolution which led to the grant of book-privileges.<sup>1</sup>

It might be thought that the invention of printing was itself a technological feat worthy to be thus patented. In fact the Gutenberg-Fust partnership responsible for it made no such approach to the authorities. The partners evidently relied on keeping the exact process secret at least for long enough to get a useful start from possible competitors. Events proved this secrecy to be short-lived. But the firm, continued by Fust's son-in-law Peter Schoeffer and his sons, kept a leading position far into the sixteenth century. And Johann Schoeffer of Mainz, an eminent printer and type-cutter, in seeking a privilege in 1518 from the Emperor Maximilian I, made the plea (among others) that his grandfather was the inventor of printing. The Emperor, after checking this claim, granted the privilege. It was one of his last acts, and a fitting one, for he had been keenly interested in book-production both manuscript and

<sup>1</sup> For the Empire, this has been expertly studied by F. Lehne, 'Zur Rechtsgeschichte der kaiserlichen Druckprivilegien: ihre Bedeutung für die Geschichte des Urheberrechtes', *Mitteilungen des Österreichischen Instituts für Geschichtsforschung*, LIII (1939), pp. 323-409.

printed.<sup>1</sup> Innovations in type-design might also qualify for a privilege: Aldus Manutius obtained a privilege for his types from the Venetian government and from the Pope in 1502.<sup>2</sup>

A man who had no claim to have invented printing or even a new style of print might none the less be the first person to introduce printing to a country or city where it had hitherto not been practised. The first printer thus to appear on the scene sometimes secured from the authorities there the exclusive right to print in that place. A privilege of this kind was successfully sought by Johann de Spira in September 1469 from the government of Venice, threatening anyone else who tried to start a press there with fines and with the confiscation of his tools and his books. Printing had been brought in 1465 to the abbey of Subiaco, and transferred in 1467 to Rome, but it was still a relative novelty in Italy, and it is understandable that Venice grasped the opportunity of securing the services of a printer, who was well qualified and prepared to settle in the city. Even so, the councillors must have breathed a sigh of relief that Johann de Spira died very shortly after obtaining the privilege, for it soon became apparent that printers were coming to Venice in dozens, ideally placed as it was for trade, and it was indeed by the sixteenth century one of the greatest printing and publishing centres in Europe.<sup>3</sup> Between 1470 and 1480 the names of at least fifty printers practising in Venice are known. On the other hand in Spain the Catholic Kings granted a privilege (Seville, 25 December 1477) to Teodorico Aleman, probably Thierry Martens, *impresor de libros de molde* (printer) and bookseller, with many favours and exemptions for his trade, for the city and province of Murcia; this was evidently intended to encourage the supply of books and may have done so, but there is no evidence that any books were actually *printed* there as a result.<sup>4</sup>

#### GERMANY AND ITALY

But at an early stage it was realised also that a particular book might qualify for a privilege, at the request of author, publisher or printer. The earliest form

<sup>1</sup> *T. Livius Patavinus duobus libris auctus*, Mainz, 1518, fol. Bodl. Auct. L. 1. 10. Text of the Letters Patent printed on the verso of the title-page, dated Wels (in the Tyrol), 9 December 1518. The emperor died in January 1519. He had consulted reliable witnesses about the claim ('docti et moniti sumus fide dignorum testimonio'). For earlier grants by Maximilian for printed books, see below, pp. 14-15.

<sup>2</sup> Martin Lowry, *The world of Aldus Manutius* (Oxford, 1979), pp. 154-8. There is some discussion of privileges, chiefly in Italy, in Rudolph Hirsch, *Printing, selling and reading 1450-1550* (Wiesbaden, 1967), pp. 78-87.

<sup>3</sup> Rinaldo Fulin, 'Documenti per servire alla storia della tipografia veneziana', *Archivio Veneto*, xxiii (1882), pp. 86-8, and, for the text of Johann de Spira's grant, from the Notatorio del Collegio, Documenti, 1, *ibid.*, p. 99. See H. F. Brown, *The Venetian printing press 1469-1600* (London, 1891), and L. V. Gerulaitis, *Printing and publishing in fifteenth century Venice* (Chicago/London, 1976), p. 35.

<sup>4</sup> K. Haebler, *Early printers of Spain and Portugal* (London, Bibliographical Society, 1897), pp. 10-11.

of such a privilege dates from 1479. In that year Stephan Dold, Georg Reyser and Johann Beckenhub agreed with Rudolf von Scherenberg, bishop of Würzburg, to print for him the breviary of his diocese. This edition, when it appeared, bore the full text of a document dated Würzburg, 20 September 1479, by which the exclusive right to print the Würzburg breviary was conferred on these three printers with the authority of the bishop, dean and chapter.<sup>1</sup> This was a valuable monopoly, since the edition of the breviary thus authorised by their bishop would be required by all the clergy of his large diocese. The neighbouring diocese of Regensburg (Ratisbon) followed suit within a year. The bishop, Heinrich von Abendsberg, had 400 copies of the diocesan breviary printed at Würzburg, to be sold at three Rhenish guilders, and granted to the printers, by a privilege dated 13 June 1480, exclusive rights in the breviary within his diocese.<sup>2</sup> In each case, protection from competition, which might otherwise have been expected from the great printing centres, ensured a reasonable return for the outlay involved in printing these large and handsome books. In the sixteenth century too such episcopal privileges appear occasionally in Germany: thus the bishop of Strasbourg in 1511 granted a privilege for three years 'sub censuris ecclesiasticis' for an edition of the breviary which he had commissioned.<sup>3</sup>

In 1481, a six-year privilege was granted for a particular book by the duke of Milan. The book was the *Sforziad* of Johannes Simonetta, and the beneficiaries were the publishers, Antonius Zarottus and his partners. The work celebrated the Sforza family, and the duke recognised that the printing of it had been undertaken with his encouragement ('hortatu nostro'). The ducal Letters Patent accordingly forbade anyone else to print it in his dominions for six years or to import copies of it printed elsewhere, on pain of a fine of 200 ducats.<sup>4</sup> The size of the edition was to be 400 copies, and the period of six years requested and obtained by Zarottus was presumably the length of time he estimated it would take him to sell most of them. In 1484 the duke granted to Petro Justino da Tolentino the exclusive right to print the *Convivio* and other works of Francesco Filelfo, for five years, with a fine of 100 ducats for infringement. When it was brought to his attention that Zarottus and Simone de Magniago were printing this same work, he directed that they should not put their edition on sale until the privileged edition of Petro Justino had been sold.<sup>5</sup> The republic of Venice granted its first privilege for a particular book in 1486. It was a special case, being the history of the city itself, the *Rerum venetarum ab urbe condita opus* of Marcus Antonius Coccius Sabellicus. The Council, recognising its elegance and its historical accuracy,

<sup>1</sup> *Breviarium herbipolense*, GKW 5356.

<sup>2</sup> *Breviarium ratisonense*, GKW 5433.

<sup>3</sup> *Breviarium argentinense*, Johann Pruess the Elder and his successors, Strasbourg, 1510-11, 8<sup>o</sup>. BL c.52.d.3.

<sup>4</sup> E. Motta, 'Di Filippo di Lavagna e di alcuni altri tipografi-editori milanesi', *Archivio Storico Lombardo*, ser. 3, x (1898), p. 67, Doc. xii (Archivio di Stato, Reg.duc.n.121, f. 57).

<sup>5</sup> *Ibid.* p. 51, Doc. i (Archivio di Stato, Missive, n. 160, f. 3).

granted the author permission to have it printed and prohibited anyone other than the printer of his choice from reprinting it in Venetian territory on pain of a fine of 500 ducats.<sup>1</sup> None of these Italian books, as printed, carries any indication that it was published under privilege. The privileges are known only from archival sources. The first person in Italy to hit on the idea of using the printed book itself to advertise the privilege seems to have been Bettin da Trezzo, in 1488, when his *Letilogia* was published in Milan by Zarottus. This displays a paraphrase by the author, in seventeen quatrains of Italian verse, of the Letters Patent he had obtained from the duke at Pavia on 10 March 1488, forbidding anyone to copy or sell the book within his dominions without the author's permission, on pain of a fine of 100 ducats.<sup>2</sup> The idea of the privilege was, however, gaining ground in the book-trade. On 22 August 1489 the publisher and printer of the *Orationes de sanctis* of Robertus Caracciolus obtained a privilege for the book from King Ferdinand of Naples, to run until they had sold out their edition of 2000 copies.<sup>3</sup> They none the less omitted to make any mention of the privilege in the book itself.

The next Milan privilege is of special interest because the ducal Letters Patent, preserved in the archives, incorporate verbatim the petition which had been submitted by the author, Donatus Bossius, for his *Cronaca* (16 February 1492).<sup>4</sup> In the petition, Bossius represented the time and labour he had expended in composing the book, and the injustice which would ensue if other people were free, as soon as it was in print, to reprint it and so rob him of the profit which he might otherwise expect. This argument was accepted by the duke, who added that the author was entitled to the fruits of his exertions in addition to the honour and glory which the publication would bring to him ('equum esse censemus ipsum preter scripti operis gloriam debitos etiam virtute sua ac annorum laboribus fructus percipere') and granted a privilege for ten years for the *Cronaca* whether in Latin or in Italian, within his dominions. We also learn from this document how closely the terms of the privilege, if granted, tended to follow those of the petition which had solicited it: much of the wording of the author's request is reproduced in the final grant, and details such as the length of time and the fine for infringement are exactly as proposed by the applicant.

Other examples of Milan privileges in the last years of the fifteenth century may be noted. The humanist Demetrio Chalcocondylas obtained privileges for scholarly works in 1493 and again in 1499.<sup>5</sup> Michael Fernus was granted

<sup>1</sup> Printed by R. Fulin, 'Primi privilegi di stampa in Venezia', *Archivio Veneto*, 1 (1871), p. 163 (Notatorio del Collegio 1481-89, pag. 115 t.<sup>o</sup>). The work was printed for Sabellicus by Andrea de' Torresani di Asola (Venice, 1487), fol.

<sup>2</sup> Motta, 'Di Filippo di Lavagna', pp. 70-2 (Doc. xiv).

<sup>3</sup> M. Fava and G. Bresciano, *La stampa a Napoli nel xv secolo* (Leipzig, 1911), 1, no. xix, pp. 192-3.

<sup>4</sup> Motta, 'Di Filippo di Lavagna', pp. 68-70 (Doc. xiii). (Archivio di Stato, Reg. duc. n. 127, fol. 5 t.<sup>o</sup>.) The *Chronica bossiana* was published by Zarottus (Milan, 1492), fol. BL c.15.c.3.

<sup>5</sup> F. M. Valeri, *La corte di Ludovico il Moro* (Milan, 1923; Kraus reprint, 1970), IV, p. 112.

ten years for his edition of the works of Campanus, printed for him in Rome by Eucharius Silber. In this book the privilege is reproduced verbatim on the verso of the title-page.<sup>1</sup> The title-page was itself still something of a novelty in book-production, and this is one of the earliest examples – perhaps the earliest of all – of a practice which was to become common in the sixteenth century, and which anticipates however distantly the placing of the copyright notice in most books at the present day. Not content with printing the Letters Patent, granted at Vigevano on 26 March 1495, signed B. Chalcius, and sealed with the ducal seal on white wax, the beneficiary placed above it a warning notice headed *INTERDICTUR*, drawing the attention of possible interlopers to the penalties they would incur by infringing his privilege. The grounds for the grant were stated in the Letters Patent to be that Fernus had with great care and expense brought together the various works of Campanus ‘from almost all over Italy’, restored them to their pristine brilliance and arranged for them to be printed, but now feared lest the fruits of his labour and expenditure might be snatched by someone else (*‘ne ipsi fructus qui ex tanto labore atque impensa iure merito debent ab aliquo eripiantur’*). The following year (1496) Joannes Vinzalius obtained a ten-year Milan privilege for a legal work, the *Consilia* of Franciscus Curtius.<sup>2</sup> Here only a summary of the grant is printed, at the end of the book, which takes the form of a particularly aggressive warning notice (*‘Ne in poenam non paruam imprudenter incurras, O Bibliopola audissime . . .’*). But it is stated in the book that Vinzalius had himself supplied the manuscript from which it was printed (*‘ex proprio exemplari’*) and had compiled the index, and these were probably the reasons for granting him the privilege. A privilege covering several different books was obtained a year later by Joannes Passiranus. It is printed in full in the edition of Sidonius Apollinaris, *Poema aureum* and *Epistole*, with commentary by Joannes Baptista Pius Bononiensis,<sup>3</sup> and in the edition of Fulgentius, *Enarrationes allegoricae fabularum* with a commentary by the same hand,<sup>4</sup> on the verso of the title-page, or what serves as a title-page. It was issued in Milan on 9 November 1497 under the ducal seal, and signed B. Chalcius. It was to run for five years, and constitutes a ‘package’ including Apicius, Nonius Marcellus, Festus Pompeius and an emended edition of Varro.

The king of France, Louis XII, when he had gained possession of Milan, began almost immediately to issue privileges as duke of Milan, following exactly the practice of his Sforza predecessor.<sup>5</sup> An edition of Plautus, with commentary by J. B. Pius, was published there in 1500 with a warning notice on the verso of the title-page that it was forbidden by royal letters for anyone

<sup>1</sup> 1495 fol. GKW 5939. BL IB 19006.

<sup>2</sup> Milan (U. Scinzenzeler), 1496, fol. GKW 7864. BL IC 26764.

<sup>3</sup> Milan (U. Scinzenzeler), 1498, fol. BL IB 26778 a.

<sup>4</sup> Milan (U. Scinzenzeler), 1498, fol. BL IB 26776.

<sup>5</sup> F. J. Norton, *Italian printers 1501–1520* (London; 1958), pp. xxvii–ix, first drew attention to these privileges.

to reprint the book, or import copies of it printed elsewhere in the duchy of Milan for five years ('Cautum est per literas regias ne quispiam audeat citra quinquennium hoc volumen imprimere aut alibi impressum in ditionem Mediolanensem importare sub poena quae in litteris publici sigilli continetur').<sup>1</sup> The edition of Sedulius and Prudentius by Janus Parrhasius published in 1501 provides the complete text of the Letters Patent granted to Parrhasius on 1 July 1501 for four years by the king-duke. It is clear that the editor in his petition had used the now familiar argument that an unauthorised reprint of his edition might defraud him of the fruits of his labours ('ne quis noua editione laboris eius quantuloscumque fructus interverteret...').<sup>2</sup> Louis XII and after him Francis I while in control of Milan continued to issue such privileges, or rather allowed them to be issued in their name by the Milanese chancery. One of the most interesting of the latter is the grant made to Andreas Calvus for his edition of Boccaccio's *Ameto* on 26 May 1520: Calvus must have argued that the existing printed editions of this text were so incorrect that 'it could hardly be believed that it was by so great an author' and that he himself had spared no trouble or expense to have it printed 'with that elegance and art with which the author left it written'.<sup>3</sup>

Venice began regularly granting privileges for particular books in 1492. The first, 3 January that year, went to Petrus Franciscus de Ravenna, a teacher of canon law at Padua University, who had devised a system of training the memory, which he embodied in a book entitled *Foenix*. He based his claim on the time and care he had spent in composing the book, and the risk that others might, once it was in print, reap the fruits of his labours ('ne alieni colligant fructus laborum et vigiliarum suarum'). Anyone in the Venetian state was accordingly forbidden to print the book, or sell copies of it printed elsewhere, on pain of confiscation of the books and a fine of twenty-five lire for each copy.<sup>4</sup> Three weeks later, Dr 'Joannes Dominicus Nigro' requested a privilege for two books 'both useful in the faculty of medicine'. He was not the author of them. But he had acquired manuscripts of them, and proposed to have them printed at his own expense. He feared lest others should reap the reward of the trouble and expense he had been at to secure and publish them. He obtained a privilege for ten years.<sup>5</sup> The printers and publishers were not slow to follow suit. Their demands became numerous, and excessive. By 1517 so many privileges had been granted, some of them for large groups or whole categories of books and for long periods, that it was paralysing the Venetian book-trade, and the Senate revoked all existing

<sup>1</sup> Milan (U. Scinzenzeler) 1500 fol. BL 1B 26792.

<sup>2</sup> Milan (J. and C. Cotta, pr. G. Le Signerre) 1501 8° BL 238.m.34.

<sup>3</sup> Milan (A. Minutianus) 1520 4°. BL 12470.ccc.8.

<sup>4</sup> Fulin, 'Documenti per servire alla storia della tipografia veneziana', p. 102 (Doc. 4).

<sup>5</sup> *Ibid.* pp. 102-3 (Doc. 5).

privileges not issued on its own authority. Henceforth privileges would be granted for new works only, and then only on a two-thirds majority vote.<sup>1</sup>

There were on the other hand Italian states where privileges for books appear to have been given very infrequently. In Florence, for example, it was an unusual measure when Dante Popoleschi was granted by the republic a three-year privilege for his translation of Caesar's *Gallic War*, threatening a fine of 200 gold florins for infringement by anyone who should print it 'senza expressa licentia di decto Dante.'<sup>2</sup>

SPAIN, FRANCE, PORTUGAL, POLAND, SCOTLAND,  
SCANDINAVIA, ENGLAND

Isolated instances of book-privileges outside Germany or Italy began to appear in 1498. Dr Juliano Gutiérrez, physician to King Ferdinand and Queen Isabella, published his book on the treatment of gall-stones, *De la cura de la piedra*, on 4 April 1498, with a notice printed at the end stating that the Council had fixed the price of it at 75 *maravedís* and given a privilege that no one else should print or sell it.<sup>3</sup> It was also in 1498 that Dr Jacques Ponceau, *premier médecin* of Charles VIII of France, entrusted to the press of Johann Trechsel at Lyon a commentary on the *Canon* of Avicenna by Dr Jacques Despars or De Partibus, of which the printing was completed on 24 December 1498, and in which the terms of a royal privilege for five years are paraphrased by the author of the preface, Janus Lascaris.<sup>4</sup> In neither case was the grant followed by a rush of similar concessions. The next privilege in Spain is perhaps the three-year monopoly given in 1500 for an official publication, the *Ordenanzas reales sobre los paños*.<sup>5</sup> In France there is no trace of another until 1505.<sup>6</sup> In Portugal four books were printed 1501-4 which advertised a royal privilege. A *Glosa sobre las coplas de Jorge Manrique* (10 April 1501) prints the words 'con privilegio' on the title-page; a translation of Marco Polo (4 February 1502) bears the statement 'With the privilege of our lord the king that none should print this book nor sell it in all his realms and lordships without leave of Valentim Fernandes on pain of the penalties contained in the

<sup>1</sup> Ibid. p. 93.

<sup>2</sup> The text of the privilege, 30 October 1518, in the name of the *Priori di Liberta & Gonfaloniere di Iustitia del popolo Fiorentino*, signed 'Ego Iacobus Ser Michaelis de Duccis de Pistorio Notarius ditorum dominorum de Mandato', is printed facing the last page of the text (f. 96<sup>r</sup>) of the book. Florence, Io. Stephano di Carlo da Pavia, 1518, 4°. BL 293.f.27. Cf. Norton, *Italian printers*, p. xxix.

<sup>3</sup> Toledo (Peter Hagenbach for Melchior de Gurizzo), 1498, fol. The summary of the privilege is on f. 86, the last leaf, which is missing in some copies: it is reproduced by K. Haebler, *Bibliografía ibérica del siglo xv* (The Hague/Leipzig, 1903), p. 147.

<sup>4</sup> CH 1498, 1.

<sup>5</sup> Haebler, *Bibliografía ibérica*, 1, n° 501. Seville (Stanislaus Polonus), 1500, fol. The summary of the privilege is printed on the title-page, after the royal arms.

<sup>6</sup> PR 1505, 1. See below, p. 49.

grant of his privilege, the price 110 *reais*’; an official publication, the *Regimento dos oficiais das cidades, vilas e lugares deste reino* (29 March 1504), begins the colophon with the words ‘Com autoridade e privilegio del rey nosso senhor . . .’.<sup>1</sup> A *Cathecismo pequeno* by Diogo Ortiz de Villegas, bishop of Ceuta (20 July 1504) prints on the title-page, which bears the bishop’s arms, the words ‘Emprimido com privilegio del Rey nosso senhor.’<sup>2</sup> There appear to be no other Portuguese privileges until 1534.

The first fully documented book-privilege granted by a lay authority in northern Europe is that given by King Alexander of Poland at Cracow on 30 September 1505 to Johann Haller.<sup>3</sup> By the terms of this grant, Haller, who had printed in Cracow since the previous year, obtained a monopoly not of all printing there but in any of the works which he printed. Thus no printer or bookseller, native or alien, might import into Poland or sell within the kingdom any book which Haller had printed, and any copies put on sale in contravention of this privilege were to be confiscated for the benefit of Haller. Protected from the fear of foreign competition, he undertook to print the laws of the kingdom, *Commune inclyti Poloniae Regni priuilegium*, for Chancellor Lasky (27 January 1506), – the privilege is mentioned in the colophon – and as a further inducement to do so he was granted immunity from taxation.<sup>4</sup> When the king died and was succeeded by his younger brother, the more famous Sigismund I, Haller obtained a confirmation of his privilege.<sup>5</sup>

But the ecclesiastical authorities in Poland also found it useful to support Haller. Joannes Konarski, bishop of Cracow, finding many of the breviaries in use in his diocese to be defective, had a revised text prepared, and entrusted it to Haller to print, directing all his clergy to purchase Haller’s edition.<sup>6</sup> And in due course he also granted a privilege for six years to Haller for the Cracow Missal, adding to the penalties for infringement decreed by the king that of excommunication (27 October 1509).<sup>7</sup> A similar privilege granted by the bishop of Poznań to Haller led to a lawsuit between Haller and Casper Tilycz alias Cristek, a citizen and merchant of Poznań, who had imported service-books printed elsewhere; a settlement reached in the bishop’s court eventually obliged Caspar to make over to Haller the copies he had in stock both in Poznań and in Wroclaw on conditions to be agreed between them, and Casper was threatened with a fine of 1000 florins plus excommunication if he were to

<sup>1</sup> All printed at Lisbon by Valentim Fernandes. See Jorge Peixoto, ‘Os privilégios de impressão dos livros em Portugal no século XVI’, *Gutenberg-Jahrbuch* (1969), pp. 265–72.

<sup>2</sup> This item printed at Lisbon by Valentim Fernandes in partnership with João Pedro Bonhomini de Cremona. Described, with illustration of title-page, in A. Rosenthal Ltd, Catalogue 75, pp. 74–5 (no. 1152A).

<sup>3</sup> J. Ptaśnik (ed.) *Monumenta poloniae typographica xv et xvi saeculorum*, Vol. 1, *Cracovia impressorum xv et xvi saeculorum* (Leopoli, Sumptibus Instituti Ossoliniani, 1922), Part [II], no. 105 (pp. 46–7), quoting Matr. Regni Pol. 21, f. 293.

<sup>4</sup> *Ibid.* no. 108 (p. 48), quoting Matr. Regni Pol. 21, f. 361 v<sup>o</sup>.

<sup>5</sup> *Ibid.* n. 112.

<sup>6</sup> *Ibid.* no. 117 (p. 53).

<sup>7</sup> *Ibid.* no. 125.

repeat the offence (12 September 1515).<sup>1</sup> In a fresh edition of the Cracow Missal printed that year, and dedicated to Bishop Joannes Konarski (1 February 1516), Haller took the opportunity of addressing prospective pirates aggressively:

To booksellers: It is not without great cost that these Missals have issued from our press into the light of day. Therefore if any man induced by greed or avarice, or motivated by the frenzy of envy, presume to print them or put on sale copies printed elsewhere, let him be warned, lest he incur the penalties of the privilege granted to us by the King's Majesty.<sup>2</sup>

He had in fact perhaps more printing work on his hands than he could manage: he and Jodocus Decius got a special 6-year privilege on 25 April 1516 for Cracow Breviaries and *Cursus* which were to be printed for them in France.<sup>3</sup> And an agreement between Haller and three other printers was officially recorded on 10 June 1517 under the heading *Concordia librariorum*.<sup>4</sup>

Haller had occupied a position not unlike that of the King's Printers later in France – such royal printers undertaking much official printing mainly at their own expense but being recompensed by the exclusive right within the realm in any books they should be the first to print. But Haller never seems to have been called Printer to the King. And a transition was taking place to the system, perhaps fairer, of granting privileges for individual books: thus Decius obtained on 19 August 1519 a six-year privilege for the *Cronica Polonorum* of Mathia de Myechow.<sup>5</sup>

In Scotland, James IV granted permission on 15 September 1507 to Walter Chepman and Andrew Myllar to set up a printing press in Edinburgh, with a privilege which prohibited the import from elsewhere of the books they printed.<sup>6</sup> This measure seems to have been aimed at securing the presence of a printing press, 'at our instance and request, for our plesour, the honour and proffit of our realme and liegis', somewhat as in the case of the grant by the king of Poland two years before, but it particularly mentioned the production of 'mess bukes efter our awin scottis use' and the most ambitious undertaking of the new press was in fact an edition of the breviary according to the use of Aberdeen in 1510. By the time it came out, Chepman's name only appeared in it, and the press thereafter came to an end of its short life – not, however, before Chepman had successfully prosecuted before the Privy Council (14 January 1510) certain merchants of Edinburgh who had infringed the privilege by importing service-books of the Sarum use.<sup>7</sup>

In Scandinavia the earliest privileges were those issued on ecclesiastical

<sup>1</sup> Ibid. no. 182 (pp. 74–5).

<sup>2</sup> Th. Wierzbowski, *Polonica xv ac xvi saeculorum* (Warsaw, 1889), no. 2076.

<sup>3</sup> Ptaśnik, *Monumenta*, no 194.

<sup>4</sup> Ibid. no. 203

<sup>5</sup> Ibid. no. 216.

<sup>6</sup> *Registrum secreti sigilli regum scotorum. The Register of the Privy Seal of Scotland, I (A.D. 1488–1529)*, ed. M. Livingstone, H. M. Register Office (Edinburgh, 1908), no. 1546, pp. 223–4.

<sup>7</sup> R. Dickson and J. P. Edmond, *Annals of Scottish printing* (Cambridge, 1890), pp. 7–8.

authority. In 1510 the *Psalterium upsalense* was printed by Paul Grijs at Uppsala in the house of the archdeacon Ravalus, Jacobus Ulvsson being archbishop of Uppsala and primate of the kingdom of Sweden, 'Cum priuilegiis'.<sup>1</sup> In 1514 a fine folio missal for the use of Lund was printed at Paris by Wolfgang Hopyl, an internationally known specialist in the production of liturgical books: the printing was supervised by one of the Lund clergy, Cristiernus Petrus, and appeared 'with privilege of the most reverend lord in Christ Birgerus by the grace of God archbishop of Lund'.<sup>2</sup> A *Canon* of Roskilde in Denmark was printed by Poul Raeff at Nyborg in 1522, displaying the arms of Bishop Lage Urne, and the words 'Cum priuilegio'.<sup>3</sup> An edition of Murellius, *De latina constructione* and Despauterius, *Rudimenta*, edited by Chr. Therkelsen, had been printed at Copenhagen by Poul Raeff in 1519, with the words 'cum priuilegio' at the end,<sup>4</sup> I do not know on whose authority – ecclesiastical (possible, for an educational book) or royal (presumably Christian II). Otherwise privileges hardly appear until after the Reformation, when they are associated with authorised Protestant forms of service and translations of the Bible or parts of it.<sup>5</sup>

William Caxton, who introduced printing into England in 1476, transferring his press from Bruges to Westminster, sought no privilege, though he enjoyed the support of the Yorkist dynasty and of Yorkist lords. His business prospered without the need being felt for protection against competitors on his own well-chosen ground. The earliest English book-privilege is displayed in a book dated 15 May 1518, a commentary on Aristotle's *Ethics* by John Dedecus or Dedicus. This was published at Oxford by John Scolar. The privilege, for seven years, was granted by the chancellor of the university, who was William Warham, archbishop of Canterbury, and until 1515 chancellor of England. Its scope was confined to the University of Oxford and its precincts.<sup>6</sup> As the work was evidently in demand in academic circles in England, the benefits of the privilege, if limited, may have been very material. The book perhaps attracted the attention of Richard Pynson, the King's Printer. At all events, Pynson advertised his edition, dated 13 November 1518, of Cuthbert Tunstall's oration on the proposed marriage between Princess Mary, daughter of

<sup>1</sup> Isak Collijn, *Sveriges bibliografi intill år 1600*, Vol. 1, 1478–1530 (Uppsala, 1934–8), pp. 202–9.

<sup>2</sup> L. Nielsen, *Dansk bibliografi 1482–1550* (Copenhagen, 1919), no. 181. Miss Elizabeth Knowles kindly brought it to my attention that it was about 1514 that the archdiocese of Uppsala became independent of the domination of Lund, as it was in 1514 that Gustav Trolle, member of a powerful Swedish house, became archbishop of Uppsala. The printing of the Lund Missal may have been a measure taken by the Archbishop of Lund to assert and publicise his authority.

<sup>3</sup> *Ibid.* no. 38.    <sup>4</sup> *Ibid.* no. 190.    <sup>5</sup> *Ibid.* no. 52, 196, 269 etc.

<sup>6</sup> The privilege is printed on the last page (f. n 4<sup>v</sup>), after the end of the text and the colophon. It reads (contractions resolved): 'Cum privilegio. Vetitum est per edictum sub sigillo cancellariatus ne quis in septennio hoc insigne opus imprimat vel aliorum ductu impensis vendit in universitate Oxonie: aut infra precinctum eiusdem: sub pena amissionis omnium librorum et quinque librarum sterlingarum pro singulis sic venditis ubiubi impressi fuerint preter penam pretaxatam in decreto.' Oxford, 1518, 4<sup>v</sup>. Bodl. Arch.a.e.76 (STC 6458).

## THE PAPACY

Henry VIII, and the Dauphin of France, 'cum priuilegio a rege indulto, ne quis hanc orationem intra biennium in regno Angliae imprimat, aut alibi impressam et importatam in eodem regno Angliae vendat'.<sup>1</sup> This seems to be the first English royal privilege.

## THE PAPACY

Privileges were naturally valid only within the jurisdiction of the authority which granted them. The area within which a privilege was effective, even in principle, might thus be relatively small. At first sight therefore it may seem strange that a privilege should be sought at all from the duke of Milan or from the king of England when printers throughout the rest of Europe were free to reprint the books which it purported to protect. In some cases clearly the greatest danger from unauthorised reprints came from printers in the same state, in the same town or even in the same street. Works of great local interest, such as the history of Venice by Sabellicus, or the chronicle of Milan by Bossius, would be most in demand in the place itself and accordingly offer the greatest temptation to printers there. Even if printers outside that area were free to reprint the book, booksellers within the area were not free to put such an edition on sale. Pynson's privilege for Tunstall's *Oratio* did not stop Froben from reprinting it almost at once in Basle<sup>2</sup> and selling it where he wished on the continent, but Pynson could prosecute anyone attempting to import Froben's edition into England. In the intensely competitive book-trade of Italy, where between 1500 and 1520 there were sixty-five presses in Venice and twenty-one both in Rome and Milan, for instance, a privilege was of real significance which banned any other edition throughout the whole duchy of Milan, a wealthy, populous and largely industrialised territory including towns like Brescia, Pavia and Cremona. Still, the author and publisher of a book of general interest might have their eye on possible profits to be made further afield. Printing in the first twenty years of the sixteenth century was going on in forty-nine different places in Italy.<sup>3</sup>

A prudent and far-sighted author might attempt to prevent his new book from being pirated in these circumstances by extending his privilege coverage beyond the state in which he or his publisher resided. A notable example here is that of Ariosto, with his completed *magnum opus*, the *Orlando Furioso*, ready to be printed by Mazocco at Ferrara in 1516, and destined – as he and his printer probably guessed – to enjoy tremendous success. In a determined attempt to forestall the pirates, and to keep control himself over the printing and sales of

<sup>1</sup> The summary of the privilege is printed at the end (f.B 6<sup>r</sup>), incorporated in the colophon. London, 1518, 4°. Bodl. 4°. T.20(1) Th. Seld. (STC 24320).

<sup>2</sup> Tunstall, *In laudem matrimonii oratio* (Basle, 1519), 4°. For Pynson's privilege, see above, pp. 10–11.

<sup>3</sup> Norton, *Italian printers, passim*.