Commercialising the *Choralis Constantinus*: The Printing and Publishing of the First Edition

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Introduction

In 1537, Hans Ott announced, in the dedication to his *Novum et insigne opus musicum*, that he intended to publish Heinrich Isaac's *Choralis cantus constantiensis* (hereafter CC):¹

ISAACI pauca habere potui, sed facile || id pensabimus proxima editione, qua Choralem cantum constantienfem, ut uocant vulgabimus. || Insignem profecto thesaurū Musices, adeoq₃ indignum, qui diucius lateat.

I have been able to obtain only a few things by ISAAC but we will compensate for this in the next publication, in which we will publish what is commonly called *Choralis cantus constantiensis*, a really outstanding treasure-house of music and for that reason all the more undeserving of hiding in obscurity any longer.

The manuscripts that served as printer's copy were almost certainly complete and in Ott's possession when he applied, some time between April 1544 and May 1545, for an Imperial privilege (copyright protection) for publication of the CC. The previously unknown wording of this application, as opposed to the known but different wording of the received privilege, reads:²

* I am grateful to Grantley McDonald and Stefan Gasch for the translations, and two of the transcriptions, of sixteenth-century German documents, and to Geoffrey Urquhart and Grantley McDonald for the translations from the Latin. I would like to thank David Burn, Grantley McDonald, and, above all, Bart Butler, for insightful comments on earlier drafts of this work, which began with comments scattered throughout my "Hans Ott, Hieronymus Formschneider, and the *Novum et insigne opus musicum* (Nuremberg, 1537-1538)," 2 vols. (PhD diss., University of Melbourne, 1998).

1. RISM 1537¹, tenor partbook, fol. A5r. Transcribed from D-As Tonk. Schl. 355-59.

2. In 1992, I rediscovered a photographic copy of the application in D-Nst, Abteilung Handschriften und Alte Drucke, Rudolf-Wagner-Nachlass, Fach 2,4; the original is presumed to have been destroyed in World War Two. A complete transcription and English translation is given as Appendix 2a below.

Cum autem || iam in manibus habeam Heinrici Isaaci Choralem Cantum, || In dominicas & festa per totum annum [...].

And so since I now have in my possession Heinrich Isaac's [elaborated] plainchant for the Sundays and feasts throughout the entire year [...].

Ott died less than a year after receiving the privilege, the project not coming to fruition within his lifetime. Two questions are begged by the 1537 announcement, 1544/1545 privilege application, and 1550-1555 first edition. Firstly, what caused the delays? If Ott planned the CC as his next publication, why did he instead publish at least five other works, including three substantial editions of music, over the next seven years, leaving the CC unpublished at the time of his death in 1546?³ Secondly, why did he change the name from the *Choralis cantus constantiensis* (Chorales of [the City of] Constance) to the *Choralis Cantus, in dominicas et festa per totum annum* (Chorales for Sundays and feast days for the whole year), and why was the work eventually published by his widow under the misleading, but deliberately chosen, title *Coralis Constantinus* (Chorales of [the Emperor] Constantine)?

Who was Hans Ott, and why would he want to publish the CC?

After working for some time as a bookseller in Regensburg, Hans Ott became a citizen of Nuremberg in 1531, and was a bookseller there until his death in 1546.⁴ In addition to his book-selling, he was the publisher of a small number of books, mostly of music, between 1534 and 1544. Ott had a specific music publication programme in mind, divided into two "series," one of German *Lieder*, and the other of Latin-texted liturgical music. A common feature of both series is made explicit by Ott in his privilege request of 1544/1545:

Magno conatu Inuictissime Imperator hoc longo iam tempore || egi, Vt praestantissimorum Musicorum opera, quos diuus || Maximilianus Clementer fouit, Conquirerem, & ab interitu || uindicarem. At testantur diligentiam in hac re meam || Libri Musici multiplices a me aediti.

3. It is true that Ott announced a second book of masses in his *Missae tredecim* (RISM 1539¹), that this did not appear, and that the 1545 privilege application included a book of masses. The situation, however, is different, as the mass book market had been unexpectedly saturated by the publication by Petreius, also in 1539, of the *Liber quindecim missarum*, with which a majority of the copies of the *Missae tredecim* in original bindings are bound, and by Rhau with the *Opus decem missarum* (RISM 1541¹); see Royston Gustavson, "Competitive Strategy Dynamics in the German Music Publishing Industry 1530-1550," in *NiveauNischeNimbus. Die Anfänge des Musikdrucks nördlich der Alpen*, ed. Birgit Lodes, Wiener Forum für Ältere Musikgeschichte 3 (Tutzing: Hans Schneider, 2010), 185-210, at 207-9. There had been no equivalent publication of mass propers, although some are contained in Rhau's *Officia paschalia* (RISM 1539¹⁴).

4. Royston Gustavson, "Ott, Hans," in *NG*² 24: 800-1.

For some considerable time now, most invincible Emperor, I have tried hard to collect the works of the most outstanding musicians patronized by the Emperor Maximilian, in order to prevent them from perishing. The numerous books of music I have published to this end testify to my diligence in this matter.

Isaac was one of the most famous composers "patronized" by Maximilian.

The Latin-texted series is known to have included the two volumes of the *Novum et insigne opus musicum* (RISM 1537¹ and RISM 1538³), which were the first volumes of Latin-texted polyphony to show the influence of the Reformation.⁵ It also encompassed an anthology of mass ordinaries (RISM 1539²) and possibly the Senfl Magnificats (RISM S 2807).⁶ Ott's Imperial privilege of 1545 provides evidence that, although he did not live to publish any of the following titles, he intended to continue the series with responsories, antiphons and hymns for the office, a second anthology of mass ordinaries ("Missas"), and a cycle of mass propers, namely, the *Choralis Constantinus*. Ott was aiming to publish the first comprehensive collection of Latin-texted liturgical music in the German-speaking area; although Ott began first, Georg Rhau was to complete the task before him. Unlike Rhau, Ott was not also a printer, and so he contracted out the printing of the books and music that he published, initially to Hieronmyus Formschneider,⁷ then to Bartholomäus Westheimer, and finally to Berg and Neuber.

Ott was no philanthropist: he was a businessman with a family to support, who undertook to publish this series of liturgical music because he believed that it would be profitable. This does not mean that profit was Ott's only motivation—he may genuinely have wished to preserve this music or to encourage its performance—but it does mean that if he did not believe that it would be profitable he would certainly not, despite any other motivations, have gone ahead.

If the motivation for publication of the CC was ultimately commercial, then how did Ott expect to make a profit, or in other words create and capture financial value? The value chain for printed books consisted of the roles of creator, publisher, editor (where one existed), printer, bookseller, and the public, and the created value was divided up among them.⁸ Although Ott did

5. The publication was announced in 1534 in the tenor partbook of RISM 1534¹⁷, fol. 5r: "Dann ich vorhabe gar außserlefen lateinif- || cher gefanck Compoficion/ mit dem schierften so mir Ym[m]er mueglich/ auch in || den Truck außgehn zu lassen." Transcribed from D-Mbs 8° Mus.pr. 35. In the intervening period Ott published his second lied anthology.

6. See Gustavson, "Hans Ott, Hieronymus Formschneider," 16-19.

7. On Formschneider, see Royston Gustavson, "Formschneider, Hieronymus," in *MGG*², Personenteil 6: cols. 1472-75.

8. This categorization of roles is defined in Gustavson, "Competitive Strategy Dynamics," 186-88.

not live to publish the CC, the following analysis applies to his decision to publish the CC, and to the decision of those who would decide to publish the CC after his death.

The creator, Isaac, and his estate received no money from the publication,⁹ even though he was paid for writing the music: the "Constance" music was commissioned by the cathedral chapter, and he presumably wrote the "Imperial" music while receiving a salary from the Emperor.¹⁰ However, he did not possess copyright protection (a privilege) for any of his music, and so anyone who could access his music could profit from it without making any payments to him. As such, Isaac captured no financial value from the publication, although he captured reputational value, albeit posthumously.

Ott was the businessman whose idea it was to publish the CC and who bore the financial risk. He had significant upfront costs: the presumed purchase of manuscripts, including some that Ott claimed were in Isaac's hand, payment for copyright protection (a privilege), and the liability for the cost of the printing, all of which were incurred regardless of the success or failure of the edition. The publication of a work of the scale of the CC was therefore not to be undertaken lightly, and the businessman's careful planning is evident. The CC was part of a publication programme of Latin-texted liturgical music. It was placed later in the programme, rather than near the beginning because, given the type of music (mass propers), a consumer would be more likely to purchase the CC to "complete" a collection rather than to begin it: this is an evaluation of the anticipated market response. As a publisher he was also careful to ensure, by paying for copyright protection, that his investment would not be endangered by a "pirate" edition, produced and sold more cheaply, which would undermine sales. Although applying for copyright was not standard practice at the time, the value of the copyright was made clear when it was used in legal action to prevent a competitor, Georg Forster, from publishing the CC. As far as financial outcomes are concerned, the publisher was in the strongest position to capture the largest part of the value—or bear the largest part of the losses, which is why risk management was such a key issue.

Nothing certain is known about the editing of the CC for publication. The many claims in the literature that Senfl was involved are based on either assumptions or misinterpretation of evidence; some of these claims and some of the counterevidence are discussed below. Therefore the value captured by this role cannot be determined.

9. According to one hypothesis (Manfred Schuler, "Zur Überlieferung des Choralis Constantinus von Heinrich Isaac," *AMw* 36 [1979]: 68-76 and 146-54, at 72), the printer's copy may have come from Isaac's estate, in which case payment may have been made for the change of ownership of the physical manuscript from Isaac's estate to Ott.
10. Reinhard Strohm and Emma Kempson, "Isaac, Henricus," in *NG* 12: 576-90, at 577.

The printing of the CC was to be contracted out (that is, outsourced) by the publisher to a printer. The role of the printer, a tradesman, would normally have been fulfilled at least in part by the printer's employees and apprentices; it involved typesetting, printing, and proofreading/correcting. The printer captured value through the payments, specified in the contract, that were to be received from the publisher.

The next link in the value chain is sales. In the case of the CC, the principal business activity of the publisher, Ott, was not publishing but bookselling, and so this is an example of vertical integration: a person or business in one part of the value chain (bookselling) moving into another part of the value chain (publishing) in order to capture additional value.¹¹

This brief analysis of the value chain makes it clear that, although Ott bore almost all of the risk, he stood to gain almost all of the profit from the undertaking, sharing it only with the profit made by the printer from the outsourcing contract.

If the publication of the CC was regarded by Ott as commercially viable two decades after Isaac's death in 1517, why had someone not already published it? By the time of Isaac's death, little music had been printed because the technology used for music printing, either woodcuts or multiple-impressions from type, made it very labour-intensive and so the prints were expensive, resulting in a small market. The two major German music publishers during Isaac's lifetime were Erhart Öglin (who issued five volumes or sets of partbooks between 1507 and ca. 1513), and Peter Schöffer d.J., who issued no volumes of sacred polyphony during Isaac's lifetime; other well-known music printers of this period, such as Arnt von Aich, Grimm and Wirsung, and Gregor Mewes, each issued only a single music print. The turmoil of the Reformation resulted in almost no polyphonic music being printed in Germany between the *Liber selectarum cantionum* (RISM 1520⁴) and 1532,¹² in which year the major technological breakthrough of single impression music printing, which had already been used in other countries, was introduced into Germany by Christian Egenolff.¹³ This process made publication of a work of the size of the CC more likely to be commercially viable. However Egenolff, unlike his major contemporaries, printed no liturgical music, and Schöffer continued to print short sets of partbooks of music using only the old multiple-impression process. The first publication in the German-speaking area of Latin-texted liturgical polyphony using the new process was Hans Ott's *Novum et insigne opus musicum*.

11. Another reason for moving into another part of the value chain, although not relevant in this instance, is to ensure the supply of a particular resource. For example, Christian Egenolff purchased a paper mill to ensure a timely supply of paper; see Gustavson, "Competitive Strategy Dynamics," 199-200.

12. The major exception is Johann Walther's *Geystliche gefangk Buchleyn* published in 1524 and reprinted in 1525.

13. Royston Gustavson, "Egenolff, Christian," in *MGG*², Personenteil 6: cols. 98-103.

The 1537 announcement

Ott's announcement of his intention to publish the CC, quoted at the beginning of the introduction to this chapter, is clearly an exercise in marketing, whetting the appetite of the reader for the CC:

I have been able to obtain only a few things by ISAAC but we will compensate for this in the next publication, in which we will publish what is commonly called *Choralis cantus constantiensis*, a really outstanding treasure-house of music and for that reason all the more undeserving of hiding in obscurity any longer.

The announcement is also interesting for Ott's claim that he has been "able to obtain only a few things by ISAAC". Given that Isaac's student, Senfl, was nearby in Munich and that Senfl had access to much music by Isaac, including that in the Munich Hofkapelle,¹⁴ this provides yet more circumstantial evidence to support the hypothesis that there was no direct link between Ott and Senfl.

What did Ott's announcement signal that he was intending to publish? Pätzig, in his seminal study of the CC,¹⁵ demonstrated that only part of the CC was written for Constance, and that the rest of it was written for the Habsburg Hofkapelle.¹⁶ Therefore, only some of the material published in the first edition can properly be called the *Choralis Constantinus* or, as Ott correctly wrote, the *Choralis cantus constantiensis*. It is reasonable to assume that Ott had the Constance commission in his possession by the time that he announced its publication in 1537; according to the preface of CCII (see Appendix 3b below), this material was written in Isaac's hand. There has been much speculation as to how Ott came into possession of the manuscript,¹⁷ but despite the circumstantial evidence and the sense that these various hypotheses make, there is simply no evidence to support any of them or to give one precedence over another.

14. See Martin Bente, Marie Louise Göllner, Helmut Hell, and Bettina Wackernagel, *Bayerische Staatsbibliothek Katalog der Musikhandschriften 1: Chorbücher und Handschriften in chorbuchartiger Notierung*, Kataloge Bayerischer Musiksammlungen 5/1 (Munich: Henle, 1989), including the index entry "Isaak" on p. 428.

15. Gerhard-Rudolf Pätzig, "Liturgische Grundlagen und handschriftliche Überlieferung von Heinrich Isaacs 'Choralis Constantinus,'" 2 vols. (PhD diss., Eberhard-Karls-Universität zu Tübingen, 1956).

16. There has been much discussion in the literature as to the exact division; it has been summarized and evaluated in David Burn, "What did Isaac write for Constance," *JM* 20 (2003): 45-72. David Rothenburg, in "Isaac's Unfinished Imperial Cycle: A New Hypothesis," in this volume, suggests a different division, arguing that the wording of the commission "compose and have copied" does not necessarily mean that all of the music was newly composed: some new music could have been newly composed and some pre-existing music could have been copied. For the purposes of my arguments, what is relevant is that there is Constance material (whether newly composed or copied, it is the material the supply of which was commissioned by Constance) and non-Constance material: the exact division is irrelevant.

17. See, for example, Schuler, "Zur Überlieferung," at 72-74.

It was suggested by Pätzig that financial reasons postponed publication.¹⁸ However, Ott's non-music publications were not known, other than a brief description of one of them in an obscure non-musicological source,¹⁹ nor had anything about the content of the 1545 privilege been published by the time that Pätzig was writing, and so his suggestion was the obvious one to make. His suggestion has been often repeated,²⁰ but newer bibliographical and archival information about Ott's publication activity (for example, the full text of the privilege application, privilege grant, 1541 book, and relationship with Berg and Neuber) makes this suggestion improbable.

I propose that what Ott announced in 1537 as his next publication was not the CC as we know it, but only the Constance commission, and that the delay in publication was caused by the expansion of the project as a result of Ott being alerted, by someone who had read his announcement, to the existence of material which expanded the Constance commission into a cycle covering the whole year.²¹ I suggest further that this is why Ott changed the name in his privilege application to the *Choralis Cantus, in dominicas et festa per totum annum*, reflecting both the fact that the print was no longer the *Choralis Constantinus*, and that it was a cycle for the whole year. Given that Ott was aiming to publish a comprehensive collection of liturgical music, a complete cycle of mass propers "for the Sundays and feasts throughout the entire year" would have far better suited his purpose than an incomplete cycle. Further, for those wishing to purchase a cycle of mass propers, being able to purchase a single collection would have been more attractive as building up a collection by purchasing a number of non-integrated volumes would probably involve significant overlaps of coverage and so increase the cost to the purchaser.

The hypothesis that the Imperial music was not available in Nuremberg before 1537 is consistent with Ruth DeFord's proposal that the music theorist Sebald Heyden, who was rector of

18. Pätzig, "Liturgische Grundlagen," 1: 93.
19. Karl Schottenloher, "Vom ältesten Buchhandel in Nürnberg," *Unterhaltungsblatt des Fränkischen Kuriers* 59, no. 74 (15 September 1912): 440-42, at 442.
20. For example, Edward R. Lerner, "Introduction," to *Heinrich Isaac: Coralis Constantini Primus Tomus*, Facsimile series for scholars and musicians III/14 (Peer: Alamire, 1990), discantus partbook, 5-11, at 9; and David Burn, "The Mass-Propers Cycles of Henricus Isaac: Genesis, Transmission, and Authenticity," 2 vols. (PhD diss., Oxford University, 2002), 1: 119, who writes: "The intervening time could have been spent securing the financial support necessary for such a large venture as the *Choralis*, putting the few final touches to the planned publication's overall shape and contents ...".
21. It is true that D-B Mus. ms. 40 024, which contains only material from the Imperial commission, carries the title "CONSTANTIENSIS CHORALIS COMPOSITIO PER HENR: ISAAC" on fol. 2r; see Gerhard-Rudolf Pätzig, "Das Chorbuch Mus. ms. 40024 der Deutschen Staatsbibliothek Berlin: Eine wichtige Quelle zum Schaffen Isaacs aus der Hand Leonhard Pämingers," in *Festschrift Walter Gerstenberg zum 60. Geburtstag*, ed. Georg von Dadelsen and Andreas Holschneider (Wolfenbüttel: Mösseler, 1964), 122-44, at 127. However, it is improbable that Ott possessed only Imperial material and that someone reading his announcement would alert Ott to the existence of the Constance material.

the St. Sebald school in Nuremberg from 1525 until his death in 1561,²² renoted some of music in the CC to demonstrate his theoretical ideas.²³ If DeFord's lists are reorganized into "Constance" and "Imperial" music,²⁴ it becomes evident that all of the examples from the CC that appear in the 1537 and 1540 editions of Sebald Heyden's treatise, *De arte canendi*, are drawn only from the "Constance commission."²⁵ This is consistent with the hypothesis that Heyden had access only to the "Constance commission" material by the time that the 1540 edition was ready for press, which must have been towards the end 1539 as the dedication is dated 1 January 1540.

According to De Ford's hypothesis, Heyden accessed and renoted some of the "Imperial" music that was eventually published in the Common of Saints "section"²⁶ of CCIII. Heyden presumably only accessed this "Imperial" music after the 1540 edition of his treatise had gone to press. As the only parts of the CCI or CCIII that DeFord argues were renoted by Heyden are in the CCIII Common of Saints, it is possible that the Common of Saints was transmitted in a separate manuscript and that this was the only manuscript of the "Imperial" music that Heyden accessed, which would mean that the "Imperial" music was received by Ott as more than one manuscript (which, given the sheer volume of the "Imperial" music, is what would be expected). Though speculation, this leaves open the possibility that the "Imperial" music did not come to Ott in a single batch, but in different manuscripts at different times.

The year 1537 has been accepted as the *terminus ante quem* for the completion of the CC.²⁷ Burn wrote that: "... 1537 represents a cut-off point in the transmission path, before which all necessary preparations must have been made. If the construction of the print is directly dependent on any surviving sources, then they must precede this date."²⁸ However, if my hypothesis is correct then the "cut-off point" ceases to be 1537 and becomes 1544, the earliest feasible dating of the privilege application. The implications of this I leave to those who are expert in the transmission

22. On Heyden, see Beat A. Föllmi, "Heyden, Sebald," in *MGG*³, Personenteil 8: cols. 407-9.

23. I am grateful to Ruth DeFord for sending me a copy of her paper prior to its publication in this book, and to David Burn for alerting me to her research.

24. Using Burn's classification, which includes the *Missa paschalis* published in CCIII ("What did Isaac write," 69-71); to indicate that there remains some uncertainty, the terms are placed inside quotation marks.

25. In the 1537 edition, titled *Musicae, id est, artis canendi libri duo*, this is *De radice Jesse* (CCII), and in the 1540 edition, they are *De radice Jesse, Qualis sit* (CCII) and the Sanctus from *Missa paschalis* (CCIII, which is from the Constance Commission; see Burn, "What did Isaac write for Constance?" 70-71).

26. Although the CCIII is not formally divided into sections, the content may be divided into four sections in the following order: Common of Saints, Tracts, Individual Saints, and Mass Ordinaries.

27. For example, Burn, "Mass-Propers Cycles," 1: 79-80: "it is fair to conclude that Ott possessed all the music he required, and that the print-models were in an advanced state of compilation closely resembling the final form of the *Choralis* when he wrote his advertisement."

28. Burn, "Mass-Propers Cycles," 1: 80.

of the CC. An example, however, is D-B Mus. ms. 40 024. Pätzig's dating to "vor 1537" is presumably based on the following reasoning: (i) D-B Mus. ms. 40 024 was completed before the printer's copy for CCIII; (ii) Ott's announcement is proof that the printer's copy for CCIII was ready in 1537; (iii) therefore D-B Mus. ms. 40 024 was completed before 1537.²⁹ My hypothesis is that the second proposition is incorrect, and so the conclusion, (iii), cannot be drawn on this evidence. Pätzig cites Piccard for the dating of the watermark to ca. 1534-1538 which, while consistent with the dating "vor 1537," provides no evidence that it was not completed in 1537, 1538, or even later.³⁰ Important recently published research on some of the other central CC sources, including D-Mbs Mus.mss. 35-38³¹ and A-Wn Mus.Hs. 18745 (both with regard to the copyist³² and with regard to a piece of dating evidence³³) revises, or undermines, the accepted dating of

29. Pätzig, "Chorbuch Mus. ms. 40024," 123; at 122 he gives as further evidence that Paminger had converted to Protestantism by ca. 1538, but gives no evidence for conversion being a reason against compiling the manuscript. Indeed, Paminger continued his position as Rektor of St. Nikola, Passau, until 1557, when he resigned because of his Protestantism; see Erich Tremmel, "Päminger, Leonhard," in *MGG*², Personenteil 13: col. 65. On Mus. ms. 40 024, see also David Burn's chapter in this book.
30. Pätzig, "Chorbuch Mus. ms. 40024," 125. Piccard noted that the watermark was found on Venetian paper in the Landesregierungsarchiv Innsbruck, Hofkammerprotokolle, and that from 1539 his mark is no longer found. As this is drawn from only one source it is not conclusive (for example, the Hofkammer could have changed paper supplier). Further, Piccard often used official documents for dating, and such documents were from offices with a high paper turnover and so it was likely to be used soon after purchase. Individuals may have used paper a number of years after they had purchased it. In *Staatsbibliothek zu Berlin, Kataloge der Musikabteilung, Erste Reihe: Handschriften*, vol. 13: *Die Signaturengruppe Mus. Ms. 40 000ff. Erste Folge: Handschriften des 15.-19. Jahrhunderts in mensuraler und neuerer Notation*, ed. Hans-Otto Korth and Jutta Lambrecht in collaboration with Helmut Hell (Munich: Henle, 1997), 36, the manuscript is dated "um 1530," but no justification for this dating is given.
31. Birgit Lodes has significantly revised the dating and copying location of these manuscripts to Munich ca. 1531; previously it had been assumed that parts of two and all of the other two had been written in Vienna as early as ca. 1510. See Birgit Lodes, "Ludwig Senfl and the Munich Choirbooks. The Emperor's or the Duke's?," in *Die Münchner Hofkapelle des 16. Jahrhunderts im europäischen Kontext*, ed. Theodor Göllner and Bernhold Schmid, Bayerische Akademie der Wissenschaften, Philosophisch-Historische Klasse, Abhandlungen, Neue Folge 128 (Munich: Verlag der Bayerischen Akademie der Wissenschaften, 2006), 224-33, esp. 229.
32. Joshua Rifkin and David Fallows independently demonstrated that this manuscript was not written by Lukas Wagenrieder; Rifkin later identified the scribe as Bernhart Rem, who was active in Augsburg as organist of the Fugger family. See Joshua Rifkin, "Jean Michel, Maître Jhan and a Chorus of Beasts: Old Light on Some Ferrarese Music Manuscripts," *TVNM* 52 (2002): 67-102, esp. 82-83 n. 9; Joshua Rifkin, "Jean Michel and 'Lucas Wagenrieder': Some New Findings," *TVNM* 55 (2005): 113-52, esp. 144-52; and David Fallows, "The Copyist Formerly Known as Wagenrieder: Bernhart Rem and his Circle," in *Die Münchner Hofkapelle*, ed. Göllner and Schmid, 212-23, esp. 219.
33. Joshua Rifkin, "Jean Michel and 'Lucas Wagenrieder,'" 152, n. 135, states that the dates "1533" in A-Wn Mus.Hs. 18810 were not written by the principal scribe, Bernhart Rem, but by the scribe labeled "H"; the appearance of "1533" in the manuscript was used by Martin Bente, *Neue Wege der Quellenkritik und die*

some of these manuscripts. As discussion of the interrelationships among some of the sources of the CC (both extant and not extant but known from or implied by other sources) has been based on source datings that are now questioned or disproven, the interrelationships among the sources themselves need to be re-examined in light of these new datings.

It must be stressed that although I am arguing that Ott only had the Constance commission by 1537, I am not arguing, and have no evidence from which to argue, that the manuscripts of the Imperial material that Ott eventually accessed were not complete by 1537. I am simply arguing that Ott's announcement cannot be used as evidence that they were complete by 1537, and that his announcement provides no evidence for the dating of any manuscripts of the "Imperial" material in the CC.

After 1537 and not later than 1545: completing the CC

I propose that some time between 1537 and 1545, Ott came into possession of the Imperial material as a result of his announcement. Given the popularity and wide dissemination within the German-speaking area of the 1537 print,³⁴ we can assume that the announcement was widely known. From whom Ott received the material, however, is not known.

It has previously been assumed that Ott received this material prior to 1537, and speculation as to the identity of the transmitter has focused on Ludwig Senfl. It is well known that Senfl completed the parts of the Imperial material left incomplete by Isaac; likewise, it appears that the printer's copy for the Imperial material derived from manuscripts from the Bavarian Court (D-Mbs Mus.mss. 35-38 and 39, and the manuscript from which Mus.ms. 29 was presumably copied),³⁵ where Senfl worked. Bente went so far as to suggest that Senfl apparently received the "Constance" music from Ott.³⁶

The very substantial amount of Senfl's music printed by Hieronymus Formschneider and published by Hans Ott has led many to assume that Senfl must have been in contact with them.³⁷

Biographie Ludwig Senfls: Ein Beitrag zur Musikgeschichte des Reformationzeitalters (Wiesbaden: Breitkopf & Härtel, 1968), 119-20 as part of his evidence for the dating of A-Wn Mus.Hs. 18745 (which has the same principal music scribe) to ca. 1535, and so the importance of this date in A-Wn Mus.Hs. 18810 for the dating of A-Wn Mus.Hs. 18745 may need to be reconsidered.

34. See Gustavson, "Hans Ott, Hieronymus Formschneider," 1: 313-36.

35. Burn, "Mass-Proper Cycles," 1: 80-85 and 89-104; on Mus.ms. 29, see Bente, *Neue Wege*, 157.

36. Bente, *Neue Wege*, 138.

37. Royston Gustavson, "Senfl in Print: Ott's Publications," forthcoming. This and the following paragraph are based on that article.

Working on this assumption it is often concluded that Senfl was involved in the editing of the CC for publication.³⁸ However, I have demonstrated conclusively that the 1526 edition of Senfl's *Quinque salutationes* never existed but was an error on the part of Fétis.³⁹ Senfl was not involved with Formschneider's 1534 edition of his odes: the dedication and a series of letters between Simon Minervius in Munich and Hieronymus Baumgartner in Nuremberg make it clear that the source manuscripts came from Simon Minervius;⁴⁰ it was presumably Baumgartner who chose Formschneider as printer.⁴¹ There is no evidence that Ott was in contact with Senfl by the time of the 1537 announcement, for in the same dedication Ott described Senfl as "this man who originated from the noblest part of Upper [i.e. southern] Germany" ("in homine ex nobilissima superioris Germaniae parte"); yet Senfl was commonly known as "Helvetius" (the Swiss man).⁴² Further, although this is pure speculation, Senfl had no reason to let Festa's *Quis Dabit* appear under his own name in Ott's *Novum et insigne opus musicum* (RISM 1537¹). It must also be remembered that Senfl did not hold a privilege for any of his own music, and therefore could not control its printing once it was in circulation: his music was in the public domain and anyone who had a manuscript of his music could have it legally printed and published without his permission or knowledge, and did not have to give Senfl any royalties or other payments.

Whether or not Senfl may have been involved with Ott after the 1537 announcement must likewise remain a matter of speculation. There is no evidence that Senfl was in any way directly involved in the preparation of the CC for publication, or that D-Mbs Mus.mss. 35-38, the so-called *Opus musicum* manuscripts, were the printer's copy for the CC.⁴³ Most of the music by

38. For example Pätzig, "Liturgische Grundlagen," 1: 94-95, and more recently Strohm and Kempson, "Isaac, Henricus," 580. I disagree below with the circumstantial evidence given by Strohm (citing Bente) that Senfl was preparing part of the CC (D-Mbs Mus.mss. 35-38) for publication prior to Ott's involvement, and he provides no evidence to support the suggestion that "Senfl may have edited" Ott's printer's copy.

39. Gustavson, "Hans Ott, Hieronymus Formschneider," 92-112.

40. See Grantley McDonald, "The Metrical Harmonia of Wolfgang Gräfinger and Ludwig Senfl in the Conjunction of Humanism, Neoplatonism and Nicodemism," in *Senfl Studien* 1, ed. Stefan Gasch, Birgit Lodes, and Sonja Tröster, Wiener Forum für Ältere Musikgeschichte 4 (Tutzing: Hans Schneider, forthcoming).

41. Gustavson, "Hans Ott, Hieronymus Formschneider," 149-54.

42. For example, he was referred to as "Ludovico Senflio Helvetio" on the title page of the *Varia carminum genera*, printed in Nuremberg by Hieronymus Formschneider in 1534, and in a letter from Minervius to Baumgartner simply as "Helvetio" ([Ferdinand] van Hout, "Zum Briefwechsel des ältern Hieronymus Baumgartner," in *Programm des Königlichen Gymnasiums zu Bonn: Schuljahr 1876-77*, ed. August Waldeyer [Bonn: Universitäts-Buchdruckerei von Carl Georgi, 1877], 3-29, at 22, no. 194). Senfl signed himself as Ludwig Senfl "Sweytzer," "genannt Sweitzer" and "genant Schweytzer" in letters of 1523, 1532, and 1535 transcribed in Bente, *Neue Wege*, 308-9, 324-25, and 329-30.

43. DeFord's chapter in this book, drawing on different evidence, also argues against Senfl's editorship of the CC.

Senfl in these manuscripts was excluded from the CC: as Burn has noted, "This applies not only to his settings of entire cycles, but also to his completions of Isaac's, suggesting a desire on the print-compiler's part only to offer pure Isaac."⁴⁴ However, there may also be a second reason why the *Opus musicum* could not have served as printer's copy. These manuscripts contain a distinctive title page with an elaborate dedication from Senfl to Wilhelm IV.⁴⁵ Similar title pages and dedications are found for two other works by Senfl, both of which were unpublished and *unica*, but each of which appear in a manuscript in which most of the other music was published by Ott in his *Novum et insigne opus musicum* (RISM 1537¹ and RISM 1538³).⁴⁶ I have suggested elsewhere that these Senfl works dedicated to Wilhelm IV were restricted to performance in the Duke's own chapel.⁴⁷ This restriction would imply a prohibition on copying, so the music by Senfl in these manuscripts could not be included in the CC regardless of the compiler's desire.

Whether or not Isaac's music in these manuscripts could have been copied for use by others, thus eventually ending up in the printed edition of the CC, raises questions of ownership.⁴⁸ Wilhelm IV neither employed Isaac nor commissioned these works, but he owned these manuscripts. Whether or not Isaac's music in these manuscripts was "controlled" is not known.

If Ott did not receive the "Imperial" music from Senfl, and if he did not have it by 1537, and possibly not until as late as 1544, the question arises as to whether any of this music could have come from Pfalzgraf Ottheinrich in Neuburg. Ottheinrich founded his Hofkapelle in 1536, and the famous inventory of his chapel's music prepared in 1544 indexes almost a complete copy

44. Burn, "Mass-Proper Cycles," 1: 90.

45. D-Mbs Mus.ms. 38, fol. 1r (the second part of the manuscript is Mus.ms. 37) and Mus.ms. 36, fol. 1r (the second part of this manuscript is Mus.ms. 35). The title page of Mus.ms. 38 is given in facsimile in Ludwig Senfl, *Sämtliche Werke*, vol. 8, ed. Walter Gerstenberg (Wolfenbüttel: Mösseler, 1964), x. The Bayerische Staatsbibliothek has placed freely downloadable PDFs of Mss. 35-38 online at <http://daten.digital-sammlungen.de/~db/ausgaben/uni_ausgabe.html?projekt=1257941081&ordnung=sig&recherche=ja>.

46. The first is D-Mbs Mus.ms. 10, fol. 1r-18r, *Quinque salutations*, which appears in facsimile in *Munich, Bayerische Staatsbibliothek Mus. Ms. 10*, ed. Howard Mayer Brown, RMF 14 (New York: Garland, 1986); of the other thirteen pieces in this manuscript, ten were published by Ott, two would have duplicated texts by Josquin, and one was in German and so not appropriate for an anthology of Latin-texted works. The second is D-Mbs Mus.ms. 12, fol. 55r-69r, where the dedication of *Mater digna Dei* reads: "Oratio ad incomparabilem Virginem || Mariam com[m]endatitia, ex singulari || deuotione et mandato, Serenisfimi || utriusq[ue] Boioariae Principis Guilielmi [e]tc, || a Ludouico Senflio serenitatis || ipsius intonatore Musico, q[ui] || exactissima diligentia, || animoq[ue] prorsus ad iusfa || et uota clementisfimi || Principis sui ob= || sequentissimo, || emusicata || dicataq[ue], ||" (transcribed from microfilm of D-Mbs Mus.ms. 12, fol. 55r). Of the nine other pieces in D-Mbs Mus.ms. 12, six were published by Ott. The stemmatic relationship of the sources is not relevant here.

47. Gustavson, "Hans Ott, Hieronymus Formschneider," 98-100.

48. I am grateful to David Burn for this insight.

of the CC.⁴⁹ Burn has analyzed the relationship between the Ottheinrich manuscripts and the print, stating, of manuscripts Z, GG, HH, II, and no. 143, that "there can be no doubt that their contents were the same as CCI"; of manuscripts T, X, and Y that omissions "rule out Schuler's speculation that Ott could have acquired the Constance commission via Ottheinrich"; and of the set of partbooks R that there can be "no doubt that it originated from the print-model" of CCIII.⁵⁰ Burn's analysis is important for a reconsideration of the relationship between the Ott print and the Ottheinrich manuscripts for two reasons: firstly, it implies a different transmission for the "Constance" and "Imperial" music; and secondly, it implies a very close relationship between the Ott and Ottheinrich sources, the previously accepted dating only allowing this relationship to be from Ott to Ottheinrich. Removing the assumption that Ott had the "Imperial" music before 1537 means that whether the transmission could be from Ottheinrich to Ott must be considered. Ottheinrich may have known about Ott's plans directly from the *Novum et insigne opus musicum*, as that print was in his court chapel's library.⁵¹

Burn notes that "Agents who could have been in contact with the printers, and brought back the copies are easy to find," and mentions Sebastian Ochsenkun and Hans Kilian,⁵² but removing the assumption about dates the reverse also becomes true: agents could have taken copies from Ottheinrich to the printer (or publisher). Although there is no evidence for a direct relationship between Ottheinrich and Hans Ott,⁵³ there is evidence for a possible intermediary who was known to both, but who has not been previously considered in this role: Hieronymus Formschneider. As the printer of Ott's publications, the relationship between Ott and Formschneider needs no further elaboration, other than to point out that providing manuscripts to Ott would presumably lead to the provision of paid work to Formschneider, and so would be in Formschneider's own self

49. A colour facsimile is freely available online at <http://diglit.ub.uni-heidelberg.de/diglit/cpg318>; a detailed transcription and study of the manuscript is Jutta Lambrecht, *Das „Heidelberger Kapellinventar“ von 1544 (Codex Pal. Germ. 318): Edition und Kommentar*, Heidelberg Bibliotheksschriften 26 (Heidelberg: Universitätsbibliothek Heidelberg, 1987).

50. Burn "Mass-Propers Cycles," I: 115-118.

51. Lambrecht, *Das „Heidelberger Kapellinventar“*, 136-40.

52. Burn "Mass-Propers Cycles," I: 117-18.

53. The bookseller and publisher Hans Ott is not the same person as the organist Hans Ott at the Heidelberg Court referred to in Gerhard Pietzsch, *Quellen und Forschungen zur Geschichte der Musik am kurpfälzischen Hof zu Heidelberg bis 1622*, Akademie der Wissenschaften und der Literatur [in Mainz]. Abhandlungen der geistes- und sozialwissenschaftlichen Klasse, 1963 No. 6 (Mainz: Akademie der Wissenschaften und der Literatur in Mainz in Kommission bei Franz Steiner, 1963), 45, 46, and 104. If Ott had a close relationship with Ottheinrich, we may have expected to see copies of his publications *Secundus tomus novi operis musici* (RISM 1538³) and the *Missae tredecim* (RISM 1539²) in the *Kapellinventar*.

interest. Evidence for the relationship between Ottheinrich and Formschneider is documented in a letter from the Nuremberg Council to Ottheinrich:⁵⁴

Hertzog Otthainrich || Pfaltzgraüen &[tc]. ||
Gnediger herr. Eürer f. gn. fürbitlich schreiben || jetzo vnfers Bürgers Jheronimüßen || formschneyders
halben an vns gelangt, || haben wir In vnderthenigkait vernom= || men. Vnd seien güeter maßen
vnd || mit gründt bericht, was gestalt er || sich hieüor gegen einem unserm Rhats= || freündt, vnd
datzermal D[e]m Elltern || Bürgermaÿster Ampt, mit etwas fre= || üenlichen worten ertzaigt, vnd
gehalt n || hat, welches vns nit vnphillich zü sond[er]m || mißfallen geraicht. Vnd so vhiel deſter ||
mher, das er des ainiche bewegung || nit gehabt. Wie dem, Eure f. gn. || zü ehren, vnd vndertheni-
gem gefallen, || So wöllen wir Ihne wiederümb In vnſer || Statt, vnd zü heüßlicher wohnung ver=
|| ſichern, doch vf ein Bürgerliche Straff, || die wir vns gegen Jhm [sic] fürztenemen || vorbehalten
wöllen, Vnd das er ſich zü || ſeiner ankünfft beÿ vnſerm Jüngern || Bürgermaÿſter antzaig, vnd
deſſelbn || beſchaidts erwarnen. Ewrn. f. gn. haben || wir ſollichs zü begerter antwürt nit || verhalten
wöllen, den wir &[tc]. Dat[um] || Sambſtags den .2. Decembris. Ao. 42

Gracious lord, we have now humbly received your Grace's letter of appeal, addressed to us on behalf of our citizen Hieronymus Formschneider, as well as his account—to a large extent correct and accurate—of the sort of slanderous words he formerly directed against one of our councillors, and moreover against the former mayor. Not without reason this incident occasioned our particular displeasure, not least because he has not sought any settlement of the issue until now. However, in humble respect for your princely Grace, we shall allow him back into our city and shall ensure that he has accommodation, but at the cost of the civil punishment of which we reserve the right to impose upon him. Moreover, he must present himself to the new mayor and give him notice of his presence. We did not want to deny your princely Grace the desired response in this matter, &c. Saturday 2 December 1542.

Formschneider was a Nuremberg citizen and Nuremberg, as an Free Imperial City, had judicial power over him. For Ottheinrich to intercede in another jurisdiction on behalf of a citizen of that jurisdiction implies a significant direct or indirect relationship between Formschneider and Ottheinrich. There is no evidence for the basis of this relationship, but Formschneider's work as a printer was secondary to his principal work: carving images, including founts, into wood and metal. He is well known to art historians for, amongst other things, carving the 192 woodblocks for Albrecht Dürer's monumental *Ehrenpforte*,⁵⁵ and he also cut many coins and medallions, including in his role as Nuremberg's official die sinker from 1535 until his removal as a result of the slander-

54. Staatsarchiv Nürnberg, Rep. 41° [61a], Briefbücher 129, fol. 45r. I am indebted to Bart Butler not only for bringing this letter to my attention, but also for sending me a copy of his transcription (undated personal communication, 1998). I used a digital colour scan of the letter to prepare this new diplomatic transcription. I am grateful to Stefan Gasch for comments on the transcription, and Grantley McDonald for the translation.

55. Josef Meder, *Dürer-Katalog: Ein Handbuch über Albrecht Dürers Stiche, Radierungen, Holzschnitte, deren Zustände, Ausgaben und Wasserzeichen* (Vienna: Gilhofer & Ranschburg, 1932), 205.

ous language referred to in the letter above.⁵⁶ It is well known that Ottheinrich was also an art collector, coin collector, and bibliophile, each an area that may have attracted him to Formschneider. For example, in addition to the Formschneider prints referred to in the *Kapellinventar*,⁵⁷ a 1559 catalogue of his private library referred to the *Wahrhaftige beschreibung des andern zugs in Osterreichs wider den Turgken ... gedruckt ao. 39*,⁵⁸ which is surely the folio-sized book superbly printed by Formschneider, who presumably also prepared the woodblocks for printing the magnificent illustrations by Michael Ostendorfer.

Together, the revisions to the dating of Ott's access to the "Imperial" music, and Formschneider's relationship with Ottheinrich, suggests that the direction of the relationship between Ottheinrich and Ott needs to be reexamined.

The 1544/1545 privilege application

The title announced in 1537, *Choralis cantus constantiensis*, was no longer appropriate as it now referred to less than half of the total collection. Ott therefore applied for a privilege for a collection entitled *Choralis Cantus, in dominicas et festa per totum annum*.⁵⁹ A privilege was extremely important, as it was the only way of obtaining copyright protection.⁶⁰ Ott's application, and a draft of the granted privilege, were in Mappe XXX (that is, thirty), Autographen-Sammlung Grasnick, Preußische Staatsbibliothek, Berlin; they are missing, presumably destroyed in World War Two.⁶¹ They do not exist in the Reichsregisterbücher, Reichshofrat-Impressoria, Österreichisches Staatsarchiv.⁶² Fortunately, there is a copy of each document in the Rudolf Wagner papers in

56. Gustav Mori, *Das Schriftgiessergewerbe in Süddeutschland und den angrenzenden Ländern* (Stuttgart: Bauer, 1924), 33-34.
57. These are the earlier-mentioned *Novum et insigne opus musicum*, and a manuscript choirbook of Senfl's *Magnificat octo tonorum* that may have been copied from the Formschneider print (see Lambrecht, *Das „Heidelberger Kapellinventar“*, 80).
58. Hans Rott, "Ottheinrich und die Kunst", *Mitteilungen zur Geschichte des Heidelberger Schlosses* 5 (1905): 1-232, at 212.
59. As Bartlett Butler pointed out in a personal communication, given the Emperor's antipathy toward Constance in 1545, it may have been ill-advised to apply for an Imperial privilege for a work with the title *Choralis cantus constantiensis* at this time.
60. See Gustavson, "Competitive Strategy Dynamics," 190.
61. I am indebted to Dr. Helmut Hell, Director, Musikabteilung, Staatsbibliothek zu Berlin, for this information (letter of 30 August 1995, ref. M-Dr.He/Ke 1213/95, and verbal communication of February 1998), and for searching for a copy of the documents; unfortunately, the Staatsbibliothek zu Berlin does not possess a copy.
62. Personal communication GZ 17350/001-HHStA/2003, from Dr. Michael Göbl, on behalf of Prof. Leopold Auer, Director, Haus-, Hof- und Staatsarchiv, Österreichisches Staatsarchiv, in response to my letter of 10 October 2003.

Nuremberg.⁶³ Their existence was first mentioned by Robert Eitner (1892), and then by Rudolf Wagner (1931), but neither made reference to their content.⁶⁴ The first to do so was Theodor Wohnhaas, who presumably drawing on the Wagner papers, referred only to the granted privilege, not the application, referring to the "Choralis constantinus ('in Dominicas et festa per totum annum Preterea Responsoria Antiphonas et hymnos')."⁶⁵ This reference has been the sole source for all references to the wording. The application, however, makes it clear that the last five words actually refer to another work. It reads, in part:⁶⁶

Cum autem || iam in manibus habeam Heinrichi Isaaci Choraalem Cantum, || In dominicas & festa per totum annum, Item, Responso-|| ria, Antiphonas & Hymnos, praeterea uariorum authorum || Missas, Quatuor, quinque & Sex Vocibus Compositas, Item || Insigne opus Medicum Nicolai Myrepsi, [...]

And so since I now have in my possession Heinrich Isaac's [elaborated] plainchant for the Sundays and feasts throughout the entire year, likewise responsories, antiphons and hymns besides masses for four, five, and six voices written by various composers, and likewise an excellent medical work by Nicholas Myrepsus, [...]

This makes more sense: responsories, antiphons, and hymns belong to the office, not the mass, and so the CC does not contain them.

Unfortunately, the end of the privilege application, which would have included the date, is missing. The draft of the granted privilege was initially dated 19 April 1545, but the word "April" was crossed out and the word "May" inserted. As such, the application must date from before 15 May 1545. One explanation for the error—the month was changed but not the date—is that the application carried the month "April" and this was copied before the error was realized. Ott applied for an eight-year privilege, but received one for five years, valid from the date of publication. Ott's 1533 privilege was for four years, and specified a penalty for breach of 10 marks of pure

63. Fach 2,4 of the Rudolf-Wagner-Nachlass, Abteilung Handschriften und Alte Drucke, Stadtbibliothek Nuremberg (examined February 1992 and December 1993). These documents are negative photographs, and the draft document is very difficult to read, and in places illegible without digital enhancement.

64. [Robert Eitner], "Aus Briefen," *Monatshefte für Musikgeschichte* 24 (1892): 159-62, describes some of the contents of Mappe XXX, which consisted of letters; the entry relating to Ott's privilege (p. 162) reads in full: "Johann Otto, Bibliopola et civis Norinbergensis, gez. Anno 1545. Eingabe an den Kaiser Karl V. um Erteilung eines Privilegiums behufs Herausgabe mehrerer Musikwerke." Rudolf Wagner, "Nachträge zur Geschichte der Nürnberger Musikdrucker im sechzehnten Jahrhundert," *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg* 30 (1931): 107-51 at 123, mentions the privilege and gives its location, drawing exclusively on, and citing [Eitner].

65. Theodor Wohnhaas, "Ott, Hans," in *MGG*¹, 10: col. 474.

66. Gustavson, "Hans Ott, Hieronymus Formschneider," 7, as revised by Grantley McDonald.

gold. It was this four-year privilege that was used to protect his *Hundert vnd fünfftzehen guter newer Liedlein* (RISM 1544⁶⁰), the dedication to which was dated 19 June 1544. Ott's new privilege application did not include this *Lied* anthology, implying that it had already been printed, or was expected to have been printed, before the new privilege was received. As such, it is highly likely that the application dates from between April 1544 (if the application carried the month "April") and 15 May 1545 (the latest date on the received privilege).

By means of the privilege, Ott ensured that his edition of the CC would be protected against unauthorized printing, publishing, and distribution for five years from the date of publication, a decision that would prove to have been wise.

There is no fixed relationship between the date of a received privilege and the date of publication. However, an examination of the dates of privileges and publications given in studies by Schottenloher and Pohlmann⁶⁷ suggests that the work or works specifically named in a privilege generally began appearing in either the year in which the privilege was granted or in the following year. This is consistent with Ott's claim in the privilege application that:

Cum autem || iam in manibus habeam Heinrici Isaaci Choralem Cantum, || In dominicas & festa per totum annum [...] hæc inquam Cum in manibus habeam propediem in || Studiosorum Commodum Vulganda Typis [...]

And so since I now have in my possession Heinrich Isaac's [elaborated] plainchant for the Sundays and feasts throughout the entire year, [...]; I repeat, since I have in my possession these works which I intend to have printed and to publish in the immediate future for the benefit of those who desire such things [...]

From this evidence, we can infer that Ott had all CC manuscripts in his possession at the time that he applied for the privilege, and that publication was intended probably not later than 1546.

Who was to print the CC?

With plans for such a large work so far advanced, Ott had surely commenced discussions with a printer. It has long been assumed that Ott still intended Formschneider to print the CC, as had clearly been his intention in 1537. However, although Formschneider was listed in Nuremberg city records as a book printer in 1538, 1539, and 1540, his name in the latter year was crossed

67. Karl Schottenloher, "Die Druckprivilegien des 16. Jahrhunderts," *Gutenberg Jahrbuch* 8 (1933): 89-110; and Hansjörg Pohlmann, *Die Frühgeschichte des musikalischen Urheberrechts (ca. 1400-1800): Neue Materialien zur Entwicklung des Urheberrechtsbewußtseins der Komponisten*, Musikwissenschaftliche Arbeiten 20 (Kassel: Bärenreiter, 1962).

out, indicating that he had ceased to be active as a book printer.⁶⁸ Ott's publications in 1538 (RISM 1538³) and 1539 (RISM 1539²) had been printed by Formschneider, and he published nothing in 1540, but in 1541 he published a volume of Galen that he had had printed in Basel.⁶⁹ I have previously established that, in 1543, Ott established a new relationship with another printing firm, Berg and Neuber,⁷⁰ who were both officially listed as printers in Nuremberg in 1542.⁷¹ This relationship began with a non-music print in 1543 and a polyphonic *Lied* anthology in 1544.⁷² The evidence strongly implies that Ott intended Berg and Neuber to print all of the works for which he received the 1545 privilege.

Ott's business, 1546-1549

Ott's death in February 1546⁷³ caused an immediate halt to his plans. His bookselling business was continued by his widow, Elsbeth, who first appeared in official records as a "Buchdrucker" in 1547 (at which time book sellers were not distinguished from book printers), and from 1548 onwards as a "Buchführer" each year until her retirement.⁷⁴ Butler is surely correct when he wrote

68. The relevant annual entries in the *Ämterbüchlein* are transcribed in Michael Diefenbacher and Wiltrud Fischer-Pache, eds., *Das Nürnberger Buchgewerbe: Buch- und Zeitungsdrucker, Verleger und Druckhändler vom 16. bis zum 18. Jahrhundert*, Quellen und Forschungen zur Geschichte und Kultur der Stadt Nürnberg 31 (Nuremberg: Selbstverlag des Stadtarchivs Nürnberg, 2003), 576-77.
69. "CLAVDII || GALENI PERGAMENI ASCLEPI= || adeæ ueræ ueterisq, Medicinæ isftau- || ratoris Liber absolutissimus, ... ||"; colophon, p. [494]: "BASILEAE APVD BARTHOLO= || MAEVM VVESTHEMERVM IM || PENSIS IOANNIS OETTEL || CIVIS NVREMBERG. || EXCVSVM. || ANNO M. D. XLI. ||" VD16: G142. This is missing from the list of Ott prints in Gustavson, "Hans Ott, Hieronymus Formschneider." A digital facsimile is freely available online at <<http://www.digitale-sammlungen.de/~db/0001/bsb00015441/images/>>.
70. Gustavson, "Hans Ott, Hieronymus Formschneider," 26-37. Berg published Latin-texted titles under the Latin translation of his name, Montanus. See Royston Gustavson, "Montanus & Neuber," in MGG², Personenteil 12: cols. 371-73.
71. Until 1544, Johannes Petreius in Nuremberg was printing large music anthologies from single impression type, and so there was a printer in Nuremberg capable of fulfilling the commission. There was, however, no obvious other candidate for printer in Nuremberg before Berg and Neuber. There were few feasible printers in Germany outside Nuremberg: Egenolff in Frankfurt did not have a music fount suitable for quartos, and in any case printed no sacred Latin-texted polyphony (Gustavson, "Egenolff," cols. 99-100); however, Kriesstein in Augsburg was printing large music collections from single impression type at this time (e.g. RISM 1540⁷, RISM [1540]⁸, and RISM 1545¹).
72. VD16: ZV 10260 and RISM 1544¹⁰. The latter, at 352 leaves of quarto, is only ten leaves shorter than the CCIII. and forty percent of the total length of the 882-leaf CC.
73. "Ott, Hans (vor 1516-1546)," *Bayerisches Musiker Lexikon Online*, <www.bmlo.lmu.de> (accessed 17 December 2009).
74. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 580-85.

that, in 1546, Ott's widow, "burdened with the problems of keeping the business going, was hardly in a position to take on the responsibilities of so large a task [as the publication of the CC], and with the worsening of the Smalcald War, she had little alternative but to set it aside."⁷⁵

Almost nothing is known of the business in its first three years after Ott's death. As far as can be determined, no books were published by the business during this time. Although further relevant documents surely await discovery in the massive holdings of both the Stadtarchiv and Staatsarchiv in Nuremberg,⁷⁶ a key source relating to the business during this period is a legal document of 21 August 1549:⁷⁷

Elsbeth Hannsen Ottels seligen nachgelassenen Wittib vnnd mit Ir Jheronimus Formschneider vnnd Lorenntz Schmid schneider alls vormunder Irer vnmündigen Kinder / bekennen / Nachdem David Ottel der Elspeten Son ain halb Jar alls ein diener In Irem puchhandell gewesen / vnnd denselben mit einnemen vnnd außgeben verwaltet Diueil er Inen dann desselben einnemens vnnd außgebens ein Rechnung gethan / vnnd dieselben mit seiner Hannd geschriben vnnd Inen zugestellt / daran sie diser Zeit Kainen mangel haben / Demnach so sagen sie Inen derhalb vnnd vermog der Zettel quit ledig vnd loß Doch Ist hierInn bedingt / wo sich etwas merers vber kurtz oder lanng Zeit erfürden wird / das er In berurtem halben Jar eingenomen oder an schulden darInn einzunemen wer / das er dasselb auch vnuertrogenlich erstatten vnnd die schulden einzufordern behilfflich sein solt / des er David sich hiemit zuthun verpflicht vnnd zusagt alles bej verpfenndung seiner gueter vnnd alls In erstannden rechten In Pester Form Testes Rogati. Jorg Kotzl vnnd Jacob Quickelberger Actum vt supra.

Elsbeth, surviving widow of Hans Ott, and with her Hieronymus Formschneider and Lorenntz Schmidt, tailor, as guardians of her children in their minority, declare the following: David Ott, the son of Elsbeth, has been employed in her bookshop for half a year, in charge of income and expenses. He has prepared an account of the income and expenses of this shop, written by his own hand and presented it to them, showing that they are not in debt at the moment. Accordingly they make this declaration to them: that because of this and on the basis of this account, they declare them free of all further responsibility, on the following condition, that where it is discovered over the short or long term that he collected debts in the aforementioned half year, or should have collected debts during this time, he should render the same without delay and assist in the collection of any outstanding debts. David hereby obliges himself to do this and agrees to all, guaranteeing it against his own property, as dictated by the laws in force. [Declared] according to the best form. Sworn witnesses: Jörg Kotzl and Jacob Quickelberger. Enacted on the same day as above.

75. Bartlett R. Butler, "Liturgical Music in Sixteenth-Century Nürnberg: A Socio-Musical Study," 2 vols., (PhD diss., University of Illinois at Urbana-Champaign, 1970), 719.
76. This important series of documents is in the process of being transcribed; see, for example, <http://www.stadtarchiv.nuernberg.de/aktuelles/gerichtsbuecher.html> (accessed 14 July 2010).
77. Stadtarchiv Nürnberg B 14/II Nr. 60 (alte Signatur Lochner Nr. 68), fol. 141v. The existence of this document was mentioned in Wagner, "Nachträge," 123, but he made no explicit reference to its content other than that it indicated that David Ott was working for the business. The entry was transcribed and translated by Grantley McDonald with assistance from Stefan Gasch, to both of whom I am grateful.

From this we learn that Ott's son, David, was employed in the bookshop; as he had "his own property" he was an adult, that is, at least 14 years old.⁷⁸ For unknown reasons, the bookshop never became his property (in 1554 it would become that of his sister and her husband), and he was never listed in council records as a bookseller. It also makes it clear that, as at 21 August 1549, the bookshop was a profitable business: a piece of information that becomes significant in light of an announcement that had been made less than four weeks earlier.

A competitor intends to publish the CC

In an announcement dated 25 July 1549, at the back of the bassus partbook of his third *Lied* anthology, Georg Forster stated that he was shortly to publish the CC, which presumably was to be printed by Berg and Neuber, whose services he employed from 1549 onwards.⁷⁹ The announcement reads:⁸⁰

*An alle Singer / vnd lieb= || haber der edlen Music. || Freuntlicher lieber Singer / nach dem wir
ge= || genwertige Teutſche Liedlein / dir zu lieb / || durch den truck habē laſſen auszugehn ... wöl-
len wir auch kürztlich || den Choral durch das gantz jar / des weytberümbten || Componiſten vnd
Herrn / Heinrichs Isaacs / der ſchon || verfertigt / vnd auffſ fleißigſt emendiret / vnd was || mer
dazu / dir durch den truck mitteilen / vnd ſchencken. || Geben zu Nürnberg / nach Chriſti vnſers
Herren / || vnd allein Seligmachers geburt / an S. Jacobs tag. || Anno 1549. || G. Forſterus. ||*

To all singers and lovers of the noble art of music: Dear friend and singer! Having already printed and published for your benefit some recent German songs ... we moreover desire to print and publish, and to present to you shortly the Choral [propers] for the whole year, written by the world-famous composer and gentleman Heinrich Isaac, which is already ready and corrected as carefully as possible. Signed at Nuremberg, after the birth of our Lord and Saviour, on St James' day 1549. G. Forster.

This clearly implies that Forster or Berg and Neuber had a manuscript of this work in their possession in 1549 and that it was ready for publication. It has been suggested that Forster may be assumed to have known of Ott's manuscript and accessed it,⁸¹ or that the manuscript may have

78. Boys were regarded as minors until the end of their fourteenth year. Walter Bauernfeind, "Vormundschaft," in *Nürnberger Stadtlexikon* (<http://online-service.nuernberg.de/stadtarchiv/dok_start.fau?prj=biblio&dm=Stadtlexikon>, accessed 13 April 2010).

79. His earlier editions had been printed by Petreius; the last of these had been in 1543.

80. RJSM 1549³⁷: "Bassus Des dritten theyls / viler schöner || teutſcher Liedlein / zu ſingen / vnd auff allerley Inſtrument zugebrauchen / fonderlich außerleſen," ed. Georg Forster (Nuremberg: Berg and Neuber, 1549), bassus partbook, fol. LL3r-v. Transcribed from GB-Lbl K.3.g.6.

81. Schuler, "Überlieferung," 74-75.

come from Ottheinrich's chapel.⁸² The strong evidence that Ott had intended and expected Berg and Neuber to print the CC for him strengthens arguments that it was Ott's manuscript that was to be Forster's source. The *Diphona amoena et florida* (RISM 1549¹⁶), a collection of bicinia printed by Berg and Neuber and edited by Erasmus Rotenbucher, contains all of CCI's bicinia and some from CCII,⁸³ in readings the same as those in the sources later published by Ott,⁸⁴ implying that the printer or editor had access to a copy of the CC, or at least volumes I and possibly II. This further suggests that the manuscript was either in Berg and Neuber's possession or accessible to Berg and Neuber. Perhaps Berg and Neuber, which was still a relatively new business, was not prepared, or was not able, to undertake the financial risks and costs involved, and so sought Forster to underwrite the printing.

What happened next was surprising. Elsbeth Ott responded to Forster's announcement by applying to the Nuremberg council, on the basis of her late husband's Imperial privilege to publish this work, to have Berg and Neuber prevented from printing the CC. The court document of 21 August cited earlier may have been related to her determining which courses of action were available to her, including whether the financial position of the business would allow her to undertake publication herself. It appears that Forster did not wish to desist, for on 17 October 1549, Nuremberg council records indicate that Elsbeth Ott's initial attempt at preventing publication was not heeded.⁸⁵

Elspeten Öttlin der puchfürerin Johann vom pergs antwort fürhalten, daneben aber Ine dannocht warnen, sich selbs nit in schaden zu führen, der Öttlin privilegien halben.

Regarding the answer made by Johann vom Berg to Elsbeth Ott, bookseller, he was again warned not to make himself liable to any damages as a result of Frau Ott's privilege.

As a result of this second intervention on the part of Elsbeth Ott, the Forster/Berg and Neuber proposal was subsequently abandoned. That a competitor wanted to publish the CC appears to vindicate Hans Ott's judgment that doing so was commercially viable even before the market response to the edition was known.

That Forster's announcement appeared in 1549 is a curious coincidence. Ott's privilege mentions only two works by both author and name: Isaac's CC and Myrepsus' work of medicine

82. Lambrecht, *Das „Heidelberger Kapellinventar“*, 366.

83. Burn, "Mass-Propert Cycles," 1: 119-20.

84. See the stemma in Burn, "Mass-Propert Cycles," 1: 122, and his discussion on 120-21.

85. *Ratsverlass*, 17 October 1549 (Heft 7, fol. 10), as cited in Pätzig, "Liturgische Grundlagen," 1: 97, who acknowledges Rudolf Wagner as the source of the previously unpublished transcription.

translated into Latin; the former was announced for publication in 1549, and the latter appeared in print in Basel in 1549. One interpretation of this is that Elsbeth Ott decided not to go ahead with her husband's publication projects and therefore realize some value from the manuscripts that her husband had intended to have printed by selling them. The manuscript of the Myrepsus was presumably returned to its translator, Leonhard Fuchs.⁸⁶ However, if Elsbeth Ott had begun discussions with Forster and/or Berg and Neuber, or indicated to them that she was no longer intending to publish the CC, it may explain their reluctance to abandon the project.

The 1550 publication of CCI

Five months later, the first volume, or at least half of the first volume, of the CC was published by Elsbeth Ott and printed by Formschneider; it bears the five-year Imperial privilege granted to Hans Ott in 1545. Although Formschneider claimed in the dedication, which he signed, that he was both printer and publisher, there can be no doubt that Elsbeth Ott was the publisher.⁸⁷ She held the privilege; she presented the books to the dedicatee, the Nuremberg council, and received an honorarium from them for the dedication; and she paid—despite Formschneider's claim to the contrary in the dedication—for their printing.⁸⁸ Formschneider acted merely as contracted printer; the only financial risk he bore was of non-payment by Ott. Claims in the literature that Formschneider bore the costs are based, quite reasonably, on the claims made by Formschneider;⁸⁹ archival documents, however, make it clear that Formschneider's statement was untrue. In one sense what he said was true: he was not paid upfront and so he bore the costs until Ott paid the invoice, just as any tradesman today bears the cost of the work until the invoice is paid. But if this is what Formschneider meant, it is certainly misleading.

This raises the question: why did Elsbeth Ott decide to publish the CC? Although Butler may well be correct in his suggestion that the Augsburg Interim had some effect on Elsbeth Ott's decision,⁹⁰ I suggest that any such effect would have been indirect: that is, that the Interim may have affected Forster's decision, and Forster's decision then in turn affected Ott's decision. The timing of Elsbeth Ott's decision to publish, coming so soon after the Forster / Berg and Neuber announcement, cannot be coincidental. It is not unreasonable to assume that the order preventing

86. On this translation, see Frank Hieronymus, "Physicians and Publishers: The Translation of Medical Works in Sixteenth-Century Basle," in *The German Book 1450-1750: Studies Presented to David L. Paisley in his Retirement*, ed. John L. Flood and William A. Kelley (London: The British Library, 1995), 95-109, at 101-3.

87. A complete English translation of the dedication is given as Appendix 3a below.

88. These documents are discussed below.

89. For example, Schuler, "Überlieferung," 75.

90. Butler, "Liturgical Music," 719-20.

Forster / Berg and Neuber from publishing the CC would have required her to publish within a reasonable time. Hans Ott's partnership with Formschneider had finished with the 1539 *Missae tredecim*, and by 1543 he had formed a new partnership with Berg and Neuber. Elsbeth Ott's decision to return to Formschneider implies that there must have been external circumstances, most likely the fact that Formschneider had been appointed one of the two guardians of her underage children. It cannot be determined whether the guardianship caused Formschneider to offer particularly attractive terms or, more likely given what we know of his character, whether he used it to force her to give him the work—which may have been a key consideration in her decision to publish.⁹¹ The arrangement fits in well with Formschneider's known activities. He was continuously listed in Nuremberg council records as a *Formschneider* from 1527 until his death in 1556,⁹² and was also active as a printer from 1525 to 1555, with prints known to have issued from his press in all but three of those years.⁹³ However, his printing business had a negligible output during the 1540s, and so he also worked as a typesetter for Georg Wachter from 1543 to 1547,⁹⁴ in which year Wachter died.⁹⁵ After this, he was presumably looking for extra work, for in 1547-49 he only printed a small number of calendars. The printing of the CC, a substantial work of 882 leaves of quarto,⁹⁶ would have been a welcome commission for him.

Clearly, financial constraints were a consideration in the printing. Ott's earlier motet and mass anthologies had been beautifully and spaciously laid out with four staves per page; the CC was printed with five staves per page, which would reduce the number of pages—and so the amount of paper, the single largest cost for a printer—by twenty percent. The result, however, is visually rather cramped. Missing also are the large initial letters used for the first letter of the text of each major section of each work (used in the CC only for the first letter of the first piece of music in each partbook). Curiously for an extensive volume such as the CC, there are no running

91. It seems odd that an old man with so many brushes with the law resulting from his vile mouth and questionable business dealings would be appointed guardian to Frau Ott's children; it is likely that there were financial motivations on both sides.

92. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 573-86. In 1527 and 1528, the book printers and *Formschneiders* were listed together, but separated out from 1529 onwards; there are no records of *Formschneiders* from 1545 to 1547.

93. For a catalogue of his prints, see Gustavson, "Hans Ott, Hieronymus Formschneider," 359-400.

94. His work as a typesetter is known from the annual entries in the *Ämterbüchlein* maintained by the Nuremberg city council. The relevant entries are transcribed in Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 578-80. The entry on Wachter for 1544 simply states "sein setzer," and as Formschneider is one of the typesetters named in 1543 and 1545, it may be assumed that he also worked as such in 1544.

95. On Wachter, see Royston Gustavson, "Wachter, Georg," in *MGG*³, Personenteil 17: cols. 264-65.

96. That is, 1764 pages with a page size of approximately 210 mm wide x 160 mm tall.

heads such as those found in the *Missae tredecim*,⁹⁷ and no table of contents. That only CCI was printed to begin with may have allowed sales to replenish Ott's coffers in preparation for the remaining volumes. The final sentences of the dedication make it clear—perhaps as a matter of fact, perhaps as an incentive both to receive an honorarium from the council and to encourage sales—that the market response to the first volume would determine whether or not the remaining volumes would appear, and that it was hoped that the council's decision to allow the CC to be dedicated to them would further encourage sales:⁹⁸

Hunc ergo laborem nostrum vobis prudentissimis honestissimisq₃ || viris dedicamus, Precamurq₃ vt grato animo eundem suscipere velitis, hac siquidem ratione grati= || orem alijs quoq₃ futurū speramus, id si cognouerimus operam dabimus, vt breui reliqui om= || nes Tomi huius confumatissimi Musici emendatissimi quoq₃ excudantur.

Therefore we dedicate this our work to you, most prudent and honest gentlemen, and we pray that you might be favourably disposed to accept it, in the hope that it might for this reason also be useful to others in the future. If we hear news of your approval, we shall exert ourselves that the remaining volumes of this consummate musician might soon be published in a very accurate edition.

To further encourage purchasers to make the substantial financial outlay required to purchase the entire CC, the dedication closes with a reference to the accuracy of the edition.

It is inexplicable that the full text of the privilege was not printed as part of the preliminaries of the tenor partbook, since only this document afforded copyright protection. By contrast, Hans Ott had printed his 1533 privilege both in Latin in his first Latin-texted edition, and in German translation in his first German-texted edition. Clearly the privilege had not been lost following Hans Ott's death, as Elsbeth Ott had explicitly relied on it a few months earlier when seeking to prevent Berg and Neuber from printing the CC.

The title finally borne by the collection, *Choralis Constantinus*, did not, I believe, come from Hans Ott. It may be assumed that Ott had not written a preface before his death, for if he had his widow would surely have printed it. It is therefore likely that the other preliminaries had not been finalized. As the preface was signed by Formschneider, it is likely that he was also respon-

97. Each page had, as the top line, as in many books today, information about the work. In the *Missae tredecim* (RISM 1539³) this is, in for example the tenor partbook, the mass name and the name of the composer on left-hand page (the verso); the mass number on right (the recto). This made navigating the partbook much easier.

98. Tenor partbook, fol. A2v. The council censored all publications, including music, and so it would not permit the printing of a dedication that it did not wish to accept. On book censorship in Nuremberg, see Arnd Müller, "Zensurpolitik der Reichsstadt Nürnberg: Von der Einführung der Buchdruckerkunst bis zum Ende der Reichsstadtzeit," *Mitteilungen des Vereins für Geschichte der Stadt Nürnberg* 49 (1959): 66-169.

sible for the title page.⁹⁹ Evidence suggests that Formschneider had no command of Latin.¹⁰⁰ It may be assumed that he wrote the preface and title page in German and had them translated into Latin or, more likely, that he either made notes himself which an unknown party used to prepare the Latin-texted title page and preface, or he spoke with the person who was to write the material in Latin who took notes as Formschneider spoke. This is supported by the Latin containing a number of errors in specific terminology: the preface confuses printing, publishing, and bookselling, terms with which Formschneider could have been expected to be precise.¹⁰¹ The title of the print, the *Coralis Constantinus* instead of *Choralis cantus Constantiensis*, initially appears to be an error in translation from *Konstanzer*¹⁰² *Choral*.¹⁰³ Given the general standard of the Latin, the translation of the German word "Choral" into the Latin "Coralis" instead of the correct "Choralis cantus" suggests someone unfamiliar with musical terminology, as "choralis cantus" is not an obvious translation of "Choral." The omission of the "h" in *Coralis* may be related to the initial "ch" being unusual in classical Latin, where it is found only in words taken from the Greek (which is admittedly the case for chorus), and so it is possible that a German word commencing "ch" may, when being translated into Latin, be translated omitting the 'h'. Another explanation, as Butler has pointed out, is that "Although 'choralis' is found most often in German-speaking territories, 'coralis' is used in Ladislaus de Zalka, *Musica* (ca. 1490) and Sebastianus de Felstin, *Opusculum musice* (Cracow: Jan Haller, 1517),"¹⁰⁴ and so use of this spelling is not unprecedented. Or, although unlikely, it may simply be a typographical error.

What cannot be so easily explained is the translation of "Konstanzer" as "Constantinus," referring to a person, rather than "Constantiensis," referring to the city.¹⁰⁵ This cannot be explained as an error or, as it is so elementary, as ignorance on the part of the translator of the correct genitive form of the name of a city. It must surely have been deliberate. One plausible explanation, put

99. There is no evidence for Lerner's claim that Senfl was responsible for the title of the final publication: "Senfl probably decided to retain the title of a part for the whole ..." introduction to the CCI facsimile, 10.

100. Gustavson, "Hans Ott, Hieronymus Formschneider," 131-34.

101. The preface refers to Ott as a printer ("typographus") rather than a bookseller ("bibliopola"), and states that Formschneider published ("publicandum") the volume, whereas he only printed it.

102. Bart Butler has pointed out in a personal communication to me and David Burn (4 May 2004) that this is unlikely to be the spelling of the German, noting many variants of "Konstanz." However, as the transmission was most likely verbal, this does not affect my argument.

103. This is also the form of the title of the work used in Walther Lipphardt, *Die Geschichte des mehrstimmigen Proprium Missae* (Heidelberg: F.H. Kerle, 1950), 34-45.

104. Bartlett R. Butler, "The Nuremberg Choralis Constantinus: Faulty Latin or Political Damage Control?," unpublished paper to the 24th Conference on Medieval and Renaissance Music, York (UK), 15 July 1998, endnote 4.

105. "Constantinus" is only very rarely found referring to the city; see Schuler, "Überlieferung," 75, especially n. 46.

forward by Butler, is that it was in keeping with the "policy of appearances" of the Nuremberg city council, which censored all publications, and which for political reasons would not have wished to make explicit reference to the city of Constance at this time;¹⁰⁶ Butler has noted that "No reference to Constance appears anywhere in CCI, II, or III."¹⁰⁷ A second plausible explanation is that it was commercially driven: Constantine I, the first Roman Emperor who was Christian, was a major historical figure, and the "Chorals of Constantine" may have been viewed as being usable wherever a polyphonic Latin mass proper was sung, and so more easily marketable throughout Europe, whereas the "Chorals of Constance" may have been viewed as being too closely aligned with the liturgical rites of Constance, and so more difficult to market for liturgical use elsewhere.¹⁰⁸ To be commercially successful, the print would need to have the widest possible appeal. These two explanations are consistent with each other, and may both be correct: the "policy of appearances" preventing use of the title *Coralis Constantiensis*, and commercial reasons resulting in the politically and commercially advantageous choice of *Coralis Constantinus* as the preferred alternative.

The volume was dedicated to the Nuremberg council and presented to them by Elsbeth Ott.¹⁰⁹ On 24 March 1550, council records note:¹¹⁰

Elssbeth Hanns Ottels wittib vier vereerte und deducirte [sic] gesang puechlein besichtigen, Und was Ir dagegen wider zugeben sein möcht bedencken und wider pringen. Hr. J. Paumgartner

Elsbeth, widow of Hans Ott. Regarding the inspection of four songbooks, dignified by a dedication, and a consideration of what might be given to her in recompense. Herr H[ieronimus] Baumgartner.¹¹¹

A week later, on 1 April, the decision was reported as having been implemented:¹¹²

Elssbeth hanns Ötlin, der meinen herrn 4 geschenckten und deducirten [sic] partes halb mit 24 fl vereern. Hr. J. Paumgartner

106. Butler, "The Nuremberg Choralis Constantinus," 4.

107. Butler, "The Nuremberg Choralis Constantinus," 1.

108. It is true that a small number of propers in CCII are of saints "of significance to Constance (St. Conrad, St. Geberhard, St. Pelagius" (Burn, "Mass-Propers Cycles," 1: 86), but given the overall scale and scope of the CC, that the first volume of the CC to be published was not associated with Constance, and that these propers did not occupy a prominent position in the CCII (that is, neither near the beginning nor the final piece), this is unlikely to have negatively affected sales.

109. It is unclear why Formschneider, and not Ott, signed the dedication on fol. 2r-v of the tenor partbook.

110. The German text, from the *Ratsverlässe* is from Butler, "Liturgical Music," 720, n. 538.

111. The name at the end of these entries indicates the person or persons assigned to implement the decision.

112. The German text, from the *Ratsverlässe* is from Butler, "Liturgical Music," 720, n. 538. The amount is confirmed by the *Nürnberger Stadtrechnung* 1550, fol. 117r (see Wagner, "Nachträge," 123).

Elsbeth, widow of Hans Ott, who was given an honorarium of 24 fl for the four partbooks which she gave and dedicated to My Lords. Herr H[ieronimus] Baumgartner.

This was a substantial sum of money—in 1556 a Nuremberg Stadtpfeifer received 52 florins annually¹¹³—but not unusual, as four years earlier Othmayr had received 32 florins for “verschiedene carmina und geseng.”¹¹⁴

Things, however, did not go smoothly between Ott and Formschneider. Five weeks later, on 8 May 1550, council records contain the following:¹¹⁵

Elsbeth Hans Otlin, auf ihr supplicieren, Jeronimus Formschneiders antwort fürlesen lassen, und versuchen, ob man sie gütlich miteinander vergleichen und den Formschneider dahin bringen möcht, dass er die schuld zu ziemlichen fristen von ihr bezahlt nehme, und ihr dagagen die überigen Exemplar von den gedruckten coralen zustelle, auch den andern halben teil seinem zusagen nach hinnach druck. H. Starck, J. Haller.

Elsbeth, widow of Hans Ott. Regarding her supplication that Hieronymus Formschneider's reply be read aloud, and regarding her appeal that an amicable settlement should be reached, [namely] that Formschneider should be ordered to receive from her payment of the sum owed within a reasonable period, and in return should hand over to her the remaining copies of the books of the *Coralis* [*coralen*], and afterwards should also print the remaining half, as he agreed. H. Starck, J. Haller.

This is an important document for a number of reasons. Firstly, it indicates that Formschneider was to be paid for the printing by Elsbeth Ott. Secondly, it shows that, as at 8 May, money was still owed by Ott to Formschneider, and it may be inferred that there was some dispute over this payment. Although it is possible that Formschneider did not want to hand over the books at the agreed price, that payment was to be accepted “within a reasonable period” is not consistent with this, for then the record would surely have made reference to “the agreed price.” Further, as Ott held the privilege, Formschneider could not legally sell the books (at least without a court order), and so it is unlikely that he had simply refused to accept payment so that he could sell them at a greater profit. That Ott was requesting that Formschneider should be “ordered to receive payment of the sum owed within a reasonable period” suggests that she was not able to pay the bill, and was wanting Formschneider to be patient and wait for payment within a “reasonable period.”

113. Butler, “Liturgical Music,” 605, n. 283.

114. As cited in Carl Philipp Reinhardt, *Die Heidelberger Liedmeister des 16. Jahrhunderts*, Heidelberg Studien zur Musikwissenschaft 8 (Kassel: Bärenreiter, 1939), 46, n. 40: “StAN, Nürnberger Ratsverlässe. Am 21. April 1546 verehrt Othmayr den Ratsmitgliedern *verschiedene carmina und geseng*, wofür er ein Geschenk (Trinkgeschirr) von 32 fl. erhält (24. April).”

115. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 467, entry 3018.

That she was in breach of her obligations may explain why she was hoping that "an amicable settlement should be reached," and is consistent with later documents, including one from 1556, that states "that this only came about because of her." Thirdly, a factor which would become important later, Formschneider still had physical possession of some of the prints, which he was presumably holding against payment. Fourthly, it indicates that Formschneider and Ott had already agreed to print "the remaining half," and Ott was insisting that Formschneider do so. This last point is ambiguous. What was "the remaining half"? CCI runs to 270 leaves of quarto; the rest of the CC runs to 612 leaves of quarto, which would be a rather loose use of the word "half." Bart Butler has suggested, in response to my evidence that CCI was printed in two sections (discussed below), that Formschneider may have only printed to the end of the Pentecost section, and had not printed the Advent section.¹¹⁶

The council was unable to resolve the situation, recording on 30 May 1550:¹¹⁷

Elsbeth Ottlin auf ihr supplicieren des Jeronimus formschneiders antwort und erbieten fürhalten und anzeigen "Meine Herren" wüssten ihm darüber weiter nichts aufzulegen, darum muss sie ihr der sachen selbst abhelfen und ihne, den Formschneider, zufrieden stellen wie sie könn.

Elsbeth Ott. Regarding her supplication that Hieronymus Formschneider's reply and request should be used in evidence against him, my Lords do not know how they can put any further pressure on him. For this reason she will have to take care of these matters herself and settle with him, Formschneider, as best she can.

That Ott argued that Formschneider's "reply and request should be used in evidence against him" implies that he had said something that was actionable or indicated his intention to do something actionable: he may have threatened to sell the books against Ott's wishes if payment was not received. Payment must not have been received at this time, for if the books had been paid for but not handed over, the council could have taken direct action, rather than simply putting "pressure on him." If Ott was having trouble paying, then the council could not force Formschneider to do anything. Although speculation, that they were prepared to put "pressure on him" may be related to her being a widow with underage children.

Elsbeth was not able to "take care of these matters herself," and they came to a head again a few months later. Three *Ratsverlässe* from November 1550 document a strained relationship

116. Personal communication, 19 March 2004. Butler, in "Liturgical Music," 722, assumed that it referred to volume II of the CC. From the available evidence it is not clear which of Butler's interpretations is more likely.

117. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 467, entry 3019.

between Elsbeth Ott on the one hand, and Hieronymus Formschneider and Lorenz Schmid as guardians of her children on the other. The first of these, from 3 November 1550, states that:¹¹⁸

Elspethen Ottlin auf ihr supplicieren Hieronymus Formschneiders und Lorenzen Schmid als vormunder antwurt furhalten und dabei bleiben lassen

To Elsbeth Ott, in the matter of her appeal that Hieronymus Formschneider and Lorenz Schmidt as guardians should be made to give an answer and should abide by it.

Whether or not the CC was involved cannot be determined, but as Formschneider and Schmid are explicitly named as guardians, the issue clearly involved the welfare, including financial welfare, of the children. Several days later, on 14 November, it was reported that Formschneider's wife had also become involved, and that this was not looked upon favourably (perhaps what today would be called vexatious litigation):¹¹⁹

Veronica Jeronimi Formschneiderin auf ihr supplicieren sagen, dieweil ihr mann und die Elspet Ötlin hievor gegen einander ans recht gewiesen und die sach schon rechthängig worden, so lassens "Meine Herren" dabei bleiben, daneben aber den prokurator, der diese supplication gemacht, ein sträfliche red sagen, dass er die leut also zu vergeblichen unkosten führt.

Regarding the supplication of Veronica, wife of Hieronymus Formschneider: since her husband and Elsbeth Ott have previously engaged in legal action and the matter is already *sub iudice*, [awaiting judicial determination] My Lords should stand by this, but later [i.e. once judgement has been entered] they should chastise the procurator, who made this supplication, for causing people fruitless expense.

Two weeks later, on 28 November 1550, documents had been submitted and were being examined:¹²⁰

Die supplication und verlaß, so hievor zwischen Jheronimus, formschneidern, und Lorentzen Schmid als Otlischen vormunden und Elspeten Ötlin ergangen, ans gericht gehen, dweils also erkennth ist.

The appeal and statement previously made between Hieronymus Formschneider and Lorenz Schmidt as guardians of Hans Ott's children, and Elsbeth Ott, should go to the court while its accuracy is being acknowledged.

118. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 467, entry 3020.

119. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 468, entry 3021.

120. Theodor Hampe, *Nürnberger Ratsverlässe über Kunst und Künstler im Zeitalter der Spätgotik und Renaissance*, vol. 1: (1449) 1474-1570, *Quellenschriften für Kunstgeschichte und Kunsttechnik des Mittelalters und der Neuzeit*, New Series 11 (Vienna: Karl Graeser, 1904), entry 3292.

Five days later, a court record refers to the financial affairs of Elsbeth Ott; the relationship between it and the *Ratsverlässe* from the preceding months is frustratingly opaque, but that Ott had entrusted assets to a legal trustee implies financial stress:¹²¹

Elisabeth weilennnd Hannßßen Otths puchfurers geweißnen burgers alhie seligen nachgelassne wittfrau Bekennt fur sich vnnd alle ire erben. das Anna Joachim Teschlers bildbauers burgers hie eewirtin Ir alles das was sy derselben Zu getreus-handen zubezalen zugestellt gehapt. widerumb vf Ir begern vberanthwort solches alles was es dann nun gewesen sey. Hab sy schon zu iren sichern hannden vnnd gutem gewalt gepracht. Alß das sy die Teschlerin noch ir eewirt mihro mer vf den heutigen tag. Das ir wie gehört soll gepurn. Innen habe. Demnach sagt sy die Otthin fur sich vnnd all ir erben. Die benannten Teschlerin vnnd derselben erben solchen sachen halb wie es namen hab oder genannt mag werden so sy zu getreus henndin Innen gehapt Inn wenig Zeit vnauspruchig quit frei ledig vnd loß. Dise quitung hat dj Teschlerin also angenommen alles in bester form Actum in Iudicio &c. 3 Decembris 1550.

Elsbeth, widow of the late Hans Ott, formerly book dealer and citizen of Nuremberg, declares for herself and all her heirs that Anna, wife of the sculptor Joachim Deschler [ca. 1500-ca. 1571], citizen of Nuremberg, has at her request handed over to her everything that she [Elsbeth] had formerly entrusted to her for repayment in the capacity of legal trustee. She [Anna] has now brought those things to her [Elsbeth's] safekeeping and good power, so that they, Mrs. Deschler and her husband, should from today onwards no longer have charge over what is her [Elsbeth's] responsibility. Accordingly, Mrs. Ott declares the following on behalf of herself and all her heirs: that in the matter of these things, either named now or named at some future time, which had been entrusted to Mrs. Deschler for a short time as legal trustee, the aforementioned Mrs. Deschler and her heirs are declared to be released entirely of all responsibility, without further claim. Mrs. Deschler accepted this entire receipt in best form. Enacted in court, 3 December 1550.

A particularly significant series of records commences with an entry in the *Ratsverlässe* on 14 May 1551:¹²²

Paulusen Bibers supplication und Jeronimusen, formschneiders, anntwurt sampt den acten am statgericht ainem gelerten zustellen und ratschlagen, wie es zu verhüeten, das der hanndel nit weiter kum oder an den fißcal gelanng; und sollichs widerpringen.

Paul Biber's appeal and Hieronymus Formschneider's reply, as well as the accompanying documentation, should be referred to the city court for advice from a jurist as to how to ensure that the matter goes no further and does not reach the fiscal office; these documents must also be returned.

121. Stadtarchiv Nürnberg B 14/II Nr. 63 (alte Signatur Lochner Nr. 71), fol. 138r. The existence of this document was mentioned in Wagner, "Nachträge," 123, but he made no explicit reference to its content. The entry was transcribed and translated by Grantley McDonald with assistance from Stefan Gasch, to both of whom I am grateful.

122. Hampe, *Nürnberger Ratsverlässe*, 460, entry 3316.

Paul Biber is presumably taking action as guardian of Ott's children in order to protect their financial interests; although this document does not state that he is guardian, he is explicitly named as such three months later. It may be inferred that Formschneider and Schmid had either been relieved of, or resigned, their guardianship sometime between 28 November 1550, the date of the last document to explicitly mention their guardianship, and 14 May 1551, the date of this document. It appears that Formschneider had been accused of something significant as it was referred to jurists, and the reference to the fiscal office implies that it had financial implications that the council was wishing to avoid. The jurists responded quickly, and six days later, on 20 May, it was decided to inform Biber of the advice that had been received.¹²³

Paulusen Biber auf sein suppliciren wider Jeronimusen, formschneider, weil die sach vorhin rechthen-gig ist, beschaid und anntwurt geben, wie herr doctor Gugel und Gemel geraten haben.

Regarding the appeal of Paul Biber against Hieronymus Formschneider; since the matter is already *sub judice*, a response should be given to inform Biber of the advice given by Dr. Gugel and Gemel.

Matters then appear to have progressed slowly, for three months later, on 19 August 1551, the *Ratsverlässe* read:¹²⁴

Paulussen Bibers als Hanns Öttels seligen kinder vormunds supplication Heronimus Formschneider um gegenbericht fürhalten und wiederbringen.

In the matter of the appeal of Paul Biber, as legal guardian to the children of the late Hans Ott, that Hieronymus Formschneider should be compelled to provide and render a counter-account.

Formschneider's counter-account was received quickly, at it is referred to in a decision recorded ten days later, on 29 August 1551, which finally makes clear the issue behind the series of documents of the previous three months:¹²⁵

Auf Paulus Bibers in namen und als vormund Hannsen Öttels seligen kinder supplicieren und Jeronimus Formschneiders antwort, lässt's der rat bei der Ottlin fürgenommener appellation bleiben. Soviel aber die pön im privilegio belangt, soll bei zweien gelehrten beratschlagt werden, was "Meine Herren" zu verhütung des fiscals besorglichen fürnehmen, deshalb gegen dem Formschneider fürzunehmen gebühren wolle und wiederbringen.

In the matter of Paul Biber's appeal, on behalf of the children of Hans Ott as their legal guardian; and in the matter of the answer of Hieronymus Formschneider: let the council abide by the

123. Hampe, *Nürnberger Ratsverlässe*, 461, entry 3319.

124. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 468, entry 3022.

125. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 468, entry 3023.

decision made in the appeal of Mrs. Ott. But as to the penalty required in the privilege, the matter should be referred to two jurists to decide what measures My Lords should undertake to protect her financial situation when proceeding duly against Formschneider for restitution.

Of all of the documents, it is this that gives us the clearest evidence as to why the CC project had come to a permanent halt. As action is taken under Hans Ott's privilege, the accusation against Formschneider must be of breaching the privilege. The privilege refers specifically to a number of works; in addition to the CC these are, as stated above, "responsories, antiphons and hymns, and masses for four, five and six voices by various authors; and besides these an outstanding medical work by Nicolaus Myrepsus [...]" There are no known music prints dating from between 1545 and 1551—the granting of the privilege and the date of this action—that not only match these descriptions but also could, from typographical evidence, have been printed by Formschneider (for he would not sign such a pirate edition). The Myrepsus translation was presumably that by Leonhard Fuchs published in Basel in 1549 by Oporinus.¹²⁶ The only known work that the breach could refer to is the CC.

What could Formschneider have done to breach the privilege? The draft of the privilege stated that:

Vt nequis In vniuerso Romano Imperio et omni Ditione || nostra predictos et quoscunque Ab eis [?] siue sua opera [add. in margine: tam musica quam medica] quęcumque probatorum et receptorum Autorum siue veterum siue Recentium / quę Idem Ioannes Otto / aut ipsius heredes intra octo annos a Data presentium continuo numerandos Iuxta sanctiones tamen nostras || in publicis Comitij Imperij habitis et habendis [add. in margine: et Imperij] De re Impress[a] || primus suis impensis impresserit / excuderit [add. in margine: editas siue edendas] per totum [fol. 1v] quinquennium ab ipsius [^] cuiuslibet [^] operis editione / eodem aut Diverso characteris || genere typis excudat / aut excusa alibi, intra fines Imperij Importe[t] || aut aliunde aduecta vendat Distrabat publice vel occulte citra || ipsius Joannis et suorum heredum expressam voluntatem et || consensum / neque vt ista ab alijs fiant autor sit sub pena || grauis Indignationis nostre et amissionis librorum quod ipsis || Joanni [^] Ottoni [^] et heredibus [^] illius [^] vel ab eis mandatum habentibus applicandos || decernimus et amplius quindecim marcarum auri fisco || nostro Imperiali et ipsi Joanni [^] Ottoni [^] et heredibus vi Iuris ex quo pendendam || toties quoties contrafactum fuerit.

By the power of this our letter we decree and grant that no person in the entire Holy Roman Empire and all our territories should reprint the authors previously mentioned by them and published first by them at their expense, in the same typographical arrangement or any other, or any of the editions of the best works, both musical and medical, of the most universally acknowledged authors, both ancient and more recent, which the same Hans Ott or his heirs shall report immediately to be added to this list for the period of eight years from the date

126. Nicolai Myrepsi Alexandrini medicamentorum opus, in sectiones quadraginta octo digestum (VD16: N 1556). Two pirate editions of the Myrepsus were printed in Lyon in 1549 and 1550; I am grateful to Grantley McDonald for alerting me to these pirate editions (email dated 30 October 2009).

of this letter; this privilege is to extend for five years from the publication of any one of these works. Moreover, no person may import into the territories of the Empire copies printed elsewhere, or sell or distribute copies brought from elsewhere, either publicly or privately, against the express wish and agreement of the same Hans and his heirs; nor should anyone cause this to be done by another. Any person who does these things will fall under the penalty of our severe displeasure and the confiscation of the books; and whenever such an offence should occur, we decree that a fine of fifteen marks pure gold should be paid under the law of equity to Hans Ott and his heirs, or those authorized by them to demand this sum, and also paid to our Imperial treasury.

I have argued elsewhere that "If the printing was commissioned, rather than being done by the printing arm of the publisher, there was always the risk that the printer would run off some extra copies to sell for a quick profit; a privilege may have protected a publisher from their printer."¹²⁷ While this is possible here, it is surely more likely that Formschneider had simply retained "the remaining copies of the books of the *Coralis*" referred to in the document of 8 May 1550 and had subsequently sold them to recoup the printing costs for which Elsbeth Ott had still not made payment. This would clearly breach the privilege as Formschneider would have been making available to the public (publishing) the copies of the CC that he retained. Therefore even if Elsbeth Ott had not by that time paid for the prints and so they were still technically the property of Formschneider, the privilege prevented him, in the absence of a court order, from selling them legally. The penalty specified in the privilege was twofold: firstly, "confiscation of the books," which may have then been handed over to the holder of the privilege, Elsbeth Ott,¹²⁸ and secondly, that "a fine of fifteen marks pure gold should be paid under the law of equity to Hans Ott and his heirs, or those authorized by them to demand this sum, and also paid to our Imperial treasury."¹²⁹ The document of 29 August also gives us three further insights into the process. Firstly, Formschneider was being legally pursued over the breach of the CC privilege by two parties: Elsbeth Ott on the

127. Gustavson, "Competitive Strategy Dynamics," 193.

128. I am unaware of what happened to books confiscated under a breach of privilege. They may have been destroyed. Clearly the confiscating party could not sell or distribute them as that would have been a breach of the privilege.

129. In this context, the word "mark" is used to refer to a unit of weight, that is, 8 ounces, and so the fine was of 240 ounces of gold. According to the first *Reichsmünzordnung* (1524), the Rhenish gold gulden was set at 8 to the mark; according to the second *Reichsmünzordnung* (1551), the Reichs gulden = 1 gold gulden was set at 7.5 to the mark (William Arthur Shaw, *The History of Currency 1252 to 1894* (London: Wilsons & Milne, 1895), 363-65), and so the fine was, as at 1545, equivalent to 240 gulden. By comparison, this was equivalent to approximately 436 copies of the four-volume, 304-leaf music print: Sixt Dietrich, *Novum opus musicum tres tomos sacrorum Hymnorum* (Wittenberg: Rhau, 1545); for the price of the Dietrich print at 11 groschen, see Georg Buchwald, "Stadtschreiber M. Stephan Roth in Zwickau in seiner literarisch-buchhändlerischen Bedeutung für die Reformationszeit," *Archiv für Geschichte des deutschen Buchhandels* 16 (1893): 6-246, esp. 241, #795.

one hand, and Paul Biber as guardian of the children on the other. Secondly, the council was concerned "to protect" Elsbeth Ott's financial position. Thirdly, the Council intended to proceed against Formschneider.

Clearly, the relationship between Elsbeth Ott and Formschneider was irrevocably damaged, and their continued collaboration on the remaining volumes of the CC was impossible. Ott was never satisfied with the formal outcome of her claims against Formschneider, and she continued her fight until after his death in 1556:¹³⁰

Elisabeth Ottlin, buchführerin, soll auf ihr supplizieren und Jeronimus Formschneiders gegebener antwort wiederum gesagt werden, dass dieses ein alte verrechte sachen und darinnen ichzig verlasst worden, wäre es allein durch die beschehen, darumen wüssten ihr "Meine Herren" nit zu helfen, zudem dass auch der Formschneider nunmehr verstorben, und also abweisen mit dem abhang, da sie aber je nit ruhig sein wollte, müsste sie solchs bei des Formschneiders erben mit recht suchen.

In the matter of the appeal of Elsbeth Ott, book dealer, and the answer given by Hieronymus Formschneider, it should be repeated that this matter is long since decided and should therefore now be dropped, and that this only came about because of her, and for this reason My Lords do not know how to help her; moreover, she should be reminded that Formschneider is now dead. She should thus be dismissed by adding that if she is unwilling to leave this matter in peace, she will have to sue Formschneider's heirs.

The tone of the document suggests that the council is exasperated, and the words "that this only came about because of her" clearly place the blame for the entire series of events with Elsbeth Ott's hypothesized initial inability to pay her debt to Formschneider. Despite the council's recommendation to let matters lie, action was in fact taken against Formschneider's heirs, with the following decision on 23 February 1557:¹³¹

Johann Ottels seligen verlassenen erben soll man uff ihr supplizieren, der beklagten Veronica Jeronimus Formschneiders seligen wittib gegenbericht fürlesen lassen und sagen, weil dies ein verrechte sag sei, so lassens "Meine Herren" bei den ergangenen urteilen bleiben.

In the matter of the appeal of the late Hans Ott's heirs, let the counter-evidence of the defendant Veronica, widow of the late Hieronymus Formschneider, be read aloud; and let it be said that since judgment has already been passed on this matter, My Lords shall abide by the previous judgment.

Elsbeth Ott published nothing at all after the CCI, restricting her activities until her retirement in 1554 solely to bookselling. It would be understandable if the experiences of her first publication, the CCI, left her with no taste to continue as a publisher; further, aspects of the publication,

130. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 468, entry 3024, document dated 9 June.

131. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 468, entry 3025.

including not printing the privilege, the lack of an index, and her financial problems all suggest that she did not have a firm grasp of the business of music publishing. Even if she had considered turning to another printer, finding one would have been difficult. Following the death of Johannes Petreius in March 1550, the only significant music printers in Nuremberg in the early 1550s were Formschneider and Berg and Neuber, and Elsbeth Ott had instigated legal action against both businesses over the CC. Further, the war between Nuremberg and Margrave Albrecht Alcibiades in 1552-1554, which "interrupted [Nuremberg's] commerce disasterously,"¹³² would surely have discouraged a revival of the project at that time.

The printing of the CCI

The structure of the CCI is anomalous, in that it opens after the *Asperges*, with the propers for Trinity and the post-Pentecost Sundays, rather than opening with the propers for the Advent Sundays, which begin the church year. An examination of the watermark distribution, given in Table 1 (p. 250), suggests an answer to this problem.¹³³

There is a substantial watermark disjuncture in three of the partbooks which corresponds with the gathering on which the Advent section begins.¹³⁴ Evidence that this is not coincidental is supplied by the appearance of blank staves: to allow the Advent section to begin on a new gathering in the altus, the last stave of the previous gathering is empty—the only empty stave in the entire partbook; and in the bassus, the last three staves of the previous gathering are empty, and the only other empty staves in the partbook are the last two on the last page. To avoid the occurrence of entire blank pages in the discantus and tenor, the last staves of the Pentecost section were "held over" until the typesetting for the Advent section could begin. This clearly suggests that the

132. Gerald Strauss, *Nuremberg in the Sixteenth Century* (New York: Wiley, 1966), 150. However, Berg and Neuber did print a number of sets of partbooks during this period, including RISM 1553⁴⁶.

133. Each of the partbooks uses a different combination of uppercase and/or lowercase letters to indicate the gathering: the discantus uses single lowercase letters (for example, the first gathering is "a"), the altus uses single uppercase letters ("A"), the tenor uses an uppercase followed by a lowercase letter ("Aa"), and the bassus uses double uppercase letters ("AA"); for simplicity and clarity, this has been standardized by referring to the partbook name and then the gathering using a single uppercase letter (for example, tenor gathering "A"). The papers are numbered according to the catalogue, which includes tracings, in Gustavson, "Hans Ott, Hieronymus Formschneider," 655-67 (Appendix 4, "Watermarks in Formschneider's Music Prints"); the exemplars examined were those in GB-Lbl (K.3.c.2, except CCI DAB partbooks for which A.240.a was examined) and S-Uu (see Appendix 1 below for details). The break between the Pentecost and Advent sections is indicated by underlining the paper of the last gathering of the Pentecost section in each partbook. A "—" indicates that there is no such gathering in that partbook.

134. Discantus, gathering I, page 2; altus, beginning of gathering I; tenor, gathering I, page 2; and bassus, beginning of gathering H.

* Table 1 • Watermark distribution, *Coralis Constantinus I*

Gathering	Discantus		Altus		Tenor		Bassus	
	GB-Lbl	S-Uu	GB-Lbl	S-Uu	GB-Lbl	S-Uu	GB-Lbl	S-Uu
A	12	15	16	16	16	16	5	5
B	15	15	15	15	5	5	7	7
C	12	15	14	15	5	5	5	5
D	16	16	17	17	5	5	16	16
E	16	16	18	17	5	5	16	16
F	17	9	17	17	5	5	16	16
G	16	17	11	18	5	5	12	9
H	17	11	18	18	16	16	2	2
I	2	2	17	18	16	16	14	14
K	2	2	16	16	16	16	14	14
L	14	14	16	16	16	16	10	6
M	2	2	16	16	13	18	3	3
N	14	14	13	18	13	17	3	3
O	8	8	13	13	4	3	3	3
P	6	3	13	13	1	1	6	6
Q	3	3	4	17	4	4	6	6
R	6	6	4	2	—	—	6	6
S	—	—	2	9	—	—	—	—

printing of the music for the Pentecost Sundays in all four partbooks was completed (except for a few staves) before the printing of the music for Advent Sundays began.

This is not to suggest that there was a conscious decision to print the two sections in this order. The three men closely involved with the CC, Isaac, Senfl, and Ott, were all dead, and neither of the two people involved in the publication, Elsbeth Ott and Formschneider, probably knew anything about the music. It is possible that the manuscript used as printer's copy was bound in two sections, Advent and Pentecost, and that the sections simply got out of order.¹³⁵ Given the difficulties that Elsbeth Ott, who owned the manuscript, appeared to be having with Formschneider, it is possible that she only handed over the manuscript one section at a time.¹³⁶

The paper distribution also provides clues as to the order of printing. Papers 5 and 7, the only crown watermarks in the Pentecost section, appear only in tenor gatherings B-G, and bassus gatherings A-C, suggesting that, apart from the preliminaries, the sequential printing of the

135. This was also suggested by Pätzig, "Liturgische Grundlagen," 1: 6 n. 2 and 84-85, but based on the unusual ordering of the contents rather than an examination of the paper distribution in the prints.

136. Although Formschneider had a close working relationship with Albrecht Dürer, Dürer's widow had to take action against Formschneider to prevent him from infringing her copyright. See Hampe, *Nürnberger Ratsverlässe*, 243, entry 1621.

Pentecost section of the tenor was immediately followed by the printing of the first three gatherings, and presumably the entire Pentecost section, of the bassus. The tenor preliminaries are on paper 16, which appears in none of the partbooks after gathering M suggesting that it was not the last gathering to be printed. As paper 16 is found in the Advent section of the bassus and in the first gathering of the tenor of the Advent section, it is likely that the preliminaries were printed after the completion of the printing of the music for Sundays in Pentecost and before the beginning of the printing of the music for the Sundays in Advent.

The paper distribution in the Advent section shows a pattern not seen in any of Formschneider's earlier music prints, indicating that he may have been experimenting even at this late stage. The papers appear to be paired in the tenor and altus, and in the discantus and bassus; papers 1-4, 9, 13, and 16-18 appear in the former pair, and papers 2, 3, 6, 8-10, and 14 in the latter. There are three paper overlaps. Papers 3 and 9 are found mostly in the discantus and bassus pair, with only a single occurrence of each in the altus and tenor. The major overlap is paper 2, which occurs in the altus and tenor pair only in the last two gatherings of the altus, and in only the early gatherings of the discantus and bassus pair, suggesting a printing order of altus-tenor then discantus-bassus. Further, the altus and tenor partbooks begin with papers 16-18; the first major change occurs with the appearance of paper 13 in altus gathering N and tenor gathering M: in both instances these gatherings begin the *Dominica Invocavit*; the next change of paper in either partbook is the appearance of paper 4 (for the first time) in altus gathering Q and tenor gathering O, the gatherings on which the *Dominica Palmarum* begins. The printing of the gatherings in the altus and tenor clearly appears to have been co-ordinated. The only anomaly occurs in the very last gathering of the altus, which suggests that the tenor may have been set before the altus. The evidence for the printing order within the Advent section of the discantus and bassus pair is not as clear, but they both begin with paper 2 and, after a mixture of papers 2 and 14, each has the sole instance in the entire volume of paper 8 (discantus) and paper 10 (bassus), which is then followed by a mixture of papers 3 and 6. That the tenor and altus appear to have been set in tandem, and the discantus and bassus likewise, suggests that the printer's copy for the Advent section may have been in German choirbook format.

The publishing of the CCII-III

Elsbeth Ott continued to be listed in the *Ämterbüchlein* as a bookseller ("Buchführer") each year from 1550 until 1554; the entry for 1554 was crossed out, indicating that she ceased to be a bookseller that year.¹³⁷ On 22 January 1554, the bookseller Joachim Lochner from Ingolstadt became

137. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, 582-85.

a citizen of Nuremberg, and the following day married Ott's daughter Susanna, thus becoming the successor to Ott's business;¹³⁸ he is listed as a bookseller in Nuremberg records from 1554 onwards.¹³⁹ The business would remain in the Lochner family for more than 200 years,¹⁴⁰ and is still in existence in the twenty-first century under the name Korn & Berg.¹⁴¹ Why the bookshop passed to Lochner, and not to David Ott, is unknown.¹⁴² Presumably Lochner was not interested in, or did not think financially viable, the publication of the rest of the CC,¹⁴³ and the manuscript was sold, either by Elsbeth Ott or by Lochner, probably in 1554 or early to mid-1555 to the Augsburg publisher and bookseller, Georg Willer,¹⁴⁴ as Willer himself stated in the dedication of CCII, dated 28 October 1555:¹⁴⁵

Cuius cum lucubrationes hafce ipfius manuscriptas, nuper precio fic fatis magno com = || paraffem, mox eas (multis viris bonis authoribus) excudendas, & tuæ Bibliothecæ consecran = || das putau [...].

Since I recently purchased—at quite a hefty sum—these works by him [Isaac], the products of his hard labour [*lucubrationes*] written in his own hand, I thought it good to print them and to dedicate them to your library, [...].

Taken together, this evidence refutes the conclusions of Pätzig and, following him, Bente and Lerner, who argued that Ott received the manuscript of the Constance commission from Willer;¹⁴⁶ Schuler, however, realized that it was Willer who purchased the manuscript from Ott.¹⁴⁷ Further support for this conclusion is that the extant or known sixteenth-century *Konvolute* which include

138. Johann Bischoff, "Der Nürnberger Buchführer Joachim Lochner (1524-1598): Ein Ingolstädter Kind," *Ingolstädter Heimatblätter* 13 (1950): no. 1, supplement to the *Donau-Kurier*, 4, at 4.

139. Diefenbacher and Fischer-Pache, *Nürnberger Buchgewerbe*, yearly entries at 585-613.

140. Elisabeth Bauer, "Die Geschichte der Verlagsbuchhandlung Korn & Berg in Nürnberg" (MA thesis, Friedrich-Alexander Universität Erlangen-Nürnberg, [1990]), 12.

141. See <www.kornundberg.de>.

142. There are many possible reasons, but nothing is known; one possibility is that he may have been killed in the war of 1552-54.

143. Lochner was also a publisher, but the earliest of the works published by him included in the VD16 is dated 1571; none of his publications contain music.

144. On Willer, see Hans-Jörg Künast and Brigitte Schürmann, "Johannes Rynmann, Wolfgang Praülein und Georg Willer: Drei Augsburger Buchführer des 15. und 16. Jahrhunderts," in *Augsburger Buchdruck und Verlagswesen von den Anfängen bis zur Gegenwart*, ed. Helmut Gier and Johannes Janotta (Wiesbaden: Harrassowitz, 1997), 23-40.

145. *Choralis Constantinus*, vol. 2, tenor partbook, fol. A3v; a complete English translation is given below as Appendix 3b.

146. See Pätzig, "Liturgische Grundlagen," 1: 94-95, who is cited by Bente, *Neue Wege*, 159, and Lerner, "Introduction," *Heinrich Isaac: Choralis Constantini Primus Tomus*, 8.

147. Schuler, "Überlieferung," 75-76.

CCII-III almost invariably also include CCI,¹⁴⁸ which implies that Willer also purchased the unsold stock of CCI, enabling him to offer the complete CC as a three-volume set. That stock remained unsold after five years is neither unusual nor does it imply that the CCI was not a commercial success: some music prints by Montanus & Neuber were still available eighteen years after publication, and some by Christian Egenolff were apparently available for even longer.¹⁴⁹

The title page of CCII states that it was printed by Formschneider at the expense of Georg Willer. Formschneider acted solely as printer, presumably chosen for the task by Willer so that the second and third volumes would be uniform with the first.¹⁵⁰ As part of this uniformity, the "h" was added to "choralis" on the title page, but otherwise the 1550 title was retained.¹⁵¹ The major cost of an edition was the paper, and an examination of the watermarks in most of Formschneider's known prints makes it clear that most of the paper in CCII-III is different from that in his other prints: 56 % of it originated in Augsburg, 26 % in Landsberg am Lech to the south of Augsburg,

148. Almost all of the extant exemplars of CCII-III are bound with CCI (see Appendix 1 below), but the reverse is not found to the same extent. The exemplars of the three-volume set in CZ-HKm, D-HAu, D-Mbs, D-Mu, D-Rp (A.R. 193-95), GB-Gu, GB-Lbl (k.3.c.2), I-BRE, and S-Uu are each bound together as a set in sixteenth-century bindings. The copy in the Fugger library also consisted of all three volumes (see Richard Schaal, "Die Musikbibliothek von Raimund Fugger d.J.: ein Beitrag zur Musiküberlieferung des 16. Jahrhunderts," *AcM* 29 [1957]: 132, #91), as did that in the Leipzig Thomaskirche (see Wolfgang Orf, *Die Musikhandschriften Thomaskirche Mss. 49/50 und 51 in der Universitätsbibliothek Leipzig* [Leipzig: VEB Deutscher Verlag für Musik, 1977], 172). Even the few fragments recovered from a binding that are in US-Wc are from all three volumes. This clearly implies that CCI-III was sold as a set. The only copies of CCII or CCIII that are not bound with volume I are (i) that in PL-Kj, which consists of CCII-III by itself in one binding; and (ii) that in F-Pn, which consists only of CCII (tenor partbook only). There are, however, a number of single exemplars of CCI, some of which were presumably sold between 1550 and 1554.

149. The *Thesaurus musicus*, printed by Montanus & Neuber in 1564 (RISM 1564¹-1564²), was still offered by sale in the *Catalogus librorum excusorum in officina Gerlachiana* of [1582]; see the facsimile inserted between pp. 136 and 137 of Konrad Ameln, "Ein Nürnberger Verlegerplakat aus dem 16. Jahrhundert," *Musik und Verlag: Karl Vötterle zum 65. Geburtstag*, ed. Richard Baum and Wolfgang Rehm (Kassel: Bärenreiter, 1968), 136-42. Some of the *Liederbücher* printed by Christian Egenolff (1502-55) were still listed in the *Catalogus librorum officinae haeredum Typographiae Egenolphicae Francofortij ad Moenum, 1579*; this manuscript catalogue is transcribed in Günter Richter, "Christian Egenolffs Erben 1555-1667," *Archiv für Geschichte des Buchwesens* 7 (1967): cols. 449-1130, at 873, nos. 295-300; a tentative identification of the unknown titles is given in Gustavson, "Christian Egenolff," cols. 99-100.

150. The only Augsburg printer who used single impression music type in the 1550s was Philip Uhart. See Thomas Röder, "Innovation and Misfortune: Augsburg Music Printing in the First Half of the Sixteenth Century," in *Music Fragments and Manuscripts in the Low Countries: Alta Capella: Music Printing in Antwerp and Europe in the 16th century*, ed. Eugene Schreurs and Henri Vanhulst, *Yearbook of the Alamire Foundation* 2 (1997): 465-77, at 476-77.

151. Volume III, intended as part of the set, does not include a new title page, or have a separate dedication or other preliminaries. The tenor of volume III has a similar title page to the DAB of CCII and CCIII.

and 14 % from Munich; these are the only Augsburg or Munich papers in Formschneider's prints of which I am aware. Only 3 % of the paper came from Formschneider's usual sources in Haut-Rhin—Vosges or Lorraine.¹⁵² Therefore, it may be assumed that Willer supplied the paper, with Formschneider also using up a small amount of leftover stock. That the publisher supplied the paper—the most expensive input—for CCII-III may imply that Formschneider had cashflow problems (in which case it makes sense for the publisher to supply an input, rather than making an upfront payment that may be spent on other things).

In his preface (translated in full in Appendix 3b below), Willer praises the "fame" of the library of the dedicatee, Johann Jakob Fugger (a member of the famous Augsburg patrician family),¹⁵³ and argues passionately about the importance of maintaining libraries so that "future generations will have the opportunity and ability to enjoy the writings of ... great men." Unlike the author of the preface to CCI, Willer does not argue for liturgical use of the CC, but states that he is making the CC available to those "educated in the humanities." Although he recognizes that "people who have nothing to do with music are hardly going to buy these books," he views involvement as being a consideration of "the art of music as a matter of the highest value." Willer sees the CC as a "monument of ... genius" worthy of study and preservation, not a musical work with a liturgical function.

The printing of the CCII-III

The watermarks in CCII (see Table 2) suggest that each partbook was printed consecutively in its entirety from beginning to end, beginning with the first gathering and working through to the last; for example, the only watermarks in CCII or CCIII that indicate papers from Formschneider's usual sources (papers 7, 8, 9, and 11) appear only in a series in the altus partbook (gatherings E to I), strongly suggesting that these gatherings were printed sequentially.¹⁵⁴

It is common for the preliminaries of a print, which in a set of partbooks are generally found in the tenor partbook, to be the last gathering or gatherings to be printed; this is usually to allow for an index with pagination or foliation to be included in the preliminaries, and this cannot be calculated until after the printing of the body of the volume has been completed. As there is, again surprisingly, no index, there was no need for the tenor partbook to have been printed last, and the

152. See Gustavson, "Hans Ott, Hieronymus Formschneider," 607-80, for a catalogue of the paper used by Formschneider. The remaining 1 % of the paper came from Reutlingen.

153. See Alexander J. Fisher, "Fugger," in *MGG*³, Personenteil 7: cols. 246-52.

154. The papers are numbered according to the catalogue, which includes tracings, in Gustavson, "Hans Ott, Hieronymus Formschneider," 668-78 (Appendix 4, "Watermarks in Formschneider's Music Prints"); for treatment of signatures and the exemplars used, see footnote 133 above.

• Table 2 • Watermark distribution, *Choralis Constantinus II-III*

Gathering	Discantus		Altus		Tenor		Bassus	
	GB-Lbl	S-Uu	GB-Lbl	S-Uu	GB-Lbl	S-Uu	GB-Lbl	S-Uu
A	4	4	2	I	4	4	I	I
B	4	5	I	I	4	4	4	4
C	4	4	I	I	5	4	I	I
D	I	5	I	I	5	5	I	2
E	4	4	7	7	5	5	I	I
F	5	5	9	II	5	5	I	I
G	5	5 ²	9	9	5	5	I	I
H	5	5	8	7	5	5	I	I
I	5	5	7	7	5	5	I	2
K	5	5	4	4	5	5	I	I
L	5	5 ²	5	4	4	4	I	I
M	5	5	5	4	4	4	I	I
N	5	4	5	5	5	5	2	I
O	5	5 ²	2	2	4	4	I	2
P	5	5	2	2	3 ²	3 ²	I	I
Q	3	3	2	4	3	3	5	5
R	4	3	4	4	3	3	3	4
S	5	5	3	5	3	3	4	4
T	4	4	3	4	5	5	4	5
V	4	4	3	5	4	3	4	4
X	4	4	3	3	3	3	4	4
Y	5	5	3	3	3	3	4	3
Z	5	5	5	5	3	3	3	5
A*	5	5	4	4	3	3	3	5
B*	5	5	3	3	3	3	4	4
C*	5	5	3	3	3	3	5	5
D*	3	3	3	3	5	5	5	5
E*	3	3	5	3	5	5	5	5
F*	6	4	5	5	4	4	6	6
G*	6	6	4	5	4	4	6	6
H*	6	5	4	4	4	4	10	10
I*	3	3	4	4	4	4	3	3
K*	6	6	4	4	6	6	3	3
L*	6	6	4	4	6	6	3	3
M*	6	6	4	4	6	6	3	3
N*	3	3	6	6	6	6	3	6
O*	6	6	6	6	6	6	6	6
O* ³⁻⁴	3	3 ²	—	—	—	—	—	—
P*	—	—	6	6	—	—	—	—
Q*	—	—	6	6	—	—	—	—
R*	—	—	6	6	—	—	—	—
S*	—	—	6	6	—	—	—	—
T*	—	—	6	6	—	—	—	—

watermark distribution implies that it was printed at, or towards, the beginning. However, the first gathering of the tenor is unusual. The volume is quarto; books in this format usually have gatherings of four leaves (eight pages). As the preliminaries take four leaves, it would be expected that the first gathering would consist of four leaves with the music beginning on the first page of the second gathering. It is therefore unexpected that the first gathering of the tenor has six, rather than the usual four leaves, consisting of both the preliminaries and the beginning of the music, which begins on fol. A5r. Leaves 1, 2, 5, and 6 were printed from one sheet, and the inner bifolium was printed from another. Also unexpectedly, fol. A6v is the only one of the 491 pages of all partbooks of CCII which does not have five stave lines: it has only three, and so was deliberately spaced out. Although speculative, the most likely explanation is that Formschneider was expecting a short dedication by Willer which had not arrived by the time printing (or at least typesetting) began. He calculated that, as there was no index, there would be space on the first gathering for the first mass, and so began the second gathering with the second mass; a dedication arrived from Willer which was much longer than expected, and so it would have been necessary to expand the first gathering to six leaves. As the page with three staves is on the outer forme, it is clear that the typesetting of the first gathering did not begin until after the decision to produce a six-leaf gathering had been taken.

Although the signatures of each partbook in CCIII pick up at the point left off by each partbook in CCII (for example, the discantus of CCII ends with gathering P and the discantus of CCIII begins with gathering Q), the watermark distribution suggests that the printing of the third volume was not begun until after the completion of the second (for example, see the distribution of paper 3). As in CCI, the watermarks appear to be paired, the altus with the tenor and the discantus with the bassus. For example, paper 6 appears for the first time in altus gathering N* and tenor gathering K*; these two gatherings are at the same point in the music. Likewise, in the discantus and bassus, paper 6 appears for the first time in gathering F* in each, which marks the beginning of one of the major breaks in the volume, the *Seorsum de Sanctis*. Again, the pairing suggests an exemplar in German choirbook format.

In summary, preliminary investigations suggest that the printer's copy for the Advent section of CCI and all of CCIII may have been in German choirbook format; no such claim can be made for the Pentecost section of CCI and all of CCII. The change in type-setting practice suggests either a change of personnel or a change of format of the printer's copy, perhaps even both. It is possible that the sections which were not paired were in partbooks.

Conclusion

These revisions to the printing and publication history of the CC, although small in themselves, add up to a significant impact on the way we view the first edition and its related sources. In summary, the following hypotheses are here put forward:

- that at the time of his announcement in 1537, Hans Ott had only the music from the “Constance” commission;
- that the “Imperial” music came into Ott’s possession after 1537 and possibly not until the early 1540s;
- that the expansion of the project to include mass propers for the whole year, rather than just Isaac’s Constance commission, was responsible for the delay in publication;
- that Ott intended Berg and Neuber to print the CC;
- that the title page and preliminaries were written in Latin by someone unfamiliar with some of the technical terminology;
- that the intended, if misleading, title was the *Chorales of Constantine*, not the *Chorales of Constance*;
- that the CCI was printed in two separate sections, suggesting that the unexpected ordering of Trinity / Post-Pentecost Sundays preceding Advent Sundays may have resulted from the manuscripts being printed in the reverse order; and
- that Elsbeth Ott’s decision not to publish the CCII-III was, at least in part, a result of the irrevocable breakdown of her business relationship with Formschneider.

In addition to these revisions, new light is brought to bear on our understanding of the commercial aspects of the printing and publishing of the CC, drawing on data from the texts of the privilege application and the received privilege, and from the copyright disputes; and new insight is offered into the role of Willer, including his hypothesized purchase of all unsold copies of CCI.

More generally, this chapter also contributes to our understanding of the commercialisation of music in mid-sixteenth-century Germany. It has examined value creation and capture from the beginning of the value chain, the composer, through to the bookseller, but has not examined the final link in the value chain. This is the end user of the music, the public, who capture value through the pleasure of owning the print, and/or the pleasure of performing or studying the music that it contains. A study of the reception of CC print—who purchased it and how they used it—will yield insights into who captured this value and how. I shall therefore continue my work on the commercialisation of the CC through an examination of all extant copies of the print to see what we can learn about its reception. How the revisions to our understanding of the CC presented in this chapter impact on our understanding of the transmission of the CC, I leave to others.

• APPENDIX I • BIBLIOGRAPHICAL DESCRIPTION OF CCI-III

Volume I

RISM I 89; VD16: ZV 21590

Author: Heinrich Isaac

Publisher: Elisabeth Ott

Title: PRIMVS TOMVS. || [leaf] TENOR [leaf] || CORALIS CONSTANTINI, VT || vulgo vocant, opus insigne & præclarum, vereq[ue], coelestis harmoniæ, Authore nunquã fatis lau= || dato Musico, Henrico Isaac, Diui quondam Cæsaris Maximiliani Symphonista Regio, opus || inquam, illustris Ifaci, officina dignum, & propter compositionis artificium, & cygneam || venustatem, adeo vt ex fæcundissimo tanti artificis pectore, vere || emanasse videatur. || [leaf] || Nornbergæ imprimebat Hieronymus Formschneider || Cum gratia & priuilegio Cæsareæ Maiestatis ad quinquenium. || Anno 1550. [rule over 1550] ||

Title page of other partbooks:

DISCANTVS || DOMINICARVM A TRINITATE || VSQVE AD ADVENTVM || DOMINI. || [leaf] ||
[leaf] ALTVS [leaf] || DOMINICARVM A TRINITATE || VSQVE AD ADVENTVM DOMINI. || [leaf] ||
[leaf] BASSVS [leaf] || DOMINICARVM A TRINITATE || VSQVE AD ADVENTVM || DOMINI. || [leaf] ||

Format: oblong quarto

Collation: Discantus, a-r4, 68 leaves; Altus, A-S4, 72 leaves; Tenor, Aa-Qq4, 64 leaves; Bassus, AA-QQ4RR2, 66 leaves [= 270 leaves, 67.5 sheets]

Signatures: §3 (Discantus, -a1, Altus -A1, Tenor, -A1, A3, Bassus, -AA1, RR2) signed [misprinting Discantus, f as Ff, f3 as F3; Altus H as hH, H2 as h2, H3 as h3, I2 as A2; Bassus AA3 as AA (inverted 3)]. Signed in Roman with arabic numerals.

Source: GB-Lbl K.3.c.2

Exemplars:¹⁵⁵

RISM Siglum	Partbooks	Shelfmark	Notes	Bound with
CZ HKm	D A	1264 (<i>olim</i> II A 35)	(a)	CCII-III
D † [Afugger]			(b)	CCII-III
BÜ	B	Kulturwesen 19, Nr. 114	(c)	MS
HÄu	T	Pon Ilc 298 (1/3)	(d)	CCII-III
† LEt			(e)	CCII-III
Mbs	D A T B	4° Mus.pr. 123	(f)	CCII-III
	fragments	4° Mus.pr. 123a	(g)	n/a
† [Meissen]			(h)	
Mu	D A T B	W 4 Liturg. 73(1-4)	(i)	CCII-III
† Nst			(j)	
Rp	D A T B	A.R. 193-195	(k)	CCII-III
	D A B	A.R. 196-197	(l)	MS
F Pn		Rés. 561	(m)	nil
GB Gu	A T B	Sp. Coll. R.b. 36-38	(n)	CCII-III
Lbl	D A T B	K.3.c.2	(o)	CCII-III

¹⁵⁵. A dagger indicates an exemplar referred to in historical documents but which has not been identified as being one of the known extant exemplars. Square brackets indicate a siglum that is not a RISM-Signum. A partbook in italics is incomplete. A blank space in the "bound with" column indicates that I do not know anything about the binding; "n/a" is used for fragments from bookbindings as the concept is not applicable; "nil" indicates that nothing substantive is bound with the print (that is, blank leaves, or leaves with ownership inscriptions, etc., are ignored).

RISM Siglum		Partbooks			Shelfmark	Notes	Bound with
		D	A	B	A.240.a	(p)	nil
I	BRE	D	A	T B	Barock XXII.L.9-1 to XXII.L.9-4	(q)	CCII-III
PL	Kj	D	A	B	Mus. MS. 40175	(r)	MS, 1539 ⁵ , 1545 ⁶ , 1539 ¹⁴ , MS
		D	A	T B	Mus. ant. pract. I 215	(s)	nil
	WRu	D	A	T B	50530 Muz.	(t)	nil
	Wu		A	T	SDM 110 [1, 2]	(u)	RISM D 3018, MS
S	Uu	D	A	T B	Vok.-mus. i tr. 245-248	(v)	CCII-III
US	Wc	1 fragment			M1490.181 case	(w)	frags. CCII and CCIII

Notes

- (a) Examined August 1997; original binding of pigskin over pasteboard.
- (b) Richard Schaal, "Die Musikbibliothek von Raimund Fugger d.J.: Ein Beitrag zur Musiküberlieferung des 16. Jahrhunderts," *AcM* 29 (1957): 132, #91.
- (c) Armin Brinzing, "Fragmente mit mehrstimmiger Musik des 16. Jahrhunderts im Fürstlich Ysenburg- und Büdingischen Archiv Büdingen," *Kleinüberlieferung mehrstimmiger Musik vor 1550 in deutschem Sprachgebiet*, vol. 2: *Fragmente mit mehrstimmiger Musik des 16. Jahrhunderts im Fürstlich Ysenburg- und Büdingischen Archiv Büdingen*, Nachrichten der Akademie der Wissenschaften in Göttingen I. Philologisch-historische Klasse 1/2001 (Göttingen: Vandenhoeck & Ruprecht, 2001), 26-28, and facsimiles 9a-9c. I am grateful to Dr. Brinzing, RISM Arbeitsgruppe Deutschland e.V., for alerting me to his article.
- (d) I am indebted to Alexandra Muckert, D-HAu, for the following information (email dated 3 August 2010): The three partbooks are bound together in a sixteenth-century binding, which has a blind-stamped leather spine, the rest of the binding being of parchment [that is, it is quarter bound]. The *Konvolut* contains no other prints or manuscripts. The partbooks were donated to the Universität Wittenberg in 1798 by Johann August von Ponickau (1718-1802). The Ponickau collection was transferred to Halle with the merger of the University of Wittenberg with the Preussische Friedrichs-Universität Halle in 1817. [It should be noted that the set of partbooks was misbound: it contains the Tenor of volume I and the Altus of volumes II-III.]
- (e) Wolfgang Orf, *Die Musikhandschriften Thomaskirche Mss. 49/50 und 51 in der Universitätsbibliothek Leipzig* (Leipzig: VEB Deutscher Verlag für Musik, 1977), 172, addition dated 16 June 1559 to the inventory of 1551.
- (f) CCI-CCIII were already bound together as a 4-volume set (D, A, T, B) by the time that they were purchased in 1592 from the library of Johann Georg von Werdenstein; the bindings contain no other prints or manuscripts. See Richard Charteris, *Johann Georg von Werdenstein (1542-1608): A Major Collector of Early Music Prints*, *Detroit Studies in Music Bibliography* 87 (Sterling Heights, Michigan: Harmonie Park Press, 2006), 142. Published in facsimile; see below.
- (g) Fragments from the binding of D-Mbs B. lat. 262.
- (h) Johannes Rautenstrauch, *Luther und die Pflege der kirchlichen Musik in Sachsen bis zum 2. Jahrzehnt des 17. Jahrhunderts: Ein Beitrag zur Geschichte der sächsischen Kantoreien und ihrer kulturellen Vorläufer, der katholischen Bruderschaften* (Leipzig: Breitkopf & Härtel, 1906), 77.
- (i) I am indebted to Adelheid Eysholdt, D-Mu, for the following information (email dated 31 August 2010): CCI-CCIII are bound together in sixteenth-century blind-stamped white leather bindings as a 4-volume set (D, A, T, B). The bindings contain no other prints or manuscripts. The old shelfmarks (O 318 and R 214) indicate that the partbooks were in the library before 1800.
- (j) According to Nuremberg council records (*Ratsverlässe* 24 March and 1 April 1550, cited in footnotes 110 and 112 above), a copy was given by Frau Ott to the Council, for which she received 24 gulden.
- (k) Examined November-December 1993. Partbooks damaged and restored. The Discantus of CCI is missing the title page, and folios A2-B4 are damaged with loss of music; Tenor CCI folios A1-B2 are damaged with loss of music; and the Bassus partbook is missing its binding. The shelfmark indicates three repertorial layers in each binding: A.R. 193 = CCI; A.R. 194 = CCII; A.R. 195 = CCIII.
- (l) Examined November-December 1993. Original leather binding over pasteboard, with blind-stamped Regensburg Coat-of-Arms. A.R. 196 = CCI; A.R. 197 = manuscript appendix. On the manuscript, a series of works by Othmayr headed "Sanctæ Trinitatis Festum quatuor vocum redditum vena Othmarica pietatis ergo anno L." see Gertraut Haberkamp, ed., *Bischöfliche Zentralbibliothek Regensburg: Thematischer Katalog der Musikhandschriften 1: Sammlung Proske: Manuskripte des 16. und 17. Jahrhunderts aus den Signaturen A.R., B, C, AN, Kataloge Bayerische Musiksammlungen 14/1* (Munich: Henle, 1989), 5.
- (m) I am indebted to Cécile Grand, F-Pn Département de la Musique, for this information (personal communication dated 21 March 1998).
- (n) *The Euing Musical Library: Catalogue of the Musical Library of the Late Wm. Euing, Esq., Bequeathed to Anderson's University, Glasgow* (Glasgow: Ferguson, 1878), 150. The binding appears to be sixteenth century, and there are no early ownership inscriptions. The tenor is

- in "36," the altus in "37," and the bassus in "38." I am indebted to Fiona M. Neale, Special Collections Department, Library, University of Glasgow, for this information.
- (o) Examined December 1991 and August 1997. In an original leather binding. From the former shelfmark and annotations on the print, this was at one time in the same collection as the exemplar of the *Novum opus musicum* at D-Rp B 45-50, and presumably that offered for sale in [Fidelis] Butsch, *Catalog einer Sammlung Seltener Notendrucke des XVI. und XVII. Jahrhunderts ... zu haben in der Birett'schen Antiquariats-Buchhandlung F. Butsch in Augsburg* (Augsburg: Butsch, 1846), 6 (exemplar of Musikbibliothek Peters, Leipzig). GB-Lbl purchased the partbooks from the antiquarian bookseller A[dolf] Asher & Co., Berlin, in 1862; see the invoice on file in GB-Lbl, signed on 7 April 1862, p. 2, entry 29. Tracings of the watermarks in the tenor partbook are in Gustavson, "Hans Ott, Hieronymus Formschneider," 2: 655-67.
- (p) Examined December 1991 and August 1997. In a modern cardboard binding. Tracings of the watermarks are in Gustavson, "Hans Ott, Hieronymus Formschneider," 2: 655-67.
- (q) I am grateful to Hans Kienzl, Bibliothek der Philosophisch-Theologischen Hochschule Brixen, for the following information (email dated 2 February 2011). The partbooks are in original sixteenth-century bindings of leather over wood, with the date 1556 stamped on the front cover of each; the bindings are similar with the exception of the stamped name of the partbook (Tenor, etc). The CC prints are not bound with any other prints or manuscripts. The current citation for the partbooks is Priesterseminar Brixen/Seminario Maggiore Bressanone, Barockbibliothek PSB, Signatur: XXII.L.9-1 – XXII.L.9-4. The volumes are numbered 1 (Tenor), 2 (Altus), 3 (Bassus), and 4 (Discantus). An earlier shelfmark, XXXIX [...], 8-11, was written on a sticker on the binding of each volume; additionally, the front endpaper of the Tenor has the shelfmark XXIV.e. (4 Bde.).
- (r) Examined on microfilm only. Formerly in D-B. The manuscript contains ten works; the following is extracted from the file on this manuscript prepared by and held at the Musicological Archives for Renaissance Manuscript Studies at the University of Illinois at Urbana-Champaign. Before the prints are a single response (*Amen*) and two sets of responses (*Et cum spiritu tuo*) on the front endpaper, all anonymous. After the prints is a title page, "Sequentur Aliquot Missae Selectissimae 1550," followed by (composers known from concordances are given in square brackets):
 [Janequin], *Schlacht mess* [=Missa La bataille]
 [Mouton], [Missa] *Quem Dicitur Homines*
 [Vinders], [Missa] *Stabat mater*
 [Berchem], [Missa] *Mort et fortune*
 [Anon], [Missa] *Sine nomine*
 Tho[mas] Crecquillon, *Missa Je prens en gre*
 The masses are followed by one motet, [Lasso's] *Iniquos odio habui*.
- (s) Formerly in D-B.
- (t) I am indebted to Mirosław Osowski, Music Collection, PL-WRu for the following information (email dated 24 January 2009). Altus missing fol. A1-3, B1-4; bassus missing fol. AA1-2, FF1-2. New binding; before this the prints were unbound. In the collection of Emil Bohn by 1909; then the von Rhedigersche Stadtbibliothek, Breslau, shelfmark: Mus. 402h.
- (u) I am indebted to Piotr Maculewicz, PL-Wu, for the following information (email dated 6 February 2009). The altus, 67 leaves, is missing leaves S1-S4 [presumably the title page is not counted in this numbering]; the tenor has 61 leaves [according to Bohn, see below, missing A1-A3]. Bound with Sixt Dietrich, *Novum opus musicum* (Wittenberg: Rhau, 1545) and a manuscript with unidentified German psalm settings. Original leather binding with the inscription "IN DIE KIRCHEN / FRANKSTEIN," probably the village Kamenz (Camenz, Frankenstein or Frankenstein), today Kamieniec Żybkowski, Poland (Lower Silesia region). More recently in the library of the Königliches Akademisches Institut für Kirchenmusik (later the Musikwissenschaftliches Institut, shelfmark Inw. 590), Universität Breslau. [See also Emil Bohn, *Bibliographie der Musik-Druckwerke bis 1700 welche in der Stadtbibliothek, der Bibliothek des Akademischen Instituts für Kirchenmusik, und der Königlichen und Universitäts-Bibliothek zu Breslau aufbewahrt werden* (Berlin: Albert Cohn, 1883; reprint Hildesheim: Olms, 1969), 222, where the shelfmark was A.d.R.3].
- (v) Examined July 1998. The partbooks, in an original leather binding, are from the collection of the Prince-Bishop of Mainz which was taken to Sweden during the Thirty Years War.
- (w) Examined June 2005. The single fragment, numbered 1, has been identified by US-Wc as corresponding to p. 165 of the complete edition. The fragment was transferred from the manuscript division to the music division in 1941. I am grateful to Kevin LaVine, Reference Specialist, Music Division, US-Wc, for this information (personal communication, 11 June 1998).

Facsimile: Heinrich Isaac: *Choralis Constantini Primus Tomus*, ed. Edward R. Lerner, Facsimile series for scholars and musicians III/14 (Peer: Alamire, 1990).

Contents: Rafael Mitjana, *Catalogue critique et descriptif des imprimés de musique des XVI^e et XVII^e siècles conservés à la Bibliothèque de l'Université Royale d'Upsala*, vol. 1 (Uppsala: Almqvist & Wiksell, 1911), cols. 171-74; Martin Picker, *Henricus Isaac: A Guide to Research*, Garland Composer Resource Manuals 35 (New York: Garland, 1991), 44-56.

Complete Edition: Heinrich Isaac: *Choralis Constantinus I*, ed. Emil Bezceny and Walter Rabl, DTÖ 5/1 (Vienna: Artaria, 1898; reprint Graz: Akademische Druck- und Verlagsanstalt, 1959).

Volumes II-III

RISM I 90 and RIS

Author: Heinrich I

Publisher: Georg W

Note: These two vol

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Title vol. II: TOM

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Title page of other

[leaf] DISC

TOMVS S

Altus and b

Title vol. III: [leaf

[leaf] pointi

Title page of other

Format: oblong qu

Collation: Discant

B-O4 P2 +

leaves, 153 i

Signatures: \$3 (Di

aa*2 as aa2'

NN*2 as N

Source: GB-Lbl K

Exemplars:

RISM Siglum	
CZ	HKm
D	† [Afugg]
	HAu
	† LEt
	Mbs
	Mu
	Rp
F	Pn
GB	Gu
	Lbl
I	BRE
PL	Kj
S	Uu
US	Wc

Notes (for notes o

(a) Examined Au

Volumes II-III

RISM I 90 and RISM I 91; VD16: ZV 21590

Author: Heinrich Isaac

Publisher: Georg Willer

Note: These two volumes were printed as a single unit, as evident from the signatures being in a continuous sequence for each of the voices. That they were also published as a single unit is evident from only the title page of the tenor of vol. II including the names of the printer and publisher, the date of publication, and reference to the privilege. However, the print has almost always been treated as two separate titles, and each part has a separate RISM siglum.

Title vol. II: TOMVS SECVNDVS || CHORALIS CONSTANTINI || (vt vulgo vocant) continens partem primam Historiarum de sanctis, quæ diebus || festis in templis canuntur. || Authore Henrico Isaco, Maximiliani Cæsaris quondam || Archimifico. || [leaf pointing left] TENOR [leaf pointing right] || [leaf pointing down] || Norimbergæ imprimēbat Hieronymus Formschneider sumptibus Georgij || Willeri Bibliopolæ Augustani cum gratia & priuilegio ad quinquennium. || Anno M D L V. ||

Title page of other partbooks:

[leaf] DISCANTVS [leaf] || HISTORIARVM CHORALIS || HENRICI ISAAC. || [leaf pointing down] || TOMVS SECVNDVS. ||

Altus and bassus as per discantus, but substituting "ALTVS," and "BASSVS."

Title vol. III: [leaf pointing left] TENOR [leaf pointing right] || HISTORIARVM CHORALIS || HENRICI ISAAC. || [leaf pointing down] || TERTIVS TOMVS. || DE SANCTIS. ||

Title page of other partbooks: as per tenor, but substituting "DISCANTVS," "ALTVS," and "BASSVS."

Format: oblong quarto

Collation: Discantus, a-p4 + q-z4 a*-n*4 o*6, 60 + 90 leaves; Altus, aa-rr4 + ss-zz4 aa*-tt*4, 68 + 100 leaves; Tenor, A6 B-O4 P2 + Q-Z4 A*-O*4, 60 + 88 leaves; Bassus, AA-PP4 QQ2 + RR-ZZ4 AA*-OO*4, 62 + 84 leaves [= 612 leaves, 153 sheets]

Signatures: §3 (Discantus -q1; Altus -ss1; Tenor -P2, Q1; Bassus -QQ2, RR1) signed [misprinting Discantus q3 as q2; Altus aa*2 as aa2*, ii*2 as ii2*, kk*2 as ff*2, ll*3 as ll3*; Tenor H*3 as H3*; Bassus LL3 as Ll3, AA*3 as AA*2, FF*2 as FF*, NN*2 as NN*(inverted 2)]. Signed in Roman with arabic numerals.

Source: GB-Lbl K.3.c.2

Exemplars:

RISM Siglum	Partbooks	Shelfmark	Notes	Bound with
CZ HKm	D A	1264 (olim II A 35)	(a)	CCI
D † [Afugger]				CCI
	HAu	A	Pon IIe 298 (1/3)	CCI
† LEt				CCI
	Mbs	D A T B	4° Mus.pr. 123	CCI
	Mu	D A T B	4° Liturg 73 (W)	CCI
	Rp	D A T B	A.R. 193-195	CCI
F Pn	T	Rés. 561 bis	(b)	nil
GB Gu	A T B	Sp. coll. R.b.36-38		CCI
	Lbl	D A T B	K.3.c.2	CCI
I BRE	D A T B	Barock XXI.L.9-1 to XXI.L.9-4		CCI
PL Kj	D T B	Mus.ant.pract. I 216	(c)	nil
S Uu	D A T B	Vok.-mus. i tr. 245-248		CCI
US Wc	13 fragments	M1490.I81 case	(d)	frag CCI

Notes (for notes on exemplars bound with CCI, see also the notes for CCI):

(a) Examined August 1997. The altus is missing the last two leaves.

- (b) The *Konvolut* contains only the *Tomus secundus*. I am indebted to Cécile Grand, F-Pn Département de la Musique, for this information (personal communication dated 21 March 1998).
- (c) Formerly in D-B. I am grateful to Dr. Marian Zwiercan, Vice-Director, Biblioteka Jagiellońska, for the information that the two volumes are bound together (personal communication dated 10 March 1997, ref. Nr B-28c/69/96/97 AM/MS).
- (d) Examined June 2005. The thirteen fragments are numbered 2-14. Fragments 2-13 have been identified by US-Wc as corresponding to the following pages of the complete edition of CCII (see 'Complete Edition' below): 42, 47, 52, 69, 75, 77, 100, 104, 106, 116, 122, and 131. The fragments were transferred from the manuscript division to the music division in 1941. I thank Kevin LaVine, Reference Specialist, Music Division, US-Wc for this information (personal communication, 11 June 1998). Fragment 14, unidentified by US-Wc, is CCIII, tenor partbook, fol. Q2r, top right-hand corner. The RISM entries for I 90 and I 91 need to be corrected accordingly. I thank Kevin LaVine for sending me a photocopy of this fragment (note dated 12 June 1998).

Facsimile: *Heinrich Isaac: Choralis Constantini Secundus Tomus*, ed. Edward R. Lerner, Facsimile series for scholars and musicians III/15 (Peer: Alamire, 1992); *Heinrich Isaac: Choralis Constantini Tertius Tomus*, ed. Edward R. Lerner, Facsimile series for scholars and musicians III/16 (Peer: Alamire, 1994)

Contents: Rafael Mitjana, *Catalogue critique et descriptif des imprimés de musique des XVI^e et XVII^e siècles conservés à la Bibliothèque de l'Université Royale d'Upsala* (Uppsala: Almqvist & Wiksell, 1911) 1: cols. 174-80; Martin Picker, *Henricus Isaac: A Guide to Research*, Garland Composer Resource Manuals 35 (New York: Garland, 1991), 56-77.

Complete Edition:

Vol II:

Heinrich Isaac: Choralis Constantinus II, ed. Anton von Webern, DTÖ 16/1 (Vienna: Artaria, 1909; reprint Graz: Akademische Druck- und Verlagsanstalt, 1959).

Vol. III:

Mass propers: *Heinrich Isaac's Choralis Constantinus Book III: Transcribed from the Formschneider First Edition* (Nürnberg, 1555), ed. Louise Cuyler, University of Michigan Publications, Fine Arts 2 (Ann Arbor: University of Michigan Press, 1950). Some corrections to this edition were listed by Thurston Dart in his review in *ML* 32 (1951): 84-85. It should be noted that Cuyler prepared a transcription of this one source, and did not examine concordant manuscripts; some variants are noted in Pätzig, "Das Chorbuch Mus. ms. 40024," 128-140.

Mass ordinaries: *Five Polyphonic Masses by Heinrich Isaac: Transcribed and Edited from the Formschneider First Edition* (Nürnberg, 1555), ed. Louise Cuyler (Ann Arbor: University of Michigan Press, 1956).

Postscript to Appendix 1:

After this article had been typeset, two fragments in Memmingen, Stadtarchiv (D-MMa), and the literature cited below, were kindly brought to my attention by Armin Brinzing, RISM-Germany. Under the shelfmark "Fragmente aus dem Kreuzherrenkloster" is one leaf from CCI, and one leaf from CCIII. According to Johannes Hoyer both fragments are from the Tenor partbook; see Hoyer, "Der Musikalienbestand des Ordens vom Hl. Geist in Memmingen — Beobachtungen zu Repertoire und Stellenwert der Musik in einem Hospitalorden," in *Im Dienst der Quellen zur Musik: Festschrift Gertraut Haberkamp zum 65. Geburtstag*, ed. Paul Mai (Tutzing: Schneider, 2002), 293-306, at 301. However, the facsimile in Hoyer, "Wo man die Musik pflanzt": *Aus der Memminger Musikgeschichte vom Mittelalter bis zum Ende der Reichsstadt*, Materialien zur Memminger Stadtgeschichte Reihe B: Forschungen, vol. 7, ed. Stadtarchiv Memmingen (Memmingen: Stadtarchiv Memmingen, 2001), 39, is identifiable as the recto of CCIII, Altus partbook, folio 00*2. The other fragment, identified by Hoyer as the tenor of the tract *Qui habitat*, appears in CCI, and is from the Tenor partbook, folio Mm2.

• APPENDIX II • THE PRINTING PRIVILEGE FOR THE CC¹⁵⁶(a) *Ott's request for a privilege for the CC*

Magno conatu Inuictissime Imperator hoc longo iam tempore || egi, Vt praestantissimorum Musicorum opera, quos diuus || Maximilianus Clemens fouit, Conquirerem, & ab interitu || uindicarem. At testantur diligentiam in hac re meam || Libri Musici multiplices a me æditi. Sed Cum fortuna ho- || nestis Conatibus fere sit infestior, sensi ego quoque non leue || in Commodum inde, quod a me typis edita & magnis sum- || ptibus Comparata, alij Typographi recuderunt. Cum autem || iam in manibus habeam Heinrici Isaaci Chorem Cantum, || In dominicas & festa per totum annum, Item, Responso- || ria, Antiphonas & Hymnos, præterea uariorum authorum || Missas, Quatuor, quinque & Sex Vocibus Compositas, Item || Insigne opus Medicum Nicolai Myrepsi, ex ipsa Gretia || allatum, quod eruditus Medicis dedi transferendum in La- || tinam Linguam, ac spes sit, eiusmodi scriptorum plurium || ex diuite quadam Cuiusdam doctissimi Viri Bibliotheca || impetrando- rum, quos neque Italia, nec Germania hactenus || Vidit, hæc inquam Cum in manibus habeam propediem in || Studiosorum Commodum Vulganda Typis Supplex Cæs: || M. T. Imploro, Cauere mihi ut uelit, ne hi Labores tam || sumptuosj & Vtiles, mihi fraudi sint, hoc est, ne auari- || tia Typographorum mihi noceat, & magna pecunia || Comparati a me Libri, ab alijs recudantur, Huic malo || unicum hoc est remedium, si Cæs: M. T. me & heredes || meos donet priuilegio, ne uel Musici, vel Medici, vel || Historici, vel aliarum liberalium artium Viles Libri || a me primum Typis Vulgati a quoquam recudantur, aut || recusari Vendantur in Germania, intra annos .VIII. || sub poena Marcarum auri puri .XV. & amissionis librorum. Peto autem hoc primum Reipublicæ Caußa, Cui || prodest extare authores optimos, & ad Vitam utiles || Deinde etiam mea & meorum Caußa, ne honestum & sumptuosum hoc studium, quod in inquisitionem || optimorum librorum pono, mihi & meis fraudi sit Itaque || spero. Cæs: M. T. Benigne has meas præces admis- || [suram.] [end of text]

For some considerable time now, most invincible Emperor, I have tried hard to collect the works of the most outstanding musicians patronised by the Emperor Maximilian, in order to prevent them from perishing. The numerous books of music I have published to this end testify to my diligence in this matter. But since Fortune is almost cruel to genuine efforts, I was also sensible of the fact that it would be quite an easy matter for other printers subsequently to reprint what I had gathered at considerable expense and published. And so since I now have in my possession Heinrich Isaac's [elaborated] plainchant for the Sundays and feasts throughout the entire year, likewise responsories, antiphons, and hymns besides masses for four, five, and six voices written by various composers, and likewise an excellent medical work by Nicholas Myrepsus, which was brought from Greece, which I gave to some learned physicians [sc. Leonhard Fuchs] to translate into Latin; and since I hope to gather many writings of this kind from the rich library of a certain very learned man, works never seen before in Italy or Germany; I repeat, since I have in my possession these works which I intend to have printed and to publish in the immediate future for the benefit of those who desire such things, I therefore humbly request Your Imperial Majesty to vouchsafe that these labours, so sumptuous and useful, should prove to be the cause of unjust loss to me, in other words, that the greed of printers should work to my harm, and that the books I collected at great expense should be reprinted by others. There is only one remedy for such an evil: that Your Imperial Highness should bestow a privilege upon me and my heirs to prevent these useful books of music, medicine, history, or any other liberal art, which I have had printed and have published, from being reprinted or reset by anyone else whatever, or sold in Germany, for the period of eight years, under the penalty of fifteen marks pure gold, and confiscation of the books. But I make this request primarily for the sake of the state, which derives great benefit from excellent authors who are useful for life, and only secondarily for my sake and that of my family, so that my honest and costly pursuit of searching for excellent books should not be the cause of financial loss for me or my family. For this reason I hope that Your Imperial Majesty will accede to my request [end of text].

156. These documents were first transcribed and translated in Gustavson, "Hans Ott, Hieronymus Formschneider," 7-9, using a photocopy made in 1992 of the only known photograph of the lost originals; the poor quality of the source material for the transcription meant that some words of the draft document could not be transcribed at that time. In 2007, new archival-quality digital scans were obtained and have been freshly re-transcribed and re-translated by Grantley McDonald. The transcriptions and translations are © 2009 Royston Gustavson, who is preparing an article on these documents; they are used here by permission.

(b) The draft privilege for the CC

Joannes Otto || Impressoriu[m] ||

Carolus &c Quum hi qui suis Impensis suoque labore ^{et industria} publica studia || Iuuare student, prestantque vt optimi quique libri ^{et illegible addition} bonorumque virorum || Lucubrationes ^{add. in margine: quibus} ^{illi} hominum ingenia ad pietatis ^{et cetera alia} ad recta atque honesta studia ^{non solum} erurere, verum etiam singulari quadam oblectatione Inuitare ac ducere conati sunt] perquam emendate correcteque in lucem edantur et arte || typographica per hominum manus Distribuantur summorum || Principum fauore et gratia foueri ac subleuari merito debeant || Et Ac noster ^{vir} [?] et Imperij sacri fidelis dilectus Joannes Otto ^{add. in margine: Cuius &} || Bibliopola et Cuius Nurnbergensis nobis exponi fecerit se in || manibus habere ^{quodlibet} Heinrici Isaaci ^{add. in margine: egregij quondam Musici, & Diui Cæsaris Maxⁿⁱ Aui & Prædecessoris nostri colendissimi Auguste memoriae, Chori Symphoniaci et Musicarum rerum Præfecti,} choralem Cantum In Dominicas || et festa per totum annum Præterea Responsoria Antiphonas et || hymnos atque variorum autorum missas quatuor quinque et sex || vocibus compositas / Ad hæc Insigne opus medicum Nicolai Myrepsi || ex ipsa Græcia allatum et ^{sua opera} ab eruditis medicis in Latinam linguam || translatum / ^{que omnia} seque in publicam studiosorum vtilitatem et commodum || huiusmodi atque ^{add. in margine: et piam atque honestam oblectationem propediem} in lucem propediem edere constituisset Vereri || autem ne sibi ex publico beneficio priuatum Incommodum accedat || per eos / quibus. id bonum vitæ [?] est vt aliorum labore et Industria || In suum compendium cum illorum Incommodo et Detrimento perperam || abutantur / Et proinde nobis humiliter supplicauerit vt suæ || Indemnitati hac in re opportune consulere velimus. Nos || attenta eius petitionis equitate et vt consilium suum atque Institutum || ^{add. in margine: cum pietatis, tum} rei Literarię prouehendę eo facilius liberiusque prosequatur || dispendij securus / Animo deliberato ex certa nostra scientia et || autoritate nostra Imperiali eidem Joanni ^{Joanni Ottoni} hanc gratiam et privilegium || fecimus ac concessimus / Harumque Litterarum nostrarum vigore facimus || et concedimus / Vt nequis In vniuerso Romano Imperio et omni Ditione || nostra prædictos ^{et quoscumque} Ab eis [?] siue sua opera ^{add. in margine: tam musica quam medica} quęcumque probatorum et receptorum Autorum siue veterum siue Recentium / quę Idem Ioannes Otto / aut ipsius heredes intra octo annos a Data præsentium continuo numerandos Iuxta sanctiones tamen nostras || in publicis Comitij Imperij habitis et habendis ^{add. in margine: et Imperij} De re Impress[a] || primus suis impensis impresserit / excuderit ^{add. in margine: æditas siue edendas} per totum [fol. iv] quinquennium ab ipsius ^{cuiuslibet} operis editione / eodem aut Diverso characteris || genere typis excudat / aut excusa alibi, intra fines Imperij Importe[t] || aut aliunde aduecta vendat Distrahat publice vel occulte citra || ipsius Joannis et suorum heredum expressam voluntatem et || consensum / neque vt ista ab alijs fiant autor sit sub pœna || grauis Indignationis nostrę et amissionis librorum quod ipsis || Joanni ^{Ottoni} et heredibus ^{illius} vel ab eis mandatum habentibus applicandos || decernimus et amplius quindecim marcarum auri fisco || nostro Imperiali et ipsi Joanni ^{Ottoni} et heredibus vi Iuris ex equo pendendam || toties quoties contrafactum fuerit. Mandantes vniuersis || et singulis Imperij sacri Electoribus Principibus Ordinibus || subditisque et fidelibus tam nostris quam eiusdem Imperij cuiuscunque || Præeminentię Dignitatis status et conditionis existant vt hoc || nostrum edictum et priuilegium conseruent et exequantur observationi [?] || et executioni mandati per quos dare faciant / Quatenus gratiam || nostram charam habeant / et pœnas prænaratas cupiant euitare || Datum &c Ciuitate nostra Imperiali Vormatia Die || xix mensis Aprilis ^{Maij} Anno 1545 ||

Hans Ott. A printing privilege.

Charles V etc. There are those who strive to aid public studies at their own expense, labour, and industry, and take it upon themselves that every book by good authors—those painstakingly wrought works by means of which they strove not merely to draw the human mind to the right and honest studies of piety, but even through their conspicuous delightfulness tried to invite the mind and lead it on to such studies—should be printed and published in the most accurate editions possible for distribution to the public. Such men rightly deserve to be fostered and supported to the utmost by the favour and patronage of princes. Our beloved Hans Ott, a faithful subject of the Holy Roman Empire, citizen and bookseller of Nuremberg, has made a representation that he possesses the [elaborated] plainchant written by the late Heinrich Isaac, an excellent musician who was choir director and chief musician of the divine Emperor Maximilian, our grandfather and predecessor of august memory, for the Sundays and feast days throughout the entire year, moreover responsories, antiphons, and hymns, and masses for four, five, and six voices by various authors; and besides these an outstanding medical work by Nicolaus Myrepaus,

brought from Greece and translated into Latin at his own expense by learned physicians. It is his intention to publish all these works in the near future, for the public utility and the benefit of those who are interested in such things, and for pious and honest delight. Nevertheless, he says that he is afraid that out of this act of public beneficence, some private inconvenience might befall him through those whose livelihood [?] is made by unjustly abusing the labour and industry of others for their own gain, to their inconvenience and loss. For this reason, he has humbly besought us favourably to consider indemnifying him in this matter. Having considered the justice of his petition, and so that he might proceed more easily and freely with the prosecution of his intention without the risk of financial loss, we have given and bestowed upon the same Hans Ott this permission and privilege, after careful consideration and with our full knowledge and our Imperial authority. By the power of this our letter we decree and grant that no person in the entire Holy Roman Empire and all our territories should reprint the authors previously mentioned by them and published first by them at their expense, in the same typographical arrangement or any other, or any of the editions of the best works, both musical and medical, of the most universally acknowledged authors, both ancient and more recent, which the same Hans Ott or his heirs shall report immediately to be added to this list for the period of eight years from the date of this letter; this privilege is to extend for five years from the publication of any one of these works. Moreover, no person may import into the territories of the Empire copies printed elsewhere, or sell or distribute copies brought from elsewhere, either publicly or privately, against the express wish and agreement of the same Hans and his heirs; nor should anyone cause this to be done by another. Any person who does these things will fall under the penalty of our severe displeasure and the confiscation of the books; and whenever such an offence should occur, we decree that a fine of fifteen marks pure gold should be paid under the law of equity to Hans Ott and his heirs, or those authorised by them to demand this sum, and also paid to our imperial treasury. We decree that each and every Elector, Prince, and Order of the Holy Roman Empire, and all those who are faithful subjects of ours and of the same Empire, of whatever pre-eminence, dignity, status, or condition, should preserve this our edict and privilege, and should see to the observation and execution of this mandate by their officers, so that they might have our dear favour and might desire to avoid the aforementioned penalties. Given in our Imperial city of Worms, 19 April [May] 1545.

+ APPENDIX III + THE TITLE PAGES AND DEDICATIONS OF THE FIRST EDITION

(a) *Translation of the title page and dedication to CCI*⁵⁷

[Tenor partbook, title page]

THE FIRST VOLUME
TENOR

of the Chorales of Constantine, as they are commonly called, a notable and famous work, truly the harmonies of heaven, written by the musician Heinrich Isaac, who can never be sufficiently praised, formerly royal *Kapellmeister* of the divine Emperor Maximilian; a work, I say, of the famous Isaac, worthy of publication, and which seems on account of the skill of its compositions and swan-like delightfulness to have risen in fact right from the most fertile breast of that great artist.

Printed by Hieronymus Formschneider at Nuremberg,
with permission and privilege of His Imperial Majesty for five years.
In the year 1550.

[Tenor partbook, fol. AA2r] To the most distinguished, honorable and prudent council of the city of Nuremberg, his most esteemed Lords: Greetings.

Most distinguished and prudent gentlemen: in the time of the most merciful, powerful, and wise Holy Roman Emperor, the divine Maximilian, grandfather and predecessor of Charles the Fifth, Emperor and ever Augustus, the last traces of the arts, which had all been virtually extinguished, began to sprout up again and emerge into the light. Music too, certainly the most honest of all arts and held by the ancients in the highest honour, which had virtually perished entirely, also began to come forth again with considerable distinction, with the result that it was recalled from the courts and feasts of Princes, where it had been preserved to that point, no doubt by divine providence, and was restored to the original function for which it had been invented by the ancients. Heinrich Isaac, *Kapellmeister* of the most wise and learned Emperor, the divine Maximilian, the most consummate and absolute master of music, both theoretical and practical, the teacher of Ludwig Senfl, the greatest musician of our day, embellished the plainsong—which the church throughout the whole world is long accustomed to use throughout the entire year and to call “chant”—by setting it to mensural polyphony. But lest that labour of this great man (like the works of other great men who have had regard for their own utility to posterity) might in time perish, as customarily happens, Hans Ott, our printer (*sc.* publisher), a man who deserved to live longer, saved this work from mould and corruption with his own money and efforts; and not this work alone, but indeed the labours of many other very learned men, for Ott was extremely diligent in procuring and printing all kinds of good things. But since he died prematurely and could not pass on this work to the world as he had intended, his wife and children sent this work to be printed and published at my expense and labour, so that the world should not be deprived of it any longer. Since I harboured hopes of being of some use to the public, I could not avoid this task or [fol. AA2v] deny these people. Therefore we dedicate this our work to you, most prudent and honest gentlemen, and we pray that you might be favourably disposed to accept it, in the hope that it might for this reason also be useful to others in the future. If we hear news of your approval, we shall exert ourselves that the remaining volumes of this consummate musician might soon be published in a very accurate edition. Farewell.

Hieronymus Formschneider
Printer

157. Gustavson, “Hans Ott, Hieronymus Formschneider,” 586–88, revised by Grantley McDonald. The translation of the title page was made from a facsimile of the title page in *Heinrich Isaac: Choralis Constantinus I*, ed. Emil Bezcny and Walter Rabl, DTÖ 5/1 (Vienna: Artaria, 1898), p. (1); and the translation of the dedication was made from a copy of the exemplar of the CC at D-Mbs 4° Mus.pr. 123.

(b) *Translation of the title page and dedication to CCII*¹⁵⁸

[Tenor partbook, title page]

THE SECOND VOLUME
OF THE CHORALES OF CONSTANTINE(as they are commonly called) containing the first part of the propers of the saints,
which are sung in churches on their feast days.Written by the late Heinrich Isaac, *Kapellmeister* to the Emperor Maximilian.

TENOR

Printed at Nuremberg by Hieronymus Formschneider at the expense of Georg Willer,
bookseller at Augsburg, with permission and privilege for five years.

In the year 1555.

[Tenor partbook, fol. A2r] To the great and liberal gentleman, Lord Johann Jakob Fugger, imperial and royal counsellor, lord of Kirchberg, Weissenhorn, and Ferret, his honoured lord and patron, Georg Willer [sends greetings].

Since I decided to print these painstakingly wrought works [*lucubrations*] of that famous musician, the late Heinrich Isaac, which have never been published before, and to dedicate them to you, most honourable Herr Fugger, I had no fear of failing to recommend myself to you or to others through this undertaking. For since I was well aware of your passion for collecting the new books published in all parts of the world, and knew of the exquisite care and attention you had shown for building up your library, it was therefore not difficult for me to imagine that you would permit me to assist you in this matter by sending you these books of music. Indeed, just as if people who have dedicated their attention to discovering and investigating the powers of plants are spared a great labour and count it a great blessing if a rustic fellow or some other person should bring to their attention a foreign plant that is difficult to find [he is probably referring to Leonhart Fuchs' *De historia stirpium*, one of the great sixteenth-century herbals, which had appeared at Basel in 1542, and contains the first accounts of New World plants like chillies], I could likewise imagine easily that you would be very pleased when people brought you new books by fine authors to build up your library even further, though it is already stocked comprehensively with books in Hebrew, Greek, Latin, and Italian. For indeed your library has now become so famous from anecdotes and written accounts, that scholars who come here have difficulty in simply seeing the sheer quantity of things worth seeing in the city of Augsburg, let alone studying them carefully. But this is not such a bad thing. For what is more splendid or delightful for a man educated in the humanities to see in one place the images of the most learned authors who lived even many centuries before us, expressed not by the physical appearance of their bodies, but rather—a thing more difficult to see and therefore more beautiful—[fol. A2r] their writings and the monuments of their genius, by which the images of their minds and their thoughts are contained? It is also marvellous for them to see the man who attends these books, Herr Hieronymus Wolff, your librarian, who is now so renowned for his erudition that the library itself seems to derive no small amount of additional praise and celebrity from his fame. One can easily understand the respect and esteem in which you hold him by the fact that you refused to give him leave when he was invited by the Duke of Prussia to teach Greek in the Academy of Königsberg with a handsome salary. But let us return to the library itself, which by some natural right claims for its own all the praise that famous scholars merit by editing and publishing books. For what good would it be, I ask you, for all these really outstanding works, carefully researched and closely argued, to be set in type and finally published, if we were subsequently to permit these very same works to be ruined, those vessels by which what is worthy of being known and remembered is transmitted? What good would it be, if we failed to strive to keep these works from perishing through the establishment of libraries? Since there are so few people these days who do this, Herr Fugger, you deserve even greater praise and glory; for you, virtually alone amongst the wealthy, are as favourably

158. This was first translated into English in Gustavson, "Hans Ott, Hieronymus Formschneider," 602-6. This new translation, by Grantley McDonald, was made from a facsimile of the title page in *Heinrich Isaac: Choralis Constantinus II*, ed. Anton von Webern, DTÖ 16/1 (Vienna: Artaria, 1909), p. 1; and from a copy of the dedication in the exemplar of the CC at D-Mbs 4° Mus.pr. 123. The translation is © 2009 Grantley McDonald and is used here by permission.

disposed towards letters as anyone could desire, and you are virtually alone amongst learned men in possessing sufficient wealth to be able to afford the costs necessary for such a great undertaking. In years to come, this circumstance will, believe me, guarantee you no less glory than immense palaces, castles, and all your estates; for in the future you and your most noble and generous family will possess the deserved reputation of being the ones who preserved the best authors. Indeed, whatever we owe to Plato, Aristotle, Demosthenes, Cicero, and countless other men of wonderful learning—indeed, our debt to such men is very great—posterity will owe and acknowledge this same debt to you and others like you, who take pains to preserve their works despite the great expense. For although these same books may in some other place perish through the passage of time, [fol. A3r] or be destroyed elsewhere through the calamities of the age, or go missing through human carelessness in yet another place, nevertheless these books will be brought forth from the libraries of such men as though from the sacred treasury of an ancient temple. Because of the generosity of such men, future generations will have the opportunity and ability to enjoy the writings of these great men. Indeed, if someone were now to produce from some library and publish the lost *Decades* of Livy, Cicero's books *On the Republic*, or the writings of Aristotle or other writers whose works are now missing, I honestly believe that they would earn as much gratitude from scholars as the very authors who left these works to posterity. Does not a person who seeks out and edits a lost book do just as great a service to letters as the person who conceives and writes the book? For indeed, as there might be some difference in the fame attending learning and that earned by genius (which perhaps even entails a lesser fame), there will be no difference in the utility that each brings to the community of scholars at large, who will receive equal benefit from the labours of both kinds of men. Perhaps some people will accuse me of writing these things merely to curry favour. In objection they will contend that since the invention of the art of printing, by means of which a thousand copies can now be printed for a smaller cost and less effort than was previously required to copy a single book by hand, there is now less need to preserve the works of good authors in libraries as there was last century. Such critics make their objections as if we were speaking only of the works of Aristotle, Cicero, Livy, Quintilian, and many similar writers, whose works could not be printed because they were written before the invention of printing and which are now missing, rather than of those many books that have come out in our own time and which have either been so effectively suppressed or treated so negligently that they can no longer be acquired, or can only be found with great difficulty. If this can happen in such a short space of time, not merely when there are so many printers but also so many scholars, what do we think will happen in many years' time, when the efforts of both these groups (I mean both printers and readers) tail off?

But to return to our stated object, our author Heinrich Isaac, late *Kapellmeister* to the Emperor Maximilian. [fol. A3v] It is not my intention to give a panegyric on his work here, although it would not be inappropriate to do so; nor do I wish to praise the art of music itself, for two principal reasons. Firstly, because I know that my testimony in this matter will bear very little weight; indeed, my profession of publisher perhaps even detracts from my credibility, for I shall soon be reminded of those words of Horace: "The man who wants to flog off his wares talks them up" [Horace, *Epistulae* II.2.11]. Secondly, those who read these words have no need of any such words of encouragement or praise, since such men testify by the very fact of buying these books of music and considering these words worth reading—for people who have nothing to do with music are hardly going to buy these books or read this—that they consider the art of music as a matter of the highest value, and that they attribute to Heinrich Isaac not the last place in the ranks of musicians. Since I recently purchased—at quite a hefty sum—these works by him, the products of his hard labour [*lucubrationes*] written in his own hand, I thought it good to print them and to dedicate them to your library, both because of the gratefulness I feel towards you, Herr Fugger, most esteemed sir, and also because I hope that once they have been received into your library, they will never perish. Please accept what I have brought forth, most distinguished sir, in the way I hope, for this would please me very much; more importantly, I think you will find it worthy of your virtue and erudition. Farewell. Augsburg, 28 October 1555.

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