



INSTITUTE OF EUROPEAN STUDIES
207 MOSES HALL, MC 2316
BERKELEY, CALIFORNIA 94720-2316
Dept. Tele: +1.510.643-5777
URL: <http://ies.berkeley.edu>

Dr. Carla J. Shapreau
Research associate, Institute of European Studies
Lecturer, School of Law
Tele: +1.510.849.0777 | Fax: +1.510.849.0177
Email: Shapreau@berkeley.edu
<http://ies.berkeley.edu/contact/visitingsscholars/cshapreau.html>

Austrian Marshall Plan Foundation Report, 2014
*The Vienna Archives: Musical Expropriations During the Nazi Era and
21st Century Ramifications*
by Carla J. Shapreau



*Carved wooden violin case, German mid-18th century, initials “H.V.L.”
Confiscated from Oscar Bondy, 1939, Vienna, restituted in 1948,¹ and
currently in the Metropolitan Museum of Fine Art Collection, New York²*

¹ After the 1939 confiscation of this violin case from Oscar Bondy, it was transferred to the *Museum Carolino Augusteum*, (the Salzburg Museum). The confiscation property card for this case states that it was returned: “übergeben 10.342/1948.”

² Metropolitan Museum online entry: <http://www.metmuseum.org/collections/search-the-collections/505302>.

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I. Introduction

Musical manuscripts, rare musical instruments, printed music, books, and other musical paraphernalia were confiscated, stolen, lost, the subject of export prohibitions, compelled donations and loans, and otherwise displaced in Austria during the Nazi era. No comprehensive study has been conducted that analyzes the nature, scope, and impact of wartime music-related losses in Austria, post-war recoveries, and what remains missing today. This report for the Austrian Marshall Plan Foundation constitutes summary and preliminary phase findings derived from an examination of selected primary source records.

Categories of evidence reviewed for this report and housed in Vienna archives include, but are not limited to, 1938 asset registrations, post-war claim files, export documentation, records of the *Vugesta* (*Verwertungsstelle für jüdisches Umzugsgut der Gestapo*), Dorotheum auction records, and accession and inventory documentation. In addition, musical objects listed in the Art Database of the National Fund of the Republic of Austria for Victims of National Socialism,³ housed in various Austrian public collections, were considered. Records regarding restitution efforts in the U.S. Zone of Austria held in the U.S. National Archives and Records Administration were also consulted.⁴

This research is intended to contribute to the reconstruction of the historical record regarding music-related losses during the Nazi era, and to honor the memory of the many lives tethered to these musical losses. The majority of losses referred in this report were sustained by the Jewish population, but important unresolved losses were not limited to persecutees. To highlight this issue, this report includes one notable Austrian case study regarding a still unresolved Stiftung Mozarteum Salzburg loss.

Unfettered access to archival materials is essential to continued progress, and in some instances this remains a barrier to international research. Provenance and authenticity analysis associated with the development of object biographies is part and parcel of productive research in this field. Modern commercial customs and practices may thwart the public's ability to obtain material provenance information for music-related objects that flow in the stream of commerce. The initial phase of this research project makes clear that additional research and analysis are warranted to effectively address the full spectrum of issues regarding musical losses on Austrian soil during the era of National Socialism.

II. The Anschluss

The March 13, 1938 *Anschluss* resulted in the immediate official and unofficial looting of Jewish property, and rare musical objects were no exception. Confiscations were carried out by the Gestapo, the SS, and the NSDAP.⁵ With the May 20, 1938 adoption in Austria of the 1935

³ See *Kunst-Datenbank des Nationalfonds*, <http://www.kunstrestitution.at>.

⁴ See The U.S. National Archives and Records Administration ("NARA"), Holocaust-era Assets, <http://www.archives.gov/research/holocaust/>.

⁵ Hans Safrian, "Expediting Expropriation and Expulsion: The Impact of the 'Vienna Model' on Anti-Jewish Policies in Nazi Germany, 1938," *Holocaust and Genocide Studies*, V14, N3, 2000, pp. 390-414.

Nuremberg racial laws, those who fit the definition of Jewish lost their Reich citizenship, and for many, their employment.

*As in all musical ensembles, immediately after the "Anschluss" key positions within the Vienna Philharmonic were immediately re-staffed with National Socialist sympathizers. Most cultural institutions implemented the anti-Semitic Nazi dogma within Austria even before the adoption of the Nuremberg racial laws....The first large wave of expulsion of musicians from the State Opera in the days after March 11th affected primarily prominent artists who, according to the National Socialistic racial doctrine, were considered Jewish, as was the case with the concertmaster and soloist Arnold Rosé and his colleague, principal cellist and soloist Siegfried Friedrich Buxbaum.*⁶

For some, like Austrian composer Erich Wolfgang Korngold, who was already in the U.S. when the *Anschluss* took place (composing a musical score for the Hollywood film *The Adventures of Robin Hood*, for which he earned an Academy Award for Best Original Score), he was unable to return home to Austria and would soon be blacklisted as a Jew by Austria's copyright society, the *AKM-Verzeichnis, Autoren, Komponisten, Musikverleger*. Korngold's parents and elder son still in Vienna quickly fled the country by train on March 13, 1938. When Korngold returned to Vienna after the war in 1949, none of his furniture or belongings remained.⁷ After the war, a portion of Korngold's music library was found in the Austrian National Library ("ANL"). The ANL concluded after its investigation that its Korngold holdings had been confiscated and transferred to the ANL by the *Vugesta*. Among these materials were 2,122 letters to Erich Wolfgang Korngold, and his father Julius, the prominent Viennese music critic; other important Korngold music library materials remain unaccounted for today. The ANL restituted its Korngold holdings to the Korngold heirs (discussed further below).⁸

The confiscation of important musical objects began in 1938. For example, the Gestapo seized the home of Alphonse Rothschild immediately after the *Anschluss*. The transport of his collections lasted weeks, among them a significant musical instrument collection of nearly eighty instruments.⁹ The Rothschild collection was documented by the Federal Office for the Protection of Monuments (*Zentralstelle für Denkmalschutz*), and the Museum of Art History (*Kunsthistorisches Museum*).¹⁰ The musical instrument collection included a 1710 Antonio Stradivari cello, a 1776 Joannes Baptista Guadagnini violin, and a viola allegedly by Carlo

⁶ Bernadette Mayrhofer, "Expulsion and Murder of Vienna Philharmonic Musicians after 1938," *The Vienna Philharmonic Orchestra Confronting the Past*, Vienna: Vienna Philharmonic, 2014, p. 51, citing Letter from Kerber/Vienna State Opera administration to the BthV, March 18, 1938, AdR, SThV 886/1938; <http://www.wienerphilharmoniker.at/orchestra/history/national-sozialism>.

⁷ Brendan Carroll, *The Last Prodigy, A Biography of Erich Wolfgang Korngold*, Portland: Amadeus Press, 1997, p. 339 and email communications with Brendan Carroll, March 2014.

⁸ Korngold restitution decision, *Restitutionsbericht 2005-2006*, Bundesministerium für Unterricht, Kunst und Kultur, p. 27, [RestitutionReport_2005-2006.pdf](#); Austrian Advisory Board Recommendations, pursuant to § 3 Art Restitution Act 1998, [Korngold Erich Wolfgang_2006-06-28.pdf](#) and [Korngold Erich u Lucy_2004-04-27.pdf](#).

⁹ Herbert Haupt, with collaboration from Lydia Gröbl, *Die Veränderungen im Inventarbestand des Kunsthistorischen Museums während der Nazizeit und in den Jahren bis zum Staatsvertrag 1955 ("Widmungen") Eine Sachverhaltsdarstellung*, 1998, Archive, *Kunsthistorisches Museum* (hereinafter "Haupt Report").

¹⁰ Sophie Lillie, *Was einmal war: Handbuch der enteigneten Kunstsammlungen Wiens*, Czernin Verlag: Vienna, 2003, p. 1003-1006.

Bergonzi. Apparently, Hitler allotted various instruments from the collection of Alphonse Rothschild to Austria's Museum of Art History in Vienna, and its Collection of Historical Musical Instruments; this collection is discussed further below.¹¹ The extensive collection of Oscar Bondy, which included many rare music-related objects, was also confiscated soon after the *Anschluss*.¹²

III. Jewish Asset Registrations

The confiscation of music-related property in Austria was facilitated, in part, by anti-Jewish legislation passed shortly after the March 13, 1938 *Anschluss*. The Ordinance on the Registration of Jewish Property, *Verordnung über die Anmeldung des Vermögens von Juden*,¹³ enacted on April 26, 1938, required persons defined as Jewish under the 1935 Nuremberg Laws, and non-Jewish spouses, with assets exceeding 5,000 Reichsmark to register qualifying domestic and foreign assets by the initial June 30, 1938 deadline.¹⁴ German and Austrian Jews living abroad were also required to file asset registrations. Paragraph seven of the ordinance granted broad authority to utilize registered property in accordance with the needs of the German economy. The registration required identification and valuation of assets as of the date of this legislative enactment.¹⁵ Fines, imprisonment, and confiscation of assets were potential penalties for failure to comply with this legislation. The asset registrations provided useful information for subsequent confiscations of Austria's Jewish population.¹⁶

For a violinist or other musician in possession of a portable instrument, maintaining possession of a working instrument may have been an essential means of economic support under unknown and uncertain circumstances, as well as a moveable asset. The Vienna Philharmonic musicians

¹¹ February 3, 1943 letter from Dr. Gottfr. Reimer to Walter Britsch, Archive, *Kunsthistorisches Museum*.

¹² Haupt Report, Archive, *Kunsthistorisches Museum*.

¹³ *Verordnung über die Anmeldung des Vermögens von Juden*, <http://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1938&page=592&size=45>. For an English translation, see Exhibit 1406-PS, Nazi Conspiracy and Aggression, Vol. III, pp. 1001-1008, U.S. Government Printing Office, Washington, 1946, http://www.loc.gov/r/frd/Military_Law/NT_Nazi-conspiracy.html. For a further discussion of The Ordinance on the Registration of Jewish Property, see Hans Safrian, "Expediting Expropriation and Expulsion: The Impact of the 'Vienna Model' on Anti-Jewish Policies in Nazi Germany, 1938," *Holocaust and Genocide Studies*, Vol. 14, Nr. 3, Winter 2000, pp. 390-414.

¹⁴ See e.g., composer Emmerich Kálmán's asset registration and comments by Dr. Hubert Steiner, *Österreichisches Staatsarchiv*, "*Vermögensverzeichnis Emmerich Kálmán*," http://www.oesta.gv.at/site/cob_28848/currentpage_0/6644/default.aspx. Kálmán, fled from Vienna to Paris before immigrating to the U.S. His residence in Paris was targeted by the *Einsatzstab Reichsleiter Rosenberg* in France, the plundering task force of the Nazi Regime. "[T]he fruit of thirty years of work have gone lost with all my manuscripts.... Among my furniture were, for instance, 5 pianos among them a beautifully decorated Steinway with inlet pictures and a marvelous Bechstein." Ardelia Hall Collection, M1946, Roll 51, NARA. Some of Kalman's property was later discovered in German repositories in Amstetten, Buxheim, and Nikolsburg.

¹⁵ The asset registrations (*Vermögensanmeldungen*) are housed in the Austrian State Archives, and were part of the files of the Property Registration/Transaction Office (*Vermögensverkehrsstelle*), established by the Ministry for the Economy and Labor in May 1938. See <http://www.archivinformationssystem.at/detail.aspx?ID=5784>. <http://www.findbuch.at>, which launched in January 2013.

¹⁶ According to *Findbuch für Opfer des Nationalsozialismus*, there are 66,600 file numbers in the series on property registrations housed in the Austrian State Archives. <https://www.findbuch.at/en/information-on-data-processing/items/9.html>. See also Hubert Steiner and Christian Kucsera *Recht als Unrecht, Quellen zur wirtschaftlichen Entrechtung der Wiener Juden durch die NS-Vermögensverkehrsstelle* (Austrian State Archives 1993).

who were expelled from employment after the March 1938 *Anschluss*, and replaced by non-Jews, constitute a small sampling of persecuted musicians in Austria defined as non-Aryan under the Nuremberg laws adopted in Austria. Economic hardship and uncertainty followed for many similarly situated musicians in Austria. The persecuted Vienna Philharmonic musicians are listed below:¹⁷

Vienna Philharmonic Orchestra Members Who Were Expelled from the Orchestra in 1938, and Who Were Deported and Perished in the Holocaust:

- *Moriz Glattauer (Violin I) – Deported to Terezin/Theresienstadt Ghetto (1870-1943)*
- *Viktor Robitsek (Violin II) – Deported to Lodz/Litzmannstadt Ghetto (1877-1942)*
- *Max Starkmann (Violin I, Viola) – Deported to Maly Trostinec extermination camp (1880-1942)*
- *Julius Stwertka (Concertmaster, Solo Violinist) – Deported to Terezin/ Theresienstadt (1872-1942)*
- *Armin Tyroler (Oboe II) Deported to Terezin/ Theresienstadt Ghetto, transferred to Auschwitz (1873-1944)*

Vienna Philharmonic Orchestra Members Who Were Expelled or Retired and Died in Vienna During the Holocaust:

- *Paul Fischer (Violin I, Section Leader), retired 1936 (1876-1942)*
- *Anton Weiss (Violin I, Section Leader), expulsion 1938 (1875-1940)*

Vienna Philharmonic Orchestra Members Who Were Expelled from the Orchestra in 1938 and Went Into Exile:

- *Hugo Burghauser (Bassoon I, Chairman)*
- *Friedrich Siegfried Buxbaum (Principal Cellist)*
- *Daniel Falk (Violin II)*
- *Leopold Othmar Föderl (Violin II)*
- *Josef Geringer (Violin I)*
- *Ricardo Odnoposoff (Violin I, Concertmaster)*
- *Arnold Rosé (Concertmaster, Violin I, Viola soloist)*
- *Berthold Salander (Violin II)*
- *Ludwig Wittels (Violin I)*

Evidence suggests that many musicians took their moveable instruments with them, when possible, and this was probably the case for the expelled Vienna Philharmonic musicians. Vienna Philharmonic violinist Viktor Robitsek was deported to the Łódź Ghetto where he died on June 10, 1942. There were many high-level musicians interned in the Łódź Ghetto, and in the early 1940s there was a semblance of a musical life, including a ghetto orchestra. But this came to an end. A contemporaneous ghetto chronicle entry by an internee survives that states there was an order for the surrender of musical instruments. Remarkably, ghetto photographs of

¹⁷ For biographical information on the Vienna Philharmonic's persecuted musicians, see "The Vienna Philharmonic under National Socialism (1938 - 1945)," <http://www.wienerphilharmoniker.at/orchestra/history/national-sozialism>.

instrument confiscations in the Łódź Ghetto have survived.¹⁸ The chronicle entry for January 17 1944 states, in part:

*One can readily imagine what it means for a professional musician, a virtuoso, even a dilettante, to be forced to give up his beloved violin; and the ghetto has a number of high-ranking violin virtuosos....Beethoven, Mozart, Chopin, Schumann, will fall silent in the ghetto forever. The street will notice nothing; harsh life will go on; and to the torments of hunger and cold will be added the unappeased craving for music.*¹⁹

Three Vienna Philharmonic musicians, Moriz Glattauer, Julius Stwertka, and Armin Tyroler were deported to Theresienstadt/Terezin, a transit and ghetto labor camp, and perished thereafter. Theresienstadt/Terezin had a high population of professional musicians and a highly developed cultural life, including an orchestra. In all likelihood the Vienna Philharmonic musicians, as with the other musicians, took their instrument with them into this uncertain landscape. What became of these instruments is generally unknown.

Today, the 1938 Jewish property registrations are housed in the Austrian State Archives and file numbers total 66,600, although with gaps in information and records.²⁰ Austrian State Archives Archivist, Dr. Hubert Steiner, created a finding aid that lists the names of those who registered their property, which has been digitized.²¹

The author reviewed a small sampling of asset registrations filed with the Property Transaction Office (*Vermögensverkehrsstelle*) by musicians, composers, collectors, and others who would likely have owned musical objects of significance when Austria was annexed by Germany in March 1938. The results reflect different approaches to compliance with this discriminatory regulation. Some provided detailed disclosures, others omitted facts, provided vague descriptions, or no descriptions at all, presumably to avoid alerting authorities to the existence or value of these objects in order to thwart confiscation or export embargoes. Sample entries appear below. Paul Wittgenstein's more detailed disclosures provide useful provenance information today.

¹⁸ For the image, see "A Violin Once Owned by Goebbels Keeps Its Secrets," by Carla Shapreau, *New York Times*, September 21, 2012, <http://www.nytimes.com/imagepages/2012/09/23/arts/23VIOLIN3.html>.

¹⁹ *Chronicle of the Lodz Ghetto, 1941-1944*, ed. Lucjan Dobroszycki, New Haven: Yale University Press, 1984, Monday, January 17 1944, p. 434.

²⁰ See *Property Notices of the Property Transaction Office*, Findbuch, <https://www.findbuch.at/en/information-on-data-processing/items/9.html>.

²¹ Hubert Steiner and Christian Kucsera, *Recht als Unrecht, Quellen zur wirtschaftlichen Entrechtung der Wiener Juden durch die NS-Vermögensverkehrsstelle*, 1993. See <http://www.avotaynu.com/holocaustlist/newversion.htm>.

Selected Entries Derived From 1938 Asset Declarations		
Name	Property Description (limited to musical entries)	Claimed Value
Bachrich, Ernst ²² Pianist, conductor Vienna Volksoper, composer	Klavier	500 RM
	Klavier	1000 RM
	Music Bibliothek	400 RM
	Musikalische Kompositionen	
Buxbaum, Friedrich Siegfried ²³ Principal Cellist, Vienna State Opera, Vienna Philharmonic, Rosé Quartet, Professor, Vienna Conservatory and Academy of Music, Vienna	Violoncelli zur Ausübung des Berufes	No value entered
Falk, Daniel ²⁴ Second Violinist, Vienna State Opera and Vienna Philharmonic	2 Geigen	500 RM
Föderl, Leopold Othmar ²⁵ Conductor and Second Violinist, Vienna State Opera and Vienna Philharmonic	2 Geigen 2 Klaviere	600 RM 2,000 RM
Glattauer, Moriz ²⁶ First Violinist, Vienna State Opera and Vienna Philharmonic	No instrument listed	
Rosé, Arnold ²⁷ Concertmaster Vienna State Opera and Vienna Philharmonic, Rosé Quartet.	Eine 'Tim' Bratsche und einige Volinbögen Ein Altes Blüthner Klavier Eine Steinbüste von Beethoven Eine Radierung mit Widmung von Dr. Richard Strauss Rosé did not list his valuable 1718 Antonio Stradivari violin, known as the "ex-Viotti." ²⁸	60 RM 250 RM 20 RM 20 RM
Salander, Berthold ²⁹ Second Violinist, Vienna State Opera and Vienna Philharmonic	No instrument listed. "As the Salander family's story goes, there was an archduke in the concert audience who, very impressed by Salander's musical skills, had him choose a valuable violin from his own collection of instruments." ³⁰	

²² Vermögensanmeldungen Wien, ÖStA, File No. 12496. Bachrich died in the concentration camp at Majdanek, Poland, July 11, 1942.

²³ Vermögensanmeldungen Wien, ÖStA, File No. 33677.

²⁴ Vermögensanmeldungen Wien, ÖStA, File No. 46906.

²⁵ Vermögensanmeldungen Wien, ÖStA, File No. 40955.

²⁶ Vermögensanmeldungen Wien, ÖStA, File No. 1096. Moriz Glattauer was deported to the Theresienstadt/Terezin camp and ghetto, where he died on February 2, 1943. Yad Vashem's Central Database of Shoah Victims' Names, <http://db.yadvashem.org/names/search.html?language=en>.

²⁷ Vermögensanmeldungen Wien, ÖStA, File No. 30013.

²⁸ Yet, Arnold Rosé fled Austria in May 1939 with his 1718 Stradivari, immigrating to England after the Anschluss and his forced "retirement" in Vienna after fifty-seven years of service at the opera house.

²⁹ Vermögensanmeldungen Wien, ÖStA, File No. 47226.

³⁰ Mayrhofer,

http://wphwebsite.blob.core.windows.net/documents/Documents/pdf/NS/ns_mayr_ex_salander_en_v01.pdf, 2013, footnote 2.

<i>Starkmann, Max</i> ³¹ First Violinist, Vienna State Opera and Vienna Philharmonic	No instrument listed	
<i>Storfer, Berthold</i> ³² Banker and financier	2 <i>Geigen</i> Berthold Storfer's family made a post-war claim for the loss of alleged Amati and Guarneri violins, reportedly seized by the Gestapo.	700 RM
<i>Stwertka, Julius</i> ³³ Concermaster, Vienna State Opera, Vienna Philharmonic, Professor Conservatory of the Society of Friends of Music and the Imperial Music Academy	<i>Italienische Geige</i>	3,000 RM
<i>Wittels, Ludwig</i> ³⁴ First Violin, Vienna State Opera, Vienna Philharmonic	No instrument listed	
<i>Wittgenstein, Paul</i> ³⁵ Concert pianist	4 <i>Flügel (sämtliche Klaviere sind)</i>	1,200 RM
	1 <i>Pianino (über 30 Jahre alt!)</i>	100 RM
	<i>Anteil an einer Orgel (sie gehört mir und meiner Schwester Hermine Wittgenstein je zur Hälfte)</i>	2,000 RM
	<i>Notenbibliothek</i>	200 RM
	1 <i>Geige (Antonio Stradivari geige 1716)</i>	30,000 RM
	1 <i>Viola (Antonius & Hieronymus Amati)</i>	10,000 RM
	1 <i>Cello (J.M. Velanzano)</i>	1,000 RM
	1 <i>Cello (Vincenzo Rugieri, Cremona)</i>	8,000 RM
	1 <i>Geige (Giovanni Baptista Guadagnini)</i>	5,000 RM
	1 <i>Italienische Geige</i>	200 RM
	<i>div. Autographs u. Bücher</i> ³⁶	71,750 RM

IV. Emigration and Musical Material Culture

For those seeking to emigrate there were many economic and administrative hurdles, including the Reich flight tax, (*Reichsfluchtsteuer*), the Jewish property levy or atonement tax (*Judenvermögensabgabe*), a punitive tax of 25% on Jewish assets, as well as blocking of Jewish accounts. Jews filing export applications for personal property were frequently denied by the federal monuments office (the *Zentralstelle für Denkmalschutz*), under export legislation (*Ausfuhrverbotsgesetz*) enacted in 1919 and 1923.³⁷ A decree on the “Confiscation of Property

³¹ *Vermögensanmeldungen Wien, ÖStA, File No. 5352.* Max Starkmann was deported to Maly Trostinec Camp, Belorussia and died on October 9, 1942. Yad Vashem's Central Database of Shoah Victims' Names, <http://db.yadvashem.org/names/search.html?language=en>.

³² *Vermögensanmeldungen Wien, ÖStA, File No. 34463.* Berthold Storfer was deported to Auschwitz on November 26, 1943 and perished. <http://www.doew.at>. For further information on Berthold Storfer, see Gabriele Anderl, “9096 Leben” – *Der unbekannte Judenretter Berthold Storfer*, Berlin: Rotbuch, 2012.

³³ *Vermögensanmeldungen Wien, ÖStA, File No. 10851.* Julius Stwertka was deported to Theresienstadt/Terezin camp and ghetto where he died in December 1942.

³⁴ *Vermögensanmeldungen Wien, ÖStA, File No. 29969.*

³⁵ *Vermögensanmeldungen Wien, ÖStA, File No. 19710.*

³⁶ Paul Wittgenstein owned manuscripts by Beethoven, Schubert, Wagner, Brahms, Mendelssohn, and Richard Strauss, and others, as well as rare printed music and books, for example, Leopold Mozart's 1756 edition of *ersuch einer gründlichen Violinschule (A Treatise on the Fundamental Principles of Violin Playing)*.

³⁷ “Since 1918 a special Export Control Law (*Ausfuhrverbotsgesetz*), amended in 1923, enabled the *Bundesdenkmalamt* to decide which art treasures were allowed to leave the country, ignoring the nationality of the

of Enemies of the People and the State of Austria” was enacted on November 18, 1938, providing a legal basis for confiscation.³⁸ The Ordinance Regarding the Utilization of Jewish Assets (“*Verordnung über den Einsatz des jüdischen Vermögens*”), enacted on December 3, 1938, further empowered the Nazi regime to compel persecutees to surrender their property.³⁹

Some persecutees passed their precious musical objects to a temporary "safekeeper," with the hope of later retrieval. For example, violinist Alma Rosé⁴⁰ was deported to Auschwitz-Birkenau, where she led and played in the women's orchestra, and tragically perished. Alma Rosé entrusted her 1757 Giovanni Battista Guadagnini violin, purchased by her father in Holland in 1924, to a friend at Drancy, where Alma Rosé was interned before she was deported to Auschwitz.⁴¹ Musician Ferdinand Leopoldi, born as Ferdinand Kohn,⁴² “who died on November 24, 1944 in the hospital at Maltzgasse, Vienna, as a result of his imprisonment by the Nazis” left his purported Amati violin with his girlfriend, Ms. Kiraly, for safekeeping.⁴³ Large instruments, such as keyboard instruments, were often left behind, as in the case of Renee née Steiner Habermann, who left her Bösendorfer piano in the family home when she fled Vienna in February 1939. A concert grand allegedly once owned by Austrian nobility, it had been a gift from Renee’s parents, Moritz and Sarafina Steiner, who both perished in the Holocaust.⁴⁴

In August 1940, the Reich Security Main Office (*Reichssicherheitshauptamt*, “RSHA”) divested Jews who had emigrated from Austria of their citizenship and ruled that any property left behind by Jews in warehouses in Austria was to be offered for sale. Objects packed for shipment out of Austria by exiles and held by transporters and forwarding agents were seized with the involvement of the *Vugesta* (Gestapo Office for the Disposal of the Property of Jewish Emigrants), established in September 7, 1940.⁴⁵

owners.” Oliver Rathkolb, *From ‘Legacy of Shame’ to the Auction of ‘Heirless’ Art in Vienna: Coming to Terms ‘Austrian Style’ with Nazi Artistic War Booty*, presentation based on a paper, presented at the German Studies Association Conference, Washington D.C., September 26, 1997, p.2,

<http://www.demokratiezentrum.org/en/knowledge/articles.html?index=532>.

³⁸ See Exhibit 3450-PS, (partial English translation) Nazi Conspiracy and Aggression, Vol. VI, pp. 1157-58, U.S. Government Printing Office, Washington, 1946.

³⁹ See e.g., Martin Dean, *Robbing the Jews, The Confiscation of Jewish Property in the Holocaust, 1933-1945*, Cambridge/New York: Cambridge University Press 2008, p. 84-111. The Eleventh Decree to the Reich Citizenship Law, passed on November 25, 1941, provided the Reich with legal authority to seize the assets of persecutees living outside the Reich borders, including those who had been deported.

⁴⁰ Daughter of Arnold Rosé and Justine née Mahler Rosé (Gustav Mahler’s sister).

⁴¹ Rosé’s Guadagnini violin was returned to her father, Arnold Rosé, after the war. Newman, Richard, *Alma Rose, Vienna to Auschwitz*, Amadeus Press, Portland, Oregon, 2000, at pp. 68, 118, 314, and 325; “Guadagnini Notes”, Ernest N. Doring, *Violins & Violinists, June-July, 1951*.

⁴² Leopoldi was a stage name; brothers Hermann and Ferdinand were born with the last name Kohn.

⁴³ August 8, 1946 letter from Gustave Jahr to Major H.D. Weaver, Chief Property Control, Vienna Area Command, U.S. Army, Records of the Property Control Branch of the U.S. Allied Commission for Austria (“USACA”), 1945-1950, DN 1929, Roll 166, File “PC/V/II/100/Herman Leopoldi,” NARA. The local Viennese violin expert, Karl Richard Kaltenbrunner, declared on October 28, 1946 that the violin remembered by the Leopoldi family as an Amati, was allegedly an inexpensive Stradivari copy. *Id.*

⁴⁴ March 4, 1999 letter from Murray J. Haberman to the Commission for Provenance Research. Clinton Library, Presidential Advisory Commission on Holocaust Assets in the U.S., Box 40418, File “Presidential Commission Correspondence”.

⁴⁵ Robert Holzbauer, *Einziehung volks- und staatsfeindlichen Vermögens im Lande Österreich – Die VUGESTA – Die Verwertungsstelle für jüdisches Umzugsgut der Gestapo*, 2000.

V. *The Central Depot for Jewish Cultural Property*

After the *Anschluss* confiscated Jewish art and other cultural property were brought to different collecting depots by the Gestapo and others. Friedrich Dworschak, the Director of the Kunsthistorisches Museum, an NSDAP member, pursued a more coordinated effort through the establishment of the Central Depot for Jewish Cultural Property, (*Zentraldepot für beschlagnahmten jüdischen Kulturbesitz*), with the permission of the Chief of the Vienna Gestapo, *SS Oberführer* Stahlecker.⁴⁶ The central depot was established in the fall of 1938, at the expense of the Museum of Art History on the first floor of the Vienna *Neue Burg*. By the fall of 1939, the inventory of the central depot, excluding medals and coins, included approximately 10,000 cultural objects.⁴⁷ Museums in Vienna, Graz, Salzburg, and Innsbruck all sought to benefit from acquisitions of looted property. Hitler had first priority over confiscated items, under his policy known as the *Führervorbehalt*, under which objects were selected by Dr. Hans Posse for the planned Führer Museum in Linz. Dr. Friedrich Wolffhardt pursued manuscripts and books for the planned *Führerbibliothek* also in Linz (discussed below).

Confiscated property that passed through the central depot was often obtained at auction and the Dorotheum was one of several conduits for distribution, resulting in funding for the Nazi Regime through the sale of looted property.⁴⁸ For example, the Dorotheum auctioned Felix and Josephine Löw-Beer's apartment contents, which had been confiscated and offered for sale on May 5th and 6th, 1939, Catalogue Number 113. This sale offered fourteen musical instruments, many of which were antiques (Lot Nrs. 275-288). One day before the sale, five of the Löw-Beer instruments were claimed by the Museum of Art History for its Collection of Historical Musical Instruments. These instruments were identified in the auction catalogue as Lot Nr. 278: trombone by Leicham Schneiter made in Vienna, 1733; Lot Nr. 279: guitar by Johann Christian Beyer, 1801; Lot Nr. 280: viola d'amore; Lot Nr. 282: 18th century Viola da Gamba (later described by the museum as a viola d'amore); Lot 284: 1768 Lute (subsequently described in museum documentation as a "cister" and "cyster").

As a result of the museum's claim to these instruments, the Dorotheum transferred the instruments on June 30, 1939 to the Central Depot for Jewish Cultural Property, and they were delivered to the Palace Pallavicini on July 5, 1939 and into the custody of the musical instrument collection.⁴⁹ Who acquired the other nine Löw-Beer musical instruments from the Dorotheum auction is unknown. Like so many musical objects, their provenance is difficult to ascertain. Their history may not be well-documented or records may have been purged. When records do exist, provenance information is often not disclosed.

After the war, because of the suspicious origin of the Löw-Beer instruments through the Dorotheum in 1939, the five instruments obtained by the museum were listed on the Art Database of the National Fund of the Republic of Austria for Victims of National Socialism,

⁴⁶ Haupt Report, Archive, *Kunsthistorisches Museum*.

⁴⁷ *Id.*

⁴⁸ See Dr. Felicitas Thurn, "Dorotheum: Provenance Research and Due Diligence in the Art Trade in Central Europe." *E.U. Holocaust Era Assets Conference, Looted Art Working Group 2009*, <http://www.holocausteraassets.eu/en/working-groups/looted-art/>.

⁴⁹ February 11, 1941 report, Archive, *Kunsthistorisches Museum, Sammlung alter Musikinstrumente*, 1940/1941, File No. 43, (Dorotheum: Transfer to the Central Depot).

established after enactment of Austria's 1998 Art Restitution Act (discussed below).⁵⁰ On June 28, 2010, four of the instruments listed on the database were restituted to the Löw-Beer heirs.⁵¹ Lot Nr. 284, the 1768 "cister" (listed as a "cittern" in the database) was not included in the restitution.

The deteriorating conditions in Vienna during WWII resulted in the dissolution of the central depot and the evacuation of the most valuable cultural objects to many depots in safer locations, such as the Alt Aussee Salt Mine in Austria, which housed vast sums of looted and non-looted cultural objects.

VI. *The Collection of Historical Musical Instruments, Vienna*

The Collection of Historical Musical Instruments in the Museum of Art History acquired many musical instruments in the 1938-1945 period, and the Museum of Art History's Director, Friedrich Dworschak, took a special interest in expansion of the Collection of Historical Musical Instruments (*Sammlung alter Musikinstrumente*), which became an independent collection in 1939.⁵² The most significant acquisitions appear to have come from the Oscar Bondy, Alphonse Rothschild, and Wilhelm Gutmann collections, although many other acquisitions from individuals, dealers, and auction houses were made in Vienna, and sought elsewhere in Europe.⁵³ During the NS-era, the musical instruments from the *Gesellschaft der Musikfreunde* collection were added to the collection.⁵⁴

The Curator of the Collection of Historical Musical Instruments during the Nazi-era, and after, Viktor Luithlen, made a purchasing trip to Paris from July 8-23, 1942, in search of musical instruments and other objects. In Paris, Luithlen met with Dr. Herbert Gerigk, the head of the *Sonderstab Musik*, the confiscating arm for musical objects, and a division of the notorious Nazi *Einsatzstab Reichsleiter Rosenberg*. Luithlen also met with dealer Santo Bey de Semo, described as a "middleman-dealer with extensive contacts in Paris."⁵⁵ In addition, Luithlen met with prominent Parisian violin dealer, Emile Français, as well as Mr. Brunold, Mr. Begouix, and others while in Paris, including, but not limited to, Mr. Walter Schrepfer in connection with the

⁵⁰ See e.g., Object Data for Johann Christian Beyer Guitar, c. 1800, National Fund Art Database, http://www.kunstrestitution.at/catalogue_detailsite/catalogue_musical_instruments.html?parent_katid=272&perPage=1&page=9.

⁵¹ Advisory Board recommendation, March 20, 2009, (§ 3 Art Restitution Act 1998), confirmed by subsequent decision, [Loew-Beer Felix u Josefine_2009-03-20.pdf](http://www.kunstrestitution.at/catalogue_detailsite/catalogue_musical_instruments.html?parent_katid=272&perPage=1&page=9) and <http://www.provenienzforschung.gv.at>.

⁵² Haupt Report, Part XIV, Archive, *Kunsthistorisches Museum*.

⁵³ Records from the Archive, *Kunsthistorisches Museum* reflect that during the NS-era, musical instruments in France and Italy were being considered for acquisition for the Collection of Historical Musical Instruments from prominent violin dealers and others.

⁵⁴ Haupt Report, Archive, *Kunsthistorisches Museum*. This collection was presumably returned to the *Gesellschaft der Musikfreunde* after the war; further information has been sought, but not yet obtained.

⁵⁵ This description is taken from the, "Biographical Index of Individuals Involved in Art Looting," contained in the May 1, 1946 Final Report, prepared by the Art Looting Investigation Unit of the U.S. Office of Strategic Services, Records of the American Commission for the Protection and Salvage of Artistic and Historical Monuments in War Areas ("The Roberts Commission"), 1943-1946, M1944, Roll 93, NARA.

acquisition of books. A reference to extensive booklists and future acquisitions was also indicated.⁵⁶

In the case of Wilhelm Gutmann, the museum paid 18,000 Reichsmarks to Society for the Organization and Exploitation of Property (*Gesellschaft zur Verwaltung und Verwertung von Vermögensschaften* m.b.H.), for the confiscated Francesco Ruggieri violin that belonged to Wilhelm Gutmann, who had fled to Switzerland. The violin bore a label that stated, *Francesco Ruggieri detto il per Cremona 1687*. But the museum's right to the violin was subject to Hitler's *Führervorbehalt*, which meant that approval had to first be obtained from Dr. Hans Posse, an art historian whom Hitler had appointed to acquire art works for the planned Führer Museum in Linz. Because Hans Posse was temporarily unavailable, Baldur von Schirach gave written permission for the museum's purchase of the looted Gutmann Ruggieri, subject to the *Führervorbehalt*.⁵⁷

Some restitutions from the Collection of Historical Musical Instruments were made after the war, but export prohibitions delayed many returns (discussed further below). The historical records of the Collection of Historical Musical Instruments have yet to be fully analyzed, but there exists a detailed record of acquisitions during the 1938-1945 period. The records reveal the process of acquisitions, those in authority, and the expert dealers and restorers working closely with the museum's administrations to acquire and maintain rare wartime acquisitions. The Archive of the *Kunsthistorisches Museum* provided the author with access to its records that pertain to the *Sammlung alter Musikinstrumente*, and these records are still under investigation.⁵⁸ The NS-era accession records raise questions that warrant further research and analysis, and the author hopes to augment this report with more detailed information as research continues. The staff of the Commission for Provenance Research will be engaging in a systematic review of these holdings and their provenance in the near future.⁵⁹

VII. Nazi-Era Acquisitions by Public and Private Austrian Institutions

Many looted cultural objects in Austria were acquired by federal and local public collections. Museums, in some instances, made acquisition requests on a "wish list," and a file exists in the *Bundesdenkmalamt* ("BDA") Archive titled, "*Erwerbungsünsche der Museen*," (acquisition wishes of museums). It appears that inventories of confiscated cultural property may have been circulated to museums because these institutions made specific requests by owner name, object, and inventory number. Examples of entries include: "*Für Nationalbibliothek in Wien: Kasette mit Musikautographen Bo 163* (for Oscar Bondy Inventory number 163) and "*Museum Salzburg, A. Pollak 125 Tanzmeistergeige*," (for Albert Pollack, inventory number 167). The Museum of Art History and its collection of historical musical instruments requested three instruments from Oscar Bondy, one entry reads: "*Kunsthistorisches Museum, Wien, Sammlung*

⁵⁶ *Sammlung alte Musikinstrumente*, 1942/43, File 12, "Bericht Dr. Luithlens über seine Dienstreise nach Paris im Juli 1942," Archive, *Kunsthistorisches Museum*.

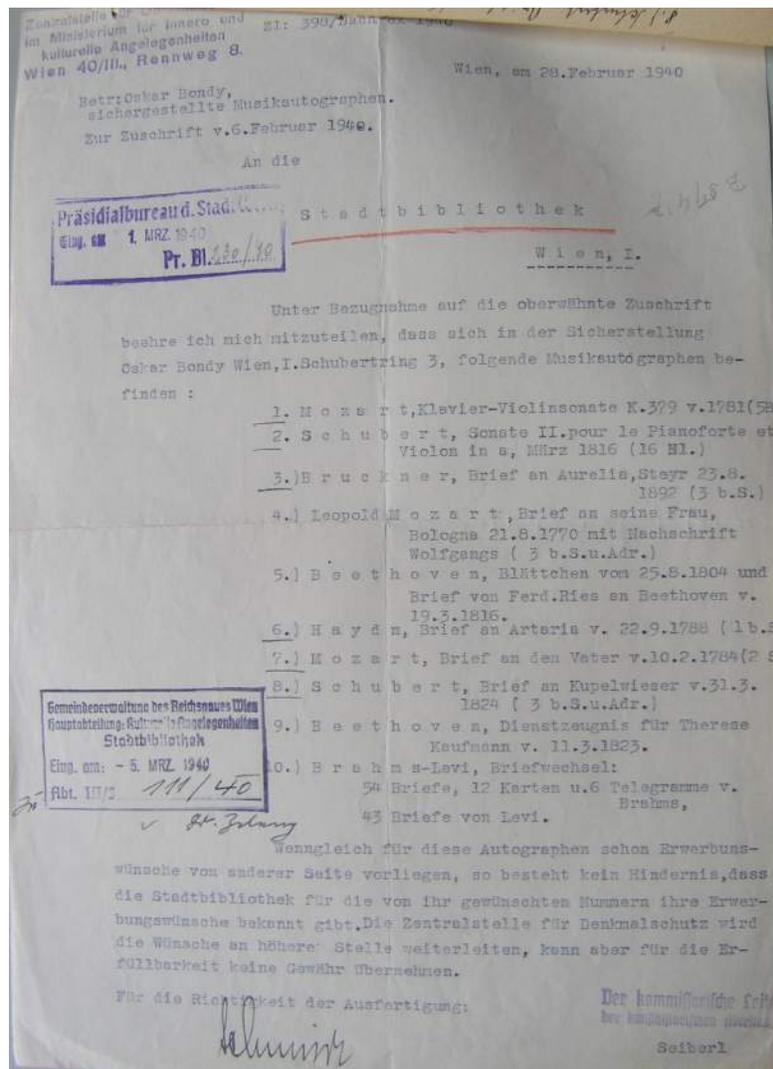
⁵⁷ Archive, Museum of Art History, Collection of Historical Musical Instruments, 1941/1942, File No. 40, "Anbot einer "Francesco Ruggieri" gezeichneten Violine durch das Institute für Denkmalpflege."

⁵⁸ In contrast, the large bound inventory books for the *Sammlung alter Musikinstrumente*, which presumably cover acquisitions during the Nazi-era, are under the supervision of the *Sammlung alter Musikinstrumente* and were not made fully accessible to the author.

⁵⁹ Email communication with Dr. Susanne Hehenberger, March 7, 2014.

alter Musikinstrumente: Bondi [sic] 1376, Viola d'amore mit Druckzettel: Mathias Their in Wien anno 1764. However, this collection included instruments confiscated during the war that do not appear in this file. The Joanneum in Graz requested three of Oscar Bondy's 18th-century musical instruments. The *Erwerbungsünsche der Museen* file only includes a master list of requests, not the underlying communications or lists utilized.⁶⁰

Oscar Bondy was one of Vienna's most important art collectors and he also had a fine musical manuscript and instrument collection. After the *Anschluss*, the contents of Bondy's home was confiscated and the cultural items were divided up between several institutions. The musical manuscripts identified below were acquired by the *Stadtbibliothek* in or about February 1940.



February 28, 1940 Memorandum
Regarding Oscar Bondy's Confiscated Musical Manuscript Collection⁶¹

⁶⁰ BDA Archive, "Erwerbungsünsche der Museen" File

⁶¹ Archive, Vienna City Library.

Objects from Oscar Bondy's musical instrument collection ended up in various collections. Most of his confiscated musical possessions appear to have been restituted after the war, with one notable exception -- a violin he identified in his inventory as having been made by Antonio Stradivari in 1722, which remains missing today.

As a result of the 1998 Austrian federal art restitution legislation and its 2009 amendment, and similar legislation for local collections enacted in 1999, a process is in place today that analyzes public collection inventories, resulting in the restitution of confiscated property to lawful owners (discussed below in Section XIII); this process is ongoing.

But the situation is different for Austrian private institutions, which today do not operate under the same legal framework. When is a private collecting institution truly "private"? If it receives material public funding, should the disposition of Nazi-era looted cultural objects in such collections be covered by the 1998 and 1999 art restitution legislation? Beyond legal requirements, should such institutions engage in a voluntary analysis of their holdings under ethical principles, and provide transparent access to archival records from the Nazi era to scholars researching such issues?

The author met with the President of the Vienna Philharmonic, Prof. Dr. Clemens Hellsberg on June 28, 2012, and asked if the Vienna Philharmonic, a private institution, had acquired in its collection confiscated musical objects during the era of National Socialism.⁶² Prof. Hellsberg openly discussed this question, and based on research conducted as of the writing of this report, has not located any records in the Philharmonic archive, or other archives, that indicate the Vienna Philharmonic acquired confiscated music-related property during the Nazi era.

The Archives of the Kunsthistorisches Museum include a clue that may support this conclusion. For example, on December 7, 1942, the Curator for Collection of Historical Instruments, Viktor Luithlen, loaned the concertmaster of the Vienna Philharmonic, Willi Boskovsky, the rare Francesco Ruggieri violin confiscated from Wilhelm Gutmann. This violin was purchased by the museum for 18,000 Reichsmarks and had been accessioned into the instrument collection as inventory number 551. The loan to Boskovsky appears to have been brief, and for the purpose of practicing or warming up for a concert at the museum. This information may suggest that if the Vienna Philharmonic had its own collection of fine instruments of the violin family, Boskovsky would not have made arrangements for the loan of the Ruggieri from the museum.

There is evidence that the Vienna Philharmonic owned a collection of musical instruments in 1938. The Vienna Philharmonic's April 1938 financial report to the Reich *Stillhaltekommissar* contains a valuation of its musical instrument collection at 16,000 Reichsmarks and its archive at 22,500 Reichsmarks.⁶³ This 1938 declared value of the Vienna Philharmonic's instrument collection, if accurate, suggests the collection did not consist of many, if any, rare instruments approximately one month after the *Anschluss*. The instrument inventory listed: "21 Streichinstrumente," "8 Holzblasinstrumente," "3 Blechblastinstrumente," "3 Tasteninstrumente,"

⁶² Prof. Dr. Hellsberg and Dr. Silvia Kargl, the Vienna Philharmonic's Archivist, also provided the author with archival access to records regarding the expelled musicians of the Vienna Philharmonic.

⁶³ Prof. Dr. Dr. Oliver Rathkolb provided the author with a copy of the 1938 Vienna Philharmonic financial report discussed above, which is housed in the records of the Austrian State Archives.

“2 Harfen,” “1 Mandoline,” and “cca. 228 Schlaginstrumente.” The archival inventory in 1938 consisted of: “958 Partituren,” “884 Materiale für grosses Orchester,” “cca. 120 Bücher über Musik,” “cca. 12 Notenmanuskripte,” “cca. 600 Briefe,” and “cca. Diverse Programmbücher. Further archival research regarding this topic may result in new information.

VIII. *The Austrian A.K.M. Verzeichnis, Copyright Royalties and Blacklisting*

Although this study focuses on musical material culture, the intellectual property of Jewish composers, authors (e.g., librettists and lyricists), and music publishers in Austria also was the subject of misappropriation during the Nazi era. Jewish members of Austria’s copyright society, known as the “AKM,” (*Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger*), were blacklisted after the *Anschluss*. Those persecuted reportedly constituted approximately forty-two percent of the AKM’s membership.⁶⁴

The AKM was placed under the control of the German copyright society, STAGMA (*Staatlich genehmigte Gesellschaft zur Verwertung Musikalischer Urheberrechte*) in 1938.⁶⁵ STAGMA was administered by the Reich Culture Chamber (*Reichskulturkammer*), and its Reich Music Chamber (*Reichsmusikkammer*), all under the direction of Joseph Goebbels and the Ministry of Propaganda.⁶⁶ Throughout the Reich, musicians were similarly the subject of blacklisting in the *Lexikon der Juden in der Musik*, edited by Nazi musicologist and head of the Nazi *Sonderstab Musik* (a plundering task force), Dr. Herbert Gerigk and his co-editor Dr. Theo Stengel.⁶⁷ Under the Nuremberg racial laws adopted in Austria in May 1938, performances of compositions by Jewish composers and authors were generally banned.

*Until 1942, catalogues that featured Jewish composers, along with printed scores by Jewish composers, were either consigned to be pulped, or marked as unavailable for sale or performance. Sales of scores by Jewish composers from antiquarian shops were to be restricted to music historians, and clearly marked with the letter ‘J’ along with a visible explanation as to its meaning. However, most publishers has taken the precaution of producing multiple copies, so that when some 30,000 printed scores and books were confiscated from Universal Edition, almost everything could be recovered later.*⁶⁸

In 2010, Austrian researcher, Dr. Christoph Lind, discovered in the *Wienbibliothek im Rathaus* (*Wienbibliothek*) a remarkable red-lined directory of Jewish AKM members, depicted below.

⁶⁴ See *Wienbibliothek*, exhibition information, March 2012, <http://www.wienbibliothek.at/aktuelles/objekt-des-monats-maerz-12.html>.

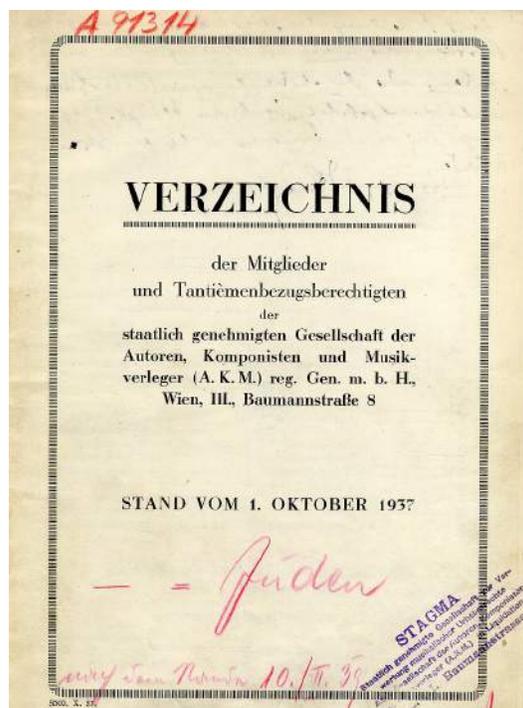
⁶⁵ After World War II, STAGMA was renamed GEMA (*Gesellschaft für musikalische Aufführungs und mechanische Vervielfältigungsrechte*). David Monod, *Settling Scores: German Music, Denazification, & the Americans, 1945-1953*, Chapel Hill: University of North Carolina Press, 2005, pp. 116-17; “GEMA ist an allem schuld,” *Der Spiegel*, July 4, 1951, <http://www.spiegel.de/spiegel/print/d-29194282.html>.

⁶⁶ Michael Haas, *Forbidden Music: The Jewish Composers Banned by the Nazis*, New Haven: Yale University Press, 2013, p. 228, citing Sophie Fetthaur, *Musikverlage im Dritten Reich und im Exil*, Hamburg: von Bocket, 2004, p. 239; Eric Levi, *Music in the Third Reich*, London: Macmillan Press, 1994, pp. 24-34.

⁶⁷ Theo Stengel and Herbert Gerigk, eds., *Lexikon Der Juden in Der Musik: Mit einem Titelverzeichnis jüdischer Werke*, Berlin: B. Hahnfeld, first edition 1940, with subsequent editions through 1943.

⁶⁸ Michael Haas, *supra*, p. 228.

Dr. Lind's find surfaced during his and Dr. Georg Traska's research in the *Wienbibliothek* for their book, *Hermann Leopoldi, Hersch Kohn: eine Biographie*, Vienna: Mandelbaum, 2012.⁶⁹ The first public exhibition of this AKM blacklist was in 2012 at the *Wienbibliothek*. The Leopoldi brothers were among those whose names had been crossed out in red.⁷⁰



Lenek Oskar	K
Lengsfelder Hans	A K
Lenk Harry (Ps.)	A K
Lenné Pierre (Ps.)	K
Lentis Hans Siegfried (Ps.)	A K
Leo E. (Ps.)	A
Léon Viktor	A
Leopoldi Ferdinand	K
Leopoldi Hermann	A K
Leprince (Ps.)	K
Leschetizky Theodor Hermann	K

Grosz Wilhelm	A K
Grosz Will (Ps.)	A K
Grothe Edition (Beboton-Verlag G. m. b. H.), Berlin	V
Grube Gustav	K
Gruber Georg	K
Gruber Ludwig	A K V
Grün Bernard	K
Grünbaum Fritz	A
Grünfeld Alfred (R. N.)	K
Grünfeld Lola	A
Grünfeld Richard †	K
Grünwald Alfred	A
Gund Robert (R. N.)	K
Günther Felix	K

AKM Directory Excerpt⁷¹

Post-war claim files in the U.S. contain evidence reflecting AKM copyright claims. This was the case with Viennese librettist and playwright Alfred Grünwald, who stated, “When Hitler marched into Vienna I was taken into ‘security-custody’ – which means imprisoned and released only under the condition that I leave Austria in four weeks!”

Among his many losses, Grünwald said of the AKM:

*I was member of the directorium of the A.K.M (Oesterreichische Autorengesellschaft, Wien III. Baumanngasse 8) and in this capacity co-owner of the whole assets of this great society and entitled to a lifelong pension. One day before my arrest they forced me to renounce my membership and to declare my disinterest in the A.K.M.*⁷²

⁶⁹ March 6, 2014 email communication with Dr. Georg Traska.

⁷⁰ See *Wienbibliothek*, exhibition information, March 2012, *supra*, footnote 64.

⁷¹ *Wienbibliothek* reference number: A-91314, <http://www.wienbibliothek.at/aktuelles/objekt-des-monats-maerz-12.html>. Special thanks to Mag. Christian Mertens of the *Wienbibliothek*, who provided the author with a copy of the AKM directory, and provided access to other information and archival materials in the *Wienbibliothek*.

⁷² November 23, 1945 letter from Alfred Grünwald to the Property Control Officer, American Military Government, Austria, Records of the Property Control Branch of the U.S. Allied Commission for Austria, 1945-1950, (USACA) DN 1929, Roll 152, NARA.

Grünwald fled from Vienna to Paris where his residence was plundered, then to Morocco and eventually to the U.S. Whether, or not, Grünwald or other NS-era persecutees obtained any post-war remedy from the AKM is unclear. The AKM was and remains responsible for copyright royalties and licensing in Austria.

The author asked Drs. Traska and Lind whether they or others in Austria have analyzed the topic of wartime AKM copyright losses and what steps have been taken, if any, to provide AKM copyright license royalties to red-lined composers and authors or their heirs after World War II. The author was advised that after Drs. Traska and Lind discovered the AKM blacklist, they started a project on the history of the AKM and *austro mechana*, and they hope to gain access to the AKM historical records for their research soon.

In addition, the NS-era history of the AKM is currently being addressed by Professor Hartmut Krones.⁷³ The author contacted both Professor Krones and the AKM shortly before this report was submitted regarding the status of this study, but has not yet received a response.

IX. The Führerbibliothek, Linz

Among the many library materials acquired during the Nazi era for the planned *Führerbibliothek*, Hitler's library in Linz, were valuable musical materials. The Austrian National Library, in part, through the efforts of its director from March 16, 1938 to April 1945, Paul Heigl, supplied confiscated materials to the Hitler Library. By February 1944, 40,000 volumes had been amassed, with shipments and negotiations for more acquisitions in process.⁷⁴ One of many unsolved mysteries regarding the Hitler Library is the current whereabouts of the *Führerbibliothek's* card catalogue, inventory, accession ledgers, correspondence, and the elaborate diary of Dr. Friedrich Wolffhardt.

In April 1940, Martin Bormann commissioned Dr. Friedrich Wolffhardt to acquire objects for the planned Hitler Library. Wolffhardt was described in U.S. records as an active member of the Nazi Party and an *SS Hauptsturmführer* since at least May 1942, "active in confiscations," and "tall, with blue eyes and blond hair; wears glasses with colorless horn rims."⁷⁵ By August 21, 1941, Wolffhardt had prepared an 80-page plan for Bormann's and Hitler's review, and was in regular contact with Bormann regarding ongoing acquisitions of inventory for the planned Library in Linz.

On October 3, 1941 Bormann wrote to Wolffhardt, "duplicates of the Viennese National Library will be allotted to the Linz Library about to be set up. According to what I told you at the

⁷³ See, *75 Jahre 'Anschluss': ein Thema, dem sich auch die AKM stellt, AKM beauftragt wissenschaftliche Studie*, http://www.akm.at/index.php?subsection=Service_-_Aktuell&parent=1219&back=%2Findex.php%2Fsubsection%3DService_-_Aktuell.

⁷⁴ See Office of Strategic Services (OSS), Art Looting Investigation Unit (ALIU), Consolidated Interrogation Report (CIR), No. 4, December 15, 1945, Chapter VI (pp. 71-77), M1782, Roll 1, NARA. See also the important work of Murray G. Hall and Christina Köstner, ... *Allerlei für die Nationalbibliothek zu ergattern... Eine österreichische Institution in der NS-Zeit*, Wien, Böhlau, 2006.

⁷⁵ Card File on Art-Looting Suspects, 1943-1946, Records of the American Commission for the Protection and Salvage of Artistic and Historical Monuments in War Areas ("The Roberts Commission"), M1944, Roll 49, NARA.

Fuehrer HQ, we only want to purchase for the Linz Library really valuable literature....I am convinced that in due time we shall be able to obtain from other great libraries all valuable duplicates for the Linz Library in the same way.”⁷⁶

Karl W. Buemming, a bookseller and antique dealer in Darmstadt and an intermediary in many of Wolffhardt's transactions for the Linz library,⁷⁷ informed Wolffhardt “confidentially” of the Gutmann library in Vienna. Providing insight into the source of Nazi funding for cultural object “purchases,” Buemming suggested to Wolffhardt that this library “with its valuable French 17th and 18th century books be sold at auction, e.g. in Lucerne through Hoepli-Milan, in order to provide the Reich with foreign currency. The total value of the library is likely to amount to 500,000.”⁷⁸

Wolffhardt was acquiring materials for the Hitler Library in 1942 and 1943 from his Munich office, but by late August 1943 the Villa Castiglione at Gundelsee was set up as the *Dienststelle* of the *Parteikanzlei*, which became the central collection depot for the library. “Expenditures for books, magazines, manuscripts, and music (always an important section) reached 343,194,50 Reichsmarks by December 1943.”⁷⁹

Wolffhardt wrote on November 30, 1943 of the growing 20,000 items at the Villa Castiglione “apart from the volumes on their way and still more expected”:

*Certain purchases of music-books during the last month are of importance. We succeeded in acquiring beautiful first editions, some manuscripts, and fairly large collections. RM 69, 256 have been spent for them. I hope that in the near future some particularly fine musical literature can be purchased, which Linz would be glad to have.*⁸⁰

By February 8, 1944. Wolffhardt noted on page 105 of his diary that “25,000 works (40,000 volumes) had been purchased, 5,000 of these (8,000 volumes) had been catalogued. A shipment was expected of another 4,300 volumes, and negotiations were in process for 250,000 volumes.”⁸¹

Wolffhardt sought assistance from Bormann in connection with what appears to have been the seizure of already looted property in Styria by the *Sicherheitsdienst des Reichsführers-SS*, (“SD”), because the SD had “confiscated from seized private property of Lower Styria the instruction book for violin by Leopold Mozart and a work by Kopernikus, two valuable and rare books.” Wolffhardt feared that these works would be converted to cash.⁸²

⁷⁶ Letter from Martin Bormann to Friedrich Wolffhardt, October 3, 1941, Attachment 78, OSS ALIU, CIR No. 4, M1782, Roll 1, NARA.

⁷⁷ Final Report, OSS ALIU, page 25, M1782, Roll 1, NARA.

⁷⁸ Wolffhardt diary entry, February 4, 1942, Attachment 71A, OSS ALIU, CIR No. 4, M1782, Roll 1, NARA.

⁷⁹ OSS ALIU, CIR No. 4, M1782, Roll 1, NARA.

⁸⁰ Wolffhardt’s comments to “Inventory to 1 December 1943,” entry dated November 30, 1943, Grundlsee, Attachment 79, *Id.*

⁸¹ Wolffhardt Diary entry, page 105, February 8, 1944. *Id.*

⁸² October 11, 1944 memorandum from Wolffhardt to Bormann, Attachment 81, *Id.*

Wolffhardt left his work on the Hitler Library project to become a soldier on February 21, 1945, leaving Dr. Gertraud Laurin in charge. Wolffhardt was captured by the U.S. and interned in a prisoner of war camp in Ansbach. He identified himself as a librarian, his true role was not known to his captors. On or about November 12, 1945, Wolffhardt alerted his captors that "a library of extraordinary value had been deposited in the area of the Alps."⁸³ Wolffhardt offered to provide information regarding the location of the secreted library materials, and this information was passed on to the military government in Munich on November 16, 1945. However, by November 29, 1945, the Office of Military Government in Bavaria reported to the U.S. Monuments, Fine Arts, and Archives ("MFA&A") division that Wolffhardt, who had merely been classified as a civilian prisoner of war in Ansbach, had already been discharged.⁸⁴

Part of the Hitler Library was brought to the Munich Central Collecting Point ("CCP") in 1945; an additional shipment to Munich arrived on March 1, 1947. By August 25, 1947, further shipments from Grundlsee to Munich were anticipated.⁸⁵ A May 1945 inventory of items destined for the Linz library discovered by the U.S. Army in the Alt Aussee salt mine under the title "Führervorbehalt" included 237 cases of books; other materials intended for the library were 18 cases of books found in Schloss Kogl, as well as library materials at Bad Aussee Salt Mine and the Villa Castiglione, Grundlsee, Austria.⁸⁶ A November 29, 1946 memorandum states that the "NSDAP Library, removed from Villa Castiglione, Grundlsee" and the "Hitler Library, Linz, removed from the Salt Mine, Alt Aussee" were in the custody of the Linz Document Center, and consisted of about three freight cars of materials of "Austro-German books also books of Allied Nations origin." On January 15, 1947, the report from Linz was that 190 boxes from the Hitler Library found in Alt Aussee were ready to be shipped to the Munich CCP (most of which were shipped to Munich on March 4, 1947), but 10,000-12,000 volumes were still at the Villa Castiglione under custodial care.⁸⁷

The following items, referred to in the December 15, 1945 Consolidated Interrogation Report No. 4, regarding the Linz Library, were reported to have been moved to the Munich CCP:

Card catalogue of the Linz library (18 drawers), and 4 large accession ledgers with black bindings. (Found Alt Aussee.) Other catalogues and records were found at Villa Castiglione, Grundlsee. Pending further disposition, all catalogs of the library, together with some 10,000 volumes are being maintained at the Villa Castiglione under guard.

*Wolffhardt's diary and confidential correspondence. These two files were turned over to CIC [Counter Intelligence Corps], Alt Aussee, on 20 September 1945. At present date they are probably at the document Center, Linz, in care of Major Scotti.*⁸⁸

⁸³ Ardelia Hall Collection, Munich CCP, M1946, Roll 98, NARA.

⁸⁴ *Id.*

⁸⁵ Report of Investigation regarding the property of Richard Pfefferkorn, August 25, 1947, by Theo Mischek, Ardelia Hall Collection, M1926, Roll 139, NARA.

⁸⁶ OSS ALIU, CIR No. 4, M1782, Roll 1, NARA, Chapter VII, pp. 78-79; "History of Reparations & Restitutions Branch," Annual Report, 30 June 1948, page 4, USACA, M1926, Roll 156, NARA.

⁸⁷ USACA, M1927, Roll 2, NARA.

⁸⁸ OSS ALIU, CIR No. 4, Chapter VIII, Records, pages 81-81, M1782, Roll 1, NARA.

By August 1947, approximately 10,000 volumes of Hitler Library materials stored at Grundlsee were being prepared for shipment to the Munich CCP for processing. Roughly one third of these materials were identified as Austrian by Dr. Konrad Weber and Viktor Werbik of the Austrian National Library. It appears that Weber, Werbik, and Dr. Ernst Mayer (who had viewed the materials at the invitation of Viktor Werbik), requested that library materials they identified as Austrian be permitted to bypass the normal protocol of being processed in Munich, and be shipped directly to Vienna, including what Mayer described as “valuable sheet music in the Bibliothek Der Akademie für Musik und Darstellende Kunst (Library of the Academy for Music and Descriptive Art) in Vienna.” As a result, on August 22, 1947, a shipment of 2,627 volumes (including 67 volumes of musical materials), were repatriated to Austria and shipped directly from Grundlsee to Vienna.⁸⁹

An Austrian claim by Dr. Konrad Weber in July 1948 for musical materials found at Grundlsee, removed to Linz, and processed through the Munich CCP and the Offenbach Archival Depot, involved a collection from the 19th century, including “most valuable original compositions among them above all those of Johann Strauss.” The Austrian request for repatriation was denied, because it was concluded that there was inadequate evidence that this collection was of Austrian ownership.⁹⁰

As a result of Austria’s 1998 Art Restitution Act, the Austrian National Library undertook an analysis of its holdings for objects that had been looted during the Nazi era and in December 2003 issued a report for the Austrian Commission for Provenance Research. Since December of 2003 a total of 32,937 objects have been restituted to their lawful owners.⁹¹ The owners of roughly one third of the objects identified as having been misappropriated in the library’s collection have not been found, including musical items. These objects are now listed in the database of the National Fund of the Republic of Austria for Victims of National Socialism.

Hopefully, the Hitler Library card catalogue, accession ledgers “consisting of about five large volumes with reddish leather bindings,” and Wolffhardt’s correspondence files, brought from Grundlsee to Linz Document Center and last seen there in July 1946, will eventually be located. A search for them in Linz in November 10, 1947 was unsuccessful.⁹² A search at the Offenbach Archival Depot in January 1948 for these important records was also unsuccessful.⁹³ With the rediscovery of these accession records, new insights regarding acquisitions for the Hitler Library may still be possible.

⁸⁹ USACA, M1926, Roll 3, NARA.

⁹⁰ July 16, 1948 memo, File A84 U.Z. 1189, Records of the MFA&A, Reparations and Restitution Branch, Office of Military Government, U.S. Zone (Germany) (“OMGUS”), M1949, Roll 9, NARA.

⁹¹ Österreichischen Nationalbibliothek, Provenance Research and Restitution, http://www.onb.ac.at/ev/about/provenance_research.htm.

⁹² November 10, 1947 Memo from Chief of the MFA&A, Herbert S. Leonard, to Headquarters of the Linz Document Center, Ardelia Hall Collection, M1946, Roll 4, NARA.

⁹³ January 21, 1948 memo from Director OAD Joseph Horne to MFA&A, Restitution Branch, Office of Military Government for Bavaria, M1946, Roll 139, NARA.

X. *Post-War Repatriation and Restitution in Austria*

"Before the heavy snows set in, at which time the salt mines are inaccessible, the larger deposits of unidentifiable art were transported, under U.S. Army guards, to the Central Collection Point in Munich, for cataloging, identification and eventual restitution." The mines referred to are the Alt Aussee, Lauffen, Bad Aussee, and Hallein Austrian salt mines, where vast quantities of looted and non-looted cultural objects were intermingled and evacuated for safekeeping during the war.⁹⁴ The Austrians had evacuated their collections to many depots for safekeeping from Allied bombing. The U.S. Allied Commission for Austria (USACA) proceeded to recover and return such objects in accordance with the principles laid down in the Declarations of London, Moscow, and Potsdam. Allied efforts to obtain quadripartite agreement on a plan for restitution was for the most part unsuccessful. Restitutions proceeded unilaterally within the four occupation zones of Austria. The Moscow Declaration of November 1943 recognized Austria as a liberated nation at the war's end, rather than a German satellite, facilitating restitutions to Austria. The U.S. Directive called for the return of property identified as looted, or acquired as a result of discriminatory transactions and conditions, during the German annexation.⁹⁵

After the war, the Allies adopted a policy of "*external restitution.*" This meant that property would be returned to the presumed country of origin, and not directly to private claimants. Claimant governments were permitted to submit claims and evidence through diplomatic channels, and to send missions into the U.S. Zone of Austria, accompanied by a US representative. If the property was positively identified, restitution could be accomplished. It was then up those nations to reconstitute the property to the true owner. The U.S. was responsible for locating and returning assets located in its zone of occupation in Austria.

The American High Commissioner for Austria reported that by October 1, 1950, it had received 3,989 claims, disallowing 2,940, and restituting over 3,000 freight cars worth of assets valued at \$198 million.⁹⁶ Austria was responsible for enacting and implementing its internal restitution policy, including restitution of victims' assets that had been Aryanized while Austria was part of the Reich. By September 30, 1952, a total of 43,475 claims had been filed under Austria's restitution laws then in place.⁹⁷ The U.S. National Archive holds vast documentary materials regarding restitution efforts in the U.S. Zone of Austria. Further research regarding these materials is ongoing.

This report is not intended to address the restitution legislation that evolved in Austria after the war, which included seven restitution acts between the years 1946 and 1949,⁹⁸ or claims for

⁹⁴ History of Reparations and Restitution Branch, Semi-Annual Report, June 30, 1948, page 5, USACA, M1926, Roll 156, NARA.

⁹⁵ See *Plunder and Restitution: The U.S. and Holocaust Victims Assets -- Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report*, U.S. GPO, 2000, SR160-162.

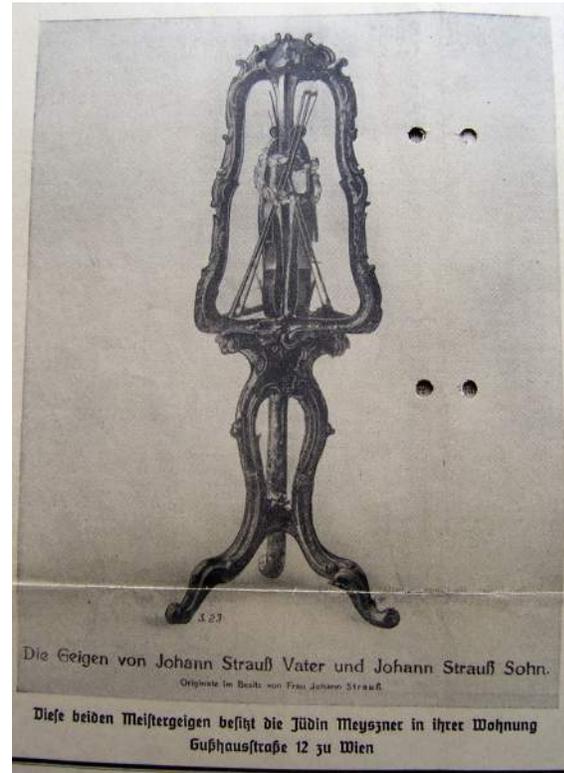
⁹⁶ *Id.*, at SR-161, citing Final Rpt. of the U.S. High Commission for Austria, Vol. 1, Oct. 1, 1950, NACP, RG 260, USACA, Files of the Dir. 1946-1951, Box 23, Dec. Files 1945-51 [212752].

⁹⁷ *Id.*, citing Austrian Information, Jan. 3, 1953, NACP, RG 59, Lot 62D4, Box 18, Austria Rest. Policies [311703].

⁹⁸ For a historical overview of the evolving laws in Austria regarding restitution, see the Israelitische Kultusgemeinde, Wien, http://www.restitution.or.at/rechtsgrundlagen_e.html or the National Fund for the Republic of Austria for Victims of National Socialism, <http://www.artrestitution.at/ArtRestitution.html>.

restitution under Article 26 of the State Treaty for the Re-establishment of an Independent and Democratic Austria, of May 15, 1955.⁹⁹

One of many wartime losses that remains unsolved are the two “Johann Strauss” violins that were bequeathed to Johann Strauss II’s step-daughter, Alice Strauss-Meyzsner, whose mother, Adele Deutsch, was Jewish. The New York Times reported on July 25, 1939, “*The Vienna municipality has decreed that the entire personal estate and music rights of Johann Strauss 2d are the property of the city.*”¹⁰⁰ Alice Strauss-Meyzsner had inherited a large Strauss collection of artistic, musical, historical, and cultural objects. During the Nazi era she was targeted in a June 1939 issue of the anti-semitic Nazi propaganda newspaper, *Der Stürmer* (excerpt below). The Johann Strauss II estate inherited by Alice Strauss-Meyzsner was confiscated in 1939 and transferred to the City of Vienna. Among the confiscated property were two Johann Strauss family violins depicted in the *Der Stürmer* article (below). These violins are listed in the 1939 City of Vienna inventory of the Strauss-Meyzsner collection as, “1 Vitrine mit 2 Violinen v. Strauss, 2 Silber-Lorbeerkränzen, u. Violinbogen.”¹⁰¹ Alice Strauss-Meyzsner, who was married to a non-Jew, Rudolf Meyzsner, died in Vienna on April 23, 1945.



June 1939 *Der Stürmer* Article Excerpt Attacking Alice Strauss-Meyzsner

⁹⁹ For a discussion of the evolving Austrian restitution law since 1945 see Paul Oberhammer and August Reinisch, “Restitution of Jewish Property in Austria,” *Max-Planck-Institute für ausländisches öffentliches Recht und Völkerrecht*, 2000; Ursula Kriebaum, “Restitution Claims for Massive Violations of Human Rights During the Nazi Regime: The Austrian Case,” *HUM. RTS. DEV. Y.B.* 163, 175 (2001).

¹⁰⁰ “Nazis Seize All Property of Strauss Family; ‘Waltz King’ Relics Go to Vienna Museum,” *The New York Times*, July 25, 1939.

¹⁰¹ Strauss-Meyzsner files, BDA Archive and Archive, City of Vienna Library.

During the war, the Strauss violins were evacuated by the City of Vienna to Lower Austria to avoid damage from Allied bombs, but after the war they had vanished, and remain missing today.¹⁰² It was not until 2001 that the City of Vienna restituted the confiscated Johann Strauss collection to the Strauss-Meyzsner heirs, and purchased the vast collection from the heirs for the City of Vienna.¹⁰³ According to one attendee at the 2001 official restitution ceremony, the elegant glass vitrine that once housed the Strauss violins before their confiscation was exhibited at the ceremony, empty.

A sampling of music-related losses not otherwise readily accessible online from Austrian files are set forth below. This listing is not intended to be all-inclusive, and further research is needed to better understand the universe of unresolved music-related in Austria during the Nazi era:

<i>Selected Music-Related Losses in Austria During the Nazi Era</i> ¹⁰⁴	<i>Brief Description of Property</i> ¹⁰⁵
<p>Guido Adler was a renowned Austrian musicologist and professor at the University of Vienna, whose large, valuable, and unique library was confiscated in 1941 and transferred to the possession of various Viennese institutions, and others, after which the official inventory and appraisal went missing.¹⁰⁶ Scholars in Vienna continue to conduct research regarding the whereabouts of objects from the Adler collection.¹⁰⁷ Guido Adler's grandson, Tom Adler, obtained restitution of Gustav Mahler's 1901 manuscript, <i>Ich bin der Welt abhanden gekommen</i> (I am lost to the World), dedicated to Guido Adler by Mahler, after it surfaced in a Viennese auction house.¹⁰⁸ Some of the Guido Adler Collection was restituted to the Adler family in 1951 and is housed at the University of Georgia.¹⁰⁹</p>	<p>Significant music library</p>
<p>Oscar Bondy (aka Oskar Bondy) "was the owner of one of the most famous private art collections in Vienna. After the occupation of Austria by the National Socialists this collection has been confiscated and brought into the museums. The distribution of the most precious objects has been</p>	<p>Significant musical manuscript and musical instrument collection; alleged 1722 Stradivari</p>

¹⁰² Archive, City of Vienna Library, June 15, 1948, document 10, page 3 and email communication on June 21, 2012 with Michael Wladika, Vienna Museum provenance researcher.

¹⁰³ See, "Sammlung Strauß-Meyzsner von Stadt Wien angekauft," <http://www.wien.gv.at/rk/msg/2002/0131/015.html>; "Stadtbibliothek: Ausstellung 'Johann Strauss ent-arisiert,'" <http://www.wien.gv.at/rk/msg/2003/1028/009.html>.

¹⁰⁴ This list is not intended to be all-inclusive, but is merely a small sampling of Nazi-era music-related losses in Austria. Moreover, access to, and analysis of, the universe of relevant historical records is ongoing, often with limitations. For example, three public collecting institutions in Vienna did not provide the author with access to accession/inventory ledgers during the 1938-1945 time frame, but instead provided snapshot excerpts.

¹⁰⁵ The authenticity of the property described has not, in most cases, been verified. Research regarding provenance and authenticity are essential to analysis of these claim files.

¹⁰⁶ Tom Adler, with Anika Scott, *Lost to the World*, Xlibris, 2002, p. 102. See also Guido Adler, BDA Archive.

¹⁰⁷ "Symposium Guido Adlers Erbe | Restitution und Erinnerung an der Universität Wien," May 14, 2013, <http://www.univie.ac.at/universitaet/forum-zeitgeschichte/events/adlertagung/> and http://www.univie.ac.at/fileadmin/user_upload/forum-geschichte/Aktuelles/Adlertagung_2013_Einladung_01.pdf

¹⁰⁸ Sotheby's auction press materials for *Ich bin der Welt abhanden gekommen*, <http://files.shareholder.com/downloads/BID/0x0x105220/886c342a-f939-4aec-856b-8f3bda4bab90/20040413-132760.pdf>.

¹⁰⁹ Hargrett Rare Book & Manuscript Library, Guido Adler Collection, University of Georgia, <http://www.libs.uga.edu/hargrett/manuscrip/adler/>.

<p>reserved to Hitler himself. Mr. Bondy emigrated to Switzerland first and then to New York. All his property in Austria has been confiscated.”¹¹⁰ Oscar Bondy’s valuable musical manuscript collection and most, but not all, of his musical instrument collection, were restituted. Bondy’s alleged Stradivari violin, which bore a label that read, “Antonius Stradivarius Cremonensis faciebat anno 1722,” has not yet been found.¹¹¹ Oscar Bondy also owned the well-known 1679 <i>ex-Hellier</i> and the 1714 <i>ex-Soil</i> Stradivari violins (neither of which was confiscated). Advisory Board Recommendations: Bondy Elizabeth 1999-10-27.pdf, Bondy Oskar 2012-11-30.pdf.</p>	<p>violin is missing.</p>
<p>Dr. Rudolf Ernst filed a U.S. Claim (Austria Claims No. 62 and 108), for the recovery of his “Steiner” violin, with “Nürnberger” bow and violin case, and a large collection of art, books, and other cultural works on or about March 3, 1948, which had been confiscated in Austria during the Nazi era. “As a Jew, Dr. Rudolph Ernst had to emigrate, his “lift” (trans. note – large box for shipment of personal effects) was auctioned in the “Rotunde.” Dr. Ernst, fled Austria and immigrated to Australia.¹¹²</p>	<p>“Steiner” violin “Nürnberger” violin bow</p>
<p>Siegfried Fuchs owned a significant collection of musical manuscripts, printed music, and musical instruments, which were confiscated.¹¹³ He immigrated to Shanghai and died in 1946. It appears his music-related property has been restituted. See e.g., Advisory Board Recommendations: Fuchs Siegfried 2005-06-29.pdf; Fuchs Siegfried 2006-06-28.pdf; Fuchs Siegfried 2012-04-20.pdf.</p>	<p>Significant musical collection of manuscripts, printed music, and musical instruments</p>
<p>Cilla Geldwerth (aka Zirla Geldwerth) filed post-war claims¹¹⁴ for the recovery of her alleged “Stradivari” violin, which she entrusted to her forwarding agent, Rudolf Mueller, Vienna in 1939, along with cases to be dispatched to Belgium. Ms. Geldwerth filed a claim both in Austria and in the U.S., where she immigrated. Ms. Geldwerth’s Austrian file indicates that the “GESTAPO in 1941 issued a decree to all forwarding agents, that all Jewish property not yet shipped and stored in their warehouses is to be considered requested and to be kept at the disposition of the GESTAPO. Ultimately such property was seized and put to auction by the GESTAPO.” Cilla Geldwerth said that her mother had acquired this violin from Count Bobrowski in Poland.</p>	<p>“Stradivari” violin</p>
<p>Dr. Wilhelm Gutmann owned a Francesco Ruggieri, which was confiscated and accessioned into the <i>Kunsthistorisches Museum’s Sammlung alter Musikinstrumente</i>, at a price of 18,000 Reichsmarks, and given inventory number 551. Gutmann’s application for restitution was initially denied on February 18, 1947. But on appeal, Dr. Fenzl of the BDA ordered on May 17, 1947, that the Ruggieri violin would be restituted.¹¹⁵</p>	<p>“Ruggieri” violin</p>

¹¹⁰ September 14, 1945 letter by Dr. Friedrich Kohler (trustee) to U.S. Forces Austria (“USFA”), USACA, M1926, Roll 148, NARA. See also Bondy File, BDA Archives.

¹¹¹ Bondy file, BDA Archive.

¹¹² March 3, 1948 letter from Dr. Waldmann to the Reparations, Deliveries, and Restitutions (“RD&R”), MFA&A, Reparations and Restitution Branch, OMGUS, M1949, Roll 9, NARA; USACA, M1926, Roll 146, NARA; See also BDA Archive, Sophie Lillie, *Was einmal war, supra*, pp. 347-354.

¹¹³ Fuchs File, BDA Archive; City of Vienna Library Archive.

¹¹⁴ Geldwerth file, BDA Archive; USACA, M1926, Roll 140, NARA.

¹¹⁵ Gutmann file, BDA Archive; Archive, Kunsthistorisches Museum.

Robert Herzig was an art dealer; in his BDA file dated August 7, 1947, there is a reference to an alleged 1724 “Stradivari” violin that was found abandoned in Trattenbach. The connection to Herzig is uncertain. Otto Demus of the BDA recommended that Dr. Josef Zykan of the BDA retrieve the violin and that it should be put into the custody of the instrument collection at the <i>Kunsthistorisches Museum</i> . ¹¹⁶ The outcome is unknown.	“Stradivari” violin, 1724
Emmerich Kálmán was a Hungarian composer who fled Vienna to Paris in 1939, and then emigrated to the U.S. He had many music-related losses, including musical manuscripts and musical instruments. He filed post-war claims for missing music-related property in France and the U.S. ¹¹⁷ Research is continuing.	Musical Collection including manuscripts, five pianos.
Erich Wolfgang Korngold was a composer, conductor, and pianist, ¹¹⁸ whose operatic and instrumental works are highly revered and regularly performed. Much of Erich Korngold’s music library was confiscated during the Nazi era. ¹¹⁹ Important musical objects are also missing from the library of Erich Korngold’s father, Julius Korngold, regarded as the premier music critic in Vienna in the early twentieth century. ¹²⁰ Some of Erich Korngold’s confiscated library materials that surfaced in the Austrian National Library were the subject of official recommendations for restitution in 2004 and 2006, including 2,122 letters from Erich Wolfgang Korngold’s personal library, <i>see e.g.</i> , Advisory Board Recommendations, Korngold Erich u Lucy_2004-04-27.pdf and Korngold Erich Wolfgang_2006-06-28.pdf . Many valuable musical materials from the Korngold library that went missing during the Nazi era in Vienna remain unaccounted for today.	Music library and other music-related losses, (“Musikhandschriften, Musiknotendrucke, Druckschriften”) Additional significant Korngold library materials remain missing today.
Ferdinand Leopoldi (aka Ferdinand Kohn) was a pianist and composer for the cabaret venue, and entrusted his alleged Amati violin to Mrs. Kiraly during the war. He was persecuted by the Nazis and died in Vienna December 20, 1944. ¹²¹ His violin was located by the Leopoldi family after the war. ¹²²	“Amati” violin
Stiftung Mozarteum Salzburg sustained losses after the 1944 evacuation of rare Mozart objects to the Hallein Salt Mine. Although some objects were recovered after the war, six objects remain missing. ¹²³	Gold watch; gold ring with agate and diamonds; two Mozart portraits; Mozart’s red leather album; Babette Ployer’s Album (see details see below)
Felix and Josephine Löw-Beer ’s apartment contents were confiscated and	Fourteen musical

¹¹⁶ Herzig file, BDA Archive.

¹¹⁷ See also footnote 14, *supra*.

¹¹⁸ *Lexikon verfolgter Musiker und Musikerinnen der NS-Zeit*, <http://www.lexm.uni-hamburg.de>.

¹¹⁹ See e.g., *Bundesministerium für Unterricht, Kunst und Kultur*, Restitution Report 2005-06, “An die Erben nach Erich Wolfgang und Lucy Korngold aus der Österreichischen Nationalbibliothek,” p. 27, <http://www.provenienzforschung.gv.at/index.aspx?ID=26&LID=2>.

¹²⁰ Michael Haas, *Forbidden Music*, *supra*, p. 72 (many letters between Gustav Mahler and Julius Korngold went missing “after the ransacking of Korngold’s home by the Nazis in 1938....”).

¹²¹ USACA, DN1929, Roll 166, NARA; Döw, <http://www.doew.at>.

¹²² The expert who authenticated the alleged Amati violin owned by Leopoldi, Karl Richard Kaltenbrunner, was one of a handful of experts who also provided expert opinions during the Nazi era for the Museum of Art History administrators Friedrich Dworschak and Viktor Luithlen. Kaltenbrunner found Leopoldi’s Amati to be inauthentic; he provided a similar appraisal of inauthenticity for Museum administrators on September 1, 1942, for the alleged Stradivari confiscated from music publisher Paul Zsolnay.

¹²³ Mozart Museum files, BDA Archive.

<p>auctioned off at the Dorotheum on May 5th and 6th, 1939, Catalogue Number 113. Among the auction lots were fourteen musical instruments, some antique. Five of these instruments were acquired in 1939 by the Museum of Art History for its Collection of Historical Musical Instruments, and after 1998 were placed on the Art Database of the National Fund. Four of these five instruments were restituted to the Löw-Beer heirs on June 28, 2010.”¹²⁴</p>	<p>instruments. Five accounted for, four restituted, the whereabouts of the remaining instruments are unknown.</p>
<p>Albert Pollak was a collector who owned an antique <i>tanzmeistergeige</i>, also known as a pochette or dance master’s violin. This instrument, along with Pollak’s large collection, was confiscated. This instrument was on the Salzburg Museum’s wish list, <i>Erwerbungswünsche</i>.¹²⁵ It appears to have been restituted in or about 1951, possibly to Gisela née Pollak Klauber (Albert Pollak’s sister); research is continuing.</p>	<p>“Tanzmeistergeige,” dance master’s violin</p>
<p>Georg Popper collected ethnological and other materials that were “on loan from the 'NSV-Hernals (i.e. the 'Volkswohlfahrt', a Nazi welfare organization in the Viennese district Hernals)', July 1939.”¹²⁶ Two musical instruments, currently housed at the Vienna Museum of Ethnology (<i>Museum für Völkerkunde</i>) were included in Popper’s collection. Images of both these instruments, their provenance, and status may be found on the Art Database of the National Fund.¹²⁷ The Advisory Board Recommendation has been to restitute these instruments. Popper Georg_2009-06-24.pdf</p>	<p>Antique Persian Drum (mosaic from bone, green bone, brass, ebony and rosewood) and antique Chinese oboe</p>
<p>Collection of Alphonse Rothschild: The largest collection of musical instruments confiscated in Austria during the Nazi era belonged to Alphonse Rothschild, confiscated in 1938. These instruments were transferred to the custody of the Museum of Art History, Collection of Historical Musical Instruments. Three important restitutions were made in or about December 1947, in exchange for coerced donations and long-term loans. In 1999 the remaining collection was restituted. Two rare music-related books were also confiscated and restituted.</p>	<p>Nearly eighty musical instruments, and music-related rare books</p>
<p>Erna Spielberg filed a post-war claim in Austria for two violins, an alleged “Amati” and an alleged “Guarneri.”¹²⁸ After the <i>Anschluss</i> Ms. Spielberg deposited her violins with Austro-Transport, Wien I, Oppolzergasse 4, in order to transport her instruments to Czechoslovakia; she then left Austria in 1938 for Brünn. At the time of her post-war investigation, Austro-Transport was no longer in existence and no trace of the violins was found.</p>	<p>“Amati” violin “Guarneri” violin</p>
<p>Wilhelm Stekel, a physician/psychologist (whose son, Erich-Paul Stekel, was a conductor, composer, and musician,¹²⁹ and his daughter, Gertrud Stekel-Zuckerandl, an artist), made a May 26, 1939 request to the Austrian</p>	<p>“Lux” cello Wörle viola</p>

¹²⁴ “Object Data”: <http://www.kunstrestitution.at/detailsearchoutput/items/8287.html>.

¹²⁵ BDA Archive.

¹²⁶

http://www.kunstrestitution.at/catalogue_detailsite/catalogue_musical_instruments.html?parent_katid=272&perPage=1&page=11

¹²⁷ *Id.*

¹²⁸ Spielman File, BDA Archive; telephone discussion on May 28, 2014 with Peter Spielberg, Ms. Spielman’s son.

¹²⁹ For a biography of Erich-Paul Stekel, see

Lexikon verfolgter Musiker und Musikerinnen der NS-Zeit “*LexM*, http://www.lexm.uni-hamburg.de/object/lexm_lexmperson_00003689;jsessionid=62104E34A406717E47A66490AA2F8BAF?wcmsID=0003&XSL.lexmlayout.SESSION=lexmperson_all.

<p><i>Zentralstelle für Denkmalschutz</i> to export six musical instruments. Two were embargoed from export (“<i>ausfuhrsperr</i>”), one cello by “Lux,”¹³⁰ made in Vienna, and one viola by “Wörle,” reportedly made in Mittenwald.¹³¹ The historical records include a reference to a possible transfer of these two instruments into the <i>Kunsthistorisches Museum</i> instrument collection, although the present status of these instruments has not been confirmed.¹³² Research is continuing.</p>	
<p>Berthold Storfer listed two Italian violins on his 1938 asset report, and later perished in the Holocaust. His sister-in-law, Nelly Storfer, filed a post-war claim in Austria for Berthold Storfer’s two violins, an alleged “Amati” and alleged “Guarneri,” which went missing after his deportation. Berthold Storfer was a financial advisor, an expert in bank credit transactions and maritime transport, and is attributed with successfully arranging for the sea transport of thousand of Jews out of the Reich to Palestine. Storfer had his detractors, because of his relationship with Adolf Eichmann. Nelly Storfer stated in her claim that Bronislav Huberman had played one of Berthold Storfer’s violins. Storfer was deported to Auschwitz on November 26, 1943, and died there. The whereabouts of his violins are unknown.</p>	<p>“Amati” violin “Guarneri” violin</p>
<p>Alice Strauss-Meyzsner, the step-daughter of Johann Strauss II, inherited a large musical estate, which was confiscated. In 2001 this collection was restituted by the City of Vienna to the Strauss-Meyzsner heirs. The collection was evacuated during the war, and afterward the two Strauss violins and a baton were missing. Their present whereabouts is unknown.</p>	<p>Large Johann Strauss II musical collection. Two Strauss violins and a baton are missing.</p>
<p>Rudolph S. Wilde (aka Rudolf Stefan Weihs): According to Mr. Wilde’s Statement to the U.S. State Department, Division of Foreign Service Administration, in or about February 1947, Mr. Wilde and his wife, a musician, lived for many years at house No. 1 Rudolf von Altplatz, Vienna III, until he received a court order on November 11, 1938 that he was required to vacate his home because of his non-Aryan descent. As a result, Mr. Wilde stated that he was “forced to sell” at very low prices a minor portion of his inherited and purchased property, and had no choice but to abandon the other contents of his home. The owner of the house was Mrs. Emilie Hainisch, Vienna XIX. Mr. Wilde was not permitted to export his “articles of art.”</p> <p>Mr. Wilde sought permission from the Austrian government to export his musical instrument collection, which consisted of seven violins, two violas, and one cello. Among these were 18th century Italian violins allegedly made by “Francesco Roggieri” [sic] and “Testori.” The “Roggieri” and “Testori” violins were purchased from Viennese violin maker Johann</p>	<p>Five violins, including a “Francesco Roggieri” [sic] and “Testori,” one viola, and one cello, all remain missing.</p>

¹³⁰ The Lux family of musical instrument makers worked in Vienna and included: Franz Lux (I), Vienna (c.1857-?); Franz Lux (II), Vienna (c. 1910-?); Wendelin Lux, Vienna (b?-1896). See Karel Jalovec, *German and Austrian Violin-Makers*, London: Hamlyn, 1967, p. 233.

¹³¹ The Wörle family of violin-makers includes several makers and it isn’t clear from the historical documentation who made Wilhelm Stekel’s alleged Wörle viola. The Wörle makers included: Conrad Wörle, Vienna (1696-1771); Georg Wörle, Augsburg (c. 1620 - c 1676); Johann Wörle, Vienna, son of Conrad (c.1756-1785); Johann Paul Wörle, Nürnberg, Tyrnau, and Pressburg (c.1800-1842), and Matthais Wörle, Augsburg (c.1650 - c.1695). See *Id.*, p. 433; see also, John Dilworth, *The Brompton’s Book of Violin and Bow Makers*, London: Usk Publishing, 2012, p. 669.

¹³² Wihelm Stekel file, BDA Archive.

<p>Stübiger, Giselastrasse; the Ruggieri was purchased in 1903, the Testori “some time before.” Rudolph S. W i l d e was only permitted to export two violins and a viola of minor value. He entrusted the remaining instruments to a friend during the war for safekeeping, Giulio Gentilomo, No. 28 Kuppelwiesergasse, Vienna XIII. Mr. Gentilomo intended to emigrate to the U.S., but was classified as non-Aryan, and he is believed to have been displaced and killed during the war. Mr. Wilde fled Austria and immigrated to the United States on April 15, 1940. He filed a U.S. claim for the recovery of his property, (Austrian Claim No. 660),¹³³ and he also made a claim to the Austrian BDA on or about March 3, 1947. Mr. Wilde offered witnesses in Vienna who were knowledgeable about the instruments in question. The whereabouts of Mr. Wilde’s instrument collection is unknown.</p>	
<p>Wittgenstein/Stonborough families: The significant musical collection owned by Margarethe née Wittgenstein Stonborough was confiscated on December 12th 1938, from Kundmannngasse 19, 3rd district, Vienna. It was deposited first in the Vienna City Library, and later evacuated to Stixenstein castle in south Lower Austria in 1943 to avoid damage due to Allied air raids. After the war, this collection was recovered and restituted to a representative of the Stonborough family, Fritz Lothar Stockert, on December 17, 1945, with the exception of one Beethoven letter to “A. Bernard,” which was restituted on May 7, 1947. Concert pianist Paul Wittgenstein also owned an important musical manuscript and instrument collection. Export prohibitions delayed restitutions. It appears most of Paul Wittgenstein’s collection was returned; research is continuing.</p>	<p>Collection of rare musical manuscripts, valuable printed music and books, and important musical instruments</p>
<p>Paul Zsolnay was Austria’s leading literary publisher in the interwar years (Paul Zsolnay Verlag). He fled Austria immediately after the <i>Anschluss</i>, returning to Austria after the war. His publishing house was Aryanized and his personal property confiscated. Among his looted possessions was an alleged “Stradivari” violin that caught Baldur von Schirach’s attention. This file sheds light on the process of confiscation, the hierarchy of authority both politically and institutionally, and those involved as experts during the Nazi era.¹³⁴</p>	<p>“Stradivari” violin, determined to be inauthentic on September 2, 1942.</p>

Murry G. Hall and Christina Köstner, in their research on the Nazi-era history of the Austrian National Library have included references to individuals who incurred losses of their music-related library materials in Austria during the era of National Socialism. Among these were: Guido Adler, Arthur Bahrensfeld, Gottfried and Brigitte Bermann Fischer, Hugo Breitner, Oscar Bondy, Edwin and Caroline Czezowiczka, Siegfried Fuchs, Rudolf Gutmann, Marianne Hausmann, Gottlieb Kaldeck, Robert Kronfeld, Erich Wolfgang Korngold, Valentin Viktor Rosenfeld, Alphonse/Clarisse Rothschild, Erwin and Felix Rosenthal, Heinrich Schnitzler, Schulverein Komensky, Ernestine von Skoda, Margaret Stonborough-Wittgenstein, Alice Strauss-Meyzsner.¹³⁵

¹³³ Rudolph S. Wilde, Austrian Claim No. 660, USACA, DN1929, Roll 237, NARA.

¹³⁴ File: 1942, “Erwerbung einer Stradivari-Geige,” Archive, Kunsthistorisches Museum.

¹³⁵ Murry G. Hall and Christina Köstner, ... *allerlei für die Nationalbibliothek zu ergattern...*, Eine österreichische Instiution in der NS-Zeit Wien: Böhlau, 2006.

XI. Post-War Export Embargoes

The Allied post-war policy of “external restitution” returned looted objects to the presumed country of origin with the understanding that those nations would make reasonable efforts to reconstitute the property to its legal owners. But in Austria, such restitutions were often thwarted after the war by Austria’s export legislation. The 1919 *Ausfuhrverbotsgesetz* (export regulation for works of art and cultural heritage), and the 1923 *Denkmalschutzgesetz* were utilized in the immediate post-war years as a legal basis for export embargoes, coerced donations, and long-term loans to Austrian institutions. Often, the restitution of property through the granting of export permits was made conditional on the donation or loan of other property. The federal office that handled export matters was the *Bundesdenkmalamt* (“BDA”). Evidence of this process exists in files involving musical objects, as reflected in the two examples below.

Alphonse Rothschild’s confiscated musical instrument collection was the subject of a December 18, 1947 memorandum by Viktor Luitlen, Curator of the Museum of Art History’s Collection of Historical Musical Instruments, that discussed a restitution compromise -- of the nearly eighty looted Rothschild musical instruments, sixty-nine would remain in the museum as long-term loans, while four other instruments would become the property of the museum in exchange for restitution of the three most valuable Rothschild instruments – a 1710 cello by Antonio Stradivari, a viola allegedly by Carlo Bergonzi, and a 1776 violin by Joannes Baptista Guadagnini. It would not be until 1999 that Austria would permit the export of the embargoed Rothschild collection. Attached to this report is a list of musical instruments restituted to the Rothschild family in 1999, and sold at auction (this list does not include all the musical instruments originally confiscated, for example, the 1710 Stradivari cello, the alleged Bergonzi viola, and Guadagnini violin).

Paul Wittgenstein, who was blacklisted and persecuted by the Nazis,¹³⁶ compelled to pay the Reich flight tax and other very substantial costs, fled Austria in 1939, immigrating to the U.S. He lost most of the family fortune to the Nazis through confiscations and a negotiation that granted his two sisters living in Vienna “Mischling” status during the NS era.¹³⁷ Wittgenstein imported into the U.S. his 1620 Antonio and Girolamo Amati viola and a 1692 “Vincenzo Ruggieri” cello on or before July 23, 1940, the date Wittgenstein consigned these instruments for sale in New York to violin dealer Emil Herrmann.¹³⁸

Wittgenstein’s home at Argentinierstrasse 16 and its contents were seized during the Nazi era. Much of his moveable property was packed in haste and stored by transporter Bartz-Bäumel. During the war, Wittgenstein was not permitted to export his 1716 Stradivari and Guadagnini violins, nor a large collection of valuable musical manuscripts and other musical objects. After the war, Wittgenstein negotiated for the export of his 1716 Antonio Stradivari and 1776 Joannes Baptista Guadagnini violins, as well as his valuable music library, which included many rare manuscripts. On March 3, 1950, Viktor Luitlen, Curator of the Collection of Historical Musical

¹³⁶ Theo Stengel and Herbert Gerigk, *Lexikon der Juden in der Musik : mit einem Titelverzeichnis jüdischer Werke*. Berlin: Hahnfeld Verlag, 1943, p. 317; *Lexikon verfolgter Musiker und Musikerinnen der NS-Zeit*, LexM, Universität Hamburg (“LexM”), http://www.lexm.uni-hamburg.de/object/lexm_lexmperson_00002422.

¹³⁷ Sophie Lillie, *Was Einmal War*, *supra*, pp.1333-39.

¹³⁸ Herrmann letter to Paul Wittgenstein, July 23, 1940, Wittgenstein Estate files.

Instruments, after consulting with violin experts Josef Krenn and Anton Jirowsky, stated to the BDA, "I suggest that the offer should be made to Mr. Wittgenstein that if he is allowed to export the Stradivari, he should give the Guadagnini to the Collection of Historical Musical Instruments as a permanent donation (or at least a donation for an extended period of time) while maintaining legal ownership of the instrument. This way, Austria would not leave the situation completely empty handed and the Collection of Historical Musical Instruments would gain a highly desired concert instrument, even if Austria will have to sustain the painful sacrifice of the Stradivari violin."¹³⁹

On August 30, 1950, Otto Demus, President of the BDA, permitted the export of Wittgenstein's Stradivari and Guadagnini violins, but in exchange for a donation of artwork to the Austrian National Gallery.¹⁴⁰ Wittgenstein imported these two violins into the U.S. and consigned them for sale through New York violin dealer Emil Herrmann in 1950.¹⁴¹ Wittgenstein was able to export four of the most valuable stringed instruments he had declared in his 1938 asset registration. What happened to Paul Wittgenstein's other musical instruments declared in his asset registration is not yet known.

XII. Stiftung Mozarteum, Salzburg

In an effort to safeguard Mozart's manuscripts and relics, rare books, art, musical instruments and other Mozart-related objects housed in the Mozart Museum and *Stiftung Mozarteum*, in early 1942 the administration of the *Stiftung Mozarteum* evacuated these objects to the castle of Fronfeste Thalgau, Sighartstein Castle by Neumarkt, the Villa of Richard Meyer in Henndorf. By early 1944, under order of the *Gauleitung*, the Mozart manuscripts and relics were required to be moved to the "Wolf-Dietrich-Mine at Hallein." The Mozart objects were placed in two boxes, one contained a locking iron box for the most valuable objects.¹⁴²

As it turned out, the Hallein Salt Mine was also being used to store Heinrich Himmler's looted art collection, voluminous archives and library materials from Salzburg institutions, the looted Herziana Library from Rome, and other property. After the war, Hallein was in the U.S. Zone of Austria, where the U.S. carried out its mission of locating and returning looted and displaced property. On September 14, 1945, a U.S. inspection at Hallein Mine was made and a U.S. MFA&A officer reported:

¹³⁹ Paul Wittgenstein Files, BDA Archive.

¹⁴⁰ *Id.* See also, the Advisory Board's Recommendation not to reconstitute the two paintings at issue on August 18, 2000, [Wittgenstein Paul_2000-08-18.pdf](#).

¹⁴¹ BDA Archive, Wittgenstein files and Wittgenstein Estate files. Alexander Waugh's account of Paul Wittgenstein's Stradivari and Guadagnini violins, his Amati viola, and his alleged Ruggieri cello in, *The House of Wittgenstein, A Family at War*, New York: Doubleday, 2008, at p. 234, appears to be at odds, to some extent, with the documentary history for these four instruments. Therefore, the author requested a citation from Alexander Waugh for the information in his book regarding these instruments. Waugh responded: "I am sorry to disappoint you but the truth is that I put source notes for everything that I wanted to reference in the back of the book. If I have omitted a source reference it is for a good reason, namely, as in this case, because I do not wish to disclose it. Sorry to be a pompous bore. As an avid researcher myself I can well understand how frustrating this must be, but, believe me, I have good reasons to withhold the information you seek." September 27, 2009, email communication from Alexander Waugh to the author.

¹⁴² Mozart Museum and Salzburg Mozart Museum Files, BDA Archive.

*Salt Mine at Hallein was visited with Lt. Grinberg to verify nature of contents, which appeared to be largely from the Herziana Library in Rome. Boxes were in some disorder; many were broken open. No inventory of the contents is available. Extremely precious mediaeval documents from the Salzburg Archives were found in great disorder, piled into boxes. Many more were badly damaged. Many were rescued from muddy mine floor. Separate report, with recommendation for removal of Herziana books will be made to USACA (Vienna).*¹⁴³

On September 18, 1945, Frederick Hartt followed-up on his memo noting, “guard arrangements appeared satisfactory. Collections were stored deep in the mine, to which there is only one entrance...Mine itself subject to cave in at certain points. Not a satisfactory storage place. Many boxes have been broken open and contents scattered about....”¹⁴⁴ By November 4, 1945, the contents of the Hallein Salt Mine, with the exception of 13 cases of books and one case of pictures, had been moved by the U.S. Army to a secure warehouse in Salzburg and released to Property Control for disposition. The *Stiftung Mozarteum* Mozart manuscripts and relics were among these materials -- “One iron case – no number (inventory 10 October), along with other cases that were moved from the Hallein Salt Mine along with the Herziana Collection to the Salzburg Warehouse.” On November 10, 1945, the U.S. recommended their release to the *Stiftung Mozarteum*.¹⁴⁵

Dr. Alfred Heidl, Secretary General of the *Stiftung Mozarteum*, discovered the following items were missing and reported this to the Salzburg *Landeskonservator* Dr. Margarethe Witternigg on October 21, 1946 and to the *Kunsthistorisches Museum* Director, Dr. Loehr on January 27, 1947. The BDA received the information as well.¹⁴⁶

1. “Mozart’s gold watch, a present by Empress Maria Theresia to Mozart, then aged 15, Milan 1771. A spindle-axis watch by L’Epine, it has a gold case richly covered with rues. On the back cover is a picture of the Empress in fire-enamel. At the inner side of the lid “W.A. Mozart, 1766” is engraved.”
2. “The gold Mozart ring. A narrow golden band with an agate circled by 12 diamonds grinded after a certain fashion (Tafelsteinschliff). The ring is a present, given to the 7-year-old Mozart by Empress Maria Theresia in 1762 in Vienna.”
3. “Mozart’s Wax Relief in a brass frame, by Leonhard Posch. A dedication by Posch himself is at the back of the Relief.”
4. “Meerschaum-Relief ‘Mozart on the buckle of a belt’ after the Posch Relief.”
5. “Mozart’s album, red leather covered with many drawn or painted pages and entries from 1787 to 1830.”
6. “Album of Babette Ployer, pupil of Mozart, in form and endowment similar to Mozart’s (Nr. 5) with many pictures and entries, among them one of Constanze, the widow Mozart, with a silhuet of Mozart.”
7. “Music-Autograph Mozart’s: “Cara la dolce fiamma”

¹⁴³ September 17, 1945 memo from Frederick Hartt, 1st Lt. Air Corps, Chief MFA&A to the Commanding General, USACA, M1926, Roll 151, NARA.

¹⁴⁴ September 18, 1945 memo from Fredrick Hardtt, Chief MFA&A to Chief RD&R Division, USACA, M1926, Roll 150, NARA.

¹⁴⁵ November 10, 1945 memo by Capt. Sattgast to Lt. Col. Heller, Property Control, USACA, M1927, Roll 11, NARA.

¹⁴⁶ Salzburg Mozart Museum Files, BDA Archive.

8. "Music-Autograph Mozart's: "Wie unglücklich bin ich nit"
9. "Letter Mozart's to his wife, Vienna, June 6th, 1791"
10. "Letter Mozart's to his father, Munich, January 3rd, 1781."
11. "Music-Autograph Mozart's: Sonata in D-major, Nr. 43."
12. "Music-Autograph Mozart's: Piano cadences."
13. "Application to the court by the widow of Mozart, Dezember 11th, 1791."
14. "Legacy determinations of Mozart's Widow, concerning last will."
15. "Visiting card of Emanuel Schikaneder."
16. "Twelve figurines, colored etchings of the first performance of the 'Magic Flute' at Leipzig, 1793."



Left: Iron Box containing the most valuable objects from the Mozart Museum, discovered after the war with the lock broken and many objects missing. Center and Right: Two Still Missing Mozart Portraits stolen during, or immediately after World War II - Center: Leonard Posch, Wax relief, 1788; Right: After Leonard Posch, Meerschaum relief, c. 1790. Photo Credit: Internationale Stiftung Mozarteum Salzburg¹⁴⁷

Item numbers 7-14 above were later found in the Salzburg Museum, having been stored together with that museum's holdings in the salt mine. The "twelve figurines, colored etchings of the first performance of the 'Magic Flute' at Leipzig, 1793" were also found, and Mozart's watch was returned in 1964, but was stolen from the museum in 1966. However, item numbers 1-6, and number 15, above remain missing today.¹⁴⁸

To the author's knowledge, there is no database in Austria for still missing objects with identifiable owners that were looted or displaced during, or resulting from, the Nazi era, such as the *Stiftung Mozarteum* objects.

¹⁴⁷ *Id.*

¹⁴⁸ Email communications with Dr. Armin Brinzing, *Stiftung Mozarteum*, January 30, 2013, February 18, 2013, May 3, 2013; *Mozart-Jahrbuch* 1950, 1951, December 1954, and February 64, *Internationalen Stiftung Mozarteum*.

XIII. Austria's 1998 and 1999 Art Restitution Legislation and The Commission for Provenance Research

With the 1998 passage of Austria's Federal Law on Restitution of Art Objects, (*Kunstrückgabegesetz*, BGBl. I, 181/1998), and its 2009 amendment,¹⁴⁹ federal legislation was put into place making possible the restitution of Nazi-era looted cultural objects to original owners or their heirs housed in Austrian federal museums and collections.¹⁵⁰ This legislation directly resulted, and continues to result, in the restitution of many works of culture, including musical works, that until its enactment had been retained under export prohibition legislation that placed national cultural heritage property rights above the personal property rights of Nazi-era victims. The 1998 Austrian federal restitution legislation and its 2009 amendment have remedied this legislative inequity for objects in Austrian public collections.

These legislative enactments do not pertain to the restitution of looted property from private parties or private institutions.

With the new 1998 Austrian restitution law came the formation of the Commission for Provenance Research (*Kommission für Provenienzforschung*),¹⁵¹ whose staff has engaged, and continues to engage, in a systematic examination and analysis of federal collections for evidence that may warrant restitution.

The archival holdings accessible to the Commission for its research are from many sources, including the Federal Office for the Protection of Monuments (*Bundesdenkmalamt*). These records include materials during and after the war, individual name folders that often contain inventories, official communications, export documentation (export applications, permissions, and prohibitions), auction records, and other materials. Property cards utilized post-war in the collecting depots by the Austrian mission for restitution are also housed in the BDA Archive. The archive also holds photographic records. In addition to the records in the Commission's office, the staff also draws on the historical records in the institutions within which its staff conducts their investigations.¹⁵²

The Commission has developed a vast internal database of information that it draws on in its analysis and the preparation of dossiers for regular review and consideration by the Austrian Advisory Board established in the Federal Chancellery, pursuant to Section 3 of the Art Restitution Act. The Advisory Board issues regular recommendations after its review of the dossiers.

¹⁴⁹ For the text of the 2009 Amendment see, <http://www.provenienzforschung.gv.at/index.aspx?ID=6&LID=2>. For a discussion of the 1998 art restitution legislation see, http://www.artrestitution.at/ArtRestitution_1.html.

¹⁵⁰ See also, *The 1998 Washington Principles on Nazi-Confiscated Art*, <http://www.state.gov/p/eur/rt/hlcst/122038.htm>, and the 2006 Terezin Declaration, <http://www.holocausteraassets.eu/en/news-archive/detail/terezin-declaration/>.

¹⁵¹ The staff of the Commission for Provenance Research provided the author with transparent access to primary source records and helpful assistance.

¹⁵² For further information on the BDA Archive, see Anneliese Schallmeiner's article, "Small but Highly Informative: The BDA-Archive in Vienna," <http://ww2provenanceseminar.files.wordpress.com/2011/03/schallmeiner-handout.pdf> and related abstract, http://ww2provenanceseminar.files.wordpress.com/2011/03/schallmeiner_abstract.pdf.

The Advisory Board publishes its recommendations in German and posts them online; these recommendations are provided to the *Bundesminister für Kunst und Kultur, Verfassung und öffentlichen Dienst*, who makes a final decision on the recommendation. According to Section 2(3) of the 1998 Austrian Art Restitution legislation (BGBl 181/1998) an annual obligation exists for the *Bundesminister für Kunst und Kultur, Verfassung und öffentlichen Dienst* to report to the National Assembly about the restitution decisions of the preceding year. These reports are published online in German.¹⁵³

The Commission works independently and generally does not conduct its investigations based requests from claimants, although the staff does respond to queries from the public. The Commission has posted online a 2,340-page database that provides name, date, and box numbers involving restitution-related files.¹⁵⁴

The Museum of Art History, which houses the Collection of Historical Musical Instruments in Vienna, made many acquisitions during the NS-era. The museum's director, Friedrich "Fritz" Dworschak, was a member of the NSDAP. The staff of the Commission for Provenance Research will systematically analyze the provenance of the instruments in the collection in the near future. The Commission's staff and the Director of Archives for the Museum of Art History provided the author with access to the Museum of Art History's records as they pertain to the Collection of Historical Musical Instruments. The process of analyzing these records is ongoing.

As a result of the 1998 Austrian art restitution legislation and the Commission's systematic efforts, important musical works have been restituted, including the return in 1999 of Alphonse Rothschild's significant collection of musical instruments, which had been housed in the Collection of Historical Musical Instruments, and had included nearly eighty rare instruments confiscated in 1938.

The City of Vienna and most of Austria's federal provinces have passed corresponding legal provisions and have commissioned experts to carry out provenance research in their collections. Under 1999 City of Vienna legislation, provenance research, recommendations, and decisions on the restitution of confiscated musical and other works identified in City of Vienna collections are published on an annual basis. For example, the City of Vienna Library, with the exception of the first report in hard copy, *Die Restitution von Kunst- und Kulturgegenständen im Bereich der Stadt Wien 1998-2001*, Museen der Stadt Wien, Wien 2002, can be found online, with many references to restitution of musical materials, such as those in the collections of Oscar Bondy, Siegfried Fuchs, the Strauss-Meyzsner and Strauss-Simon collections, and the collection of composer Charles Weinberger.¹⁵⁵

¹⁵³ <http://www.provenienzforschung.gv.at>.

¹⁵⁴ See, <http://www.provenienzforschung.gv.at/index.aspx?ID=40&LID=2>, file: "individual-related holdings.pdf."

¹⁵⁵ City of Vienna Library, *Restitutionsberichte*, <http://www.wienbibliothek.at/ueber-die-wienbibliothek/provenienzforschung/restitutionsberichte/>.

XIV. Art Database of the National Fund

After the passage of the 1998 Austrian Restitution Act, the National Fund of the Republic of Austria for Victims of National Socialism established an art database for cultural objects with unknown owners housed in public collections that were confiscated during the Nazi era. The online database is intended to reach lawful owners of these orphaned objects so that they may be restituted.

*In the Art Database of the National Fund, you can find information on art and cultural objects presently located in museums and collections of the Republic of Austria or of the City of Vienna, which may have been, according to latest provenance research, seized under the National Socialist regime. Their publication in this database takes place in co-operation with the Federal museums and collections concerned and with other Austrian institutions conducting provenance research and aims to determine whether there is a possibility of restituting these objects.*¹⁵⁶

If owners are not found, the “National Fund is obliged to use the proceeds of the sale of these items for the benefit of victims of the Nazi regime. Until then, extensive information on these objects will be available in the Art Database of the National Fund in order to enable legitimate claimants to retrieve art and cultural items before they are assigned to the Fund.”¹⁵⁷

The universe of items included in this database is evolving because of ongoing research conducted by the staff of the Commission for Provenance Research, and others. This research continues to result in the identification of objects with a suspect past and unknown owners. Therefore, the inventory in the database is not static.¹⁵⁸

Music-Related Objects Art Database, National Fund As of May 31, 2014		
Object	Number listed	Museum Collections
Musical Instruments	14	<ul style="list-style-type: none"> ➤ <i>Kunsthistorisches Museum, Sammlung alter Musikinstrumente</i> <ul style="list-style-type: none"> ○ For example: “Cittern,” “Dorotheum Kat. No. 284,” “Entered the Collection of Old Musical Instruments for conservation on June 30, 1939 from the ‘Zentraldepot für beschlagnahmten jüdischen Kulturbesitz’ (Central Depot for Jewish Cultural Property).” ➤ <i>Museum für Völkerkunde</i> ➤ <i>Heeresgeschichtliches Museum</i>
Books	Art and Culture (195)	<ul style="list-style-type: none"> ➤ <i>Österreichische Nationalbibliothek</i> ➤ <i>Wienbibliothek im Rathaus</i> <ul style="list-style-type: none"> ○ For Example: Emanuel Schikaneder, “Die Zauberflöte,” Inv. Nr. A 95935, Steyermühl-Verlag, Wien (without year), “Entry in the inventory book (18.9.1940): Acquisition from Emilie Anders,” Purchase from a private collection. Book dealer Stern: Person not identifiable,

¹⁵⁶ <http://www.artrestitution.at/>

¹⁵⁷ <http://www.artrestitution.at/Functions.html>.

¹⁵⁸ See e.g., results from the 71st Austrian Advisory Board meeting on May 15, 2014, <http://www.artrestitution.at/Recommendations.html>.

		name appears several times in the list of the Property Transactions Office”
Printed Music	160	<ul style="list-style-type: none"> ➤ <i>Österreichische Nationalbibliothek</i> ➤ <i>Wienbibliothek im Rathaus</i>
“Musical Manuscripts” Musik Handschriften	137	<ul style="list-style-type: none"> ➤ <i>Österreichische Nationalbibliothek</i> <ul style="list-style-type: none"> ○ For example: “Richard [sic] Strauss,” “<i>Zigeunerbaron</i>’ 3rd act, finale” “Holographic sketch,” Inv. No. 19590. Provenance: Acquisition from the Vugesta/Gestapo 1938¹⁵⁹ ○ For example: “<i>Die Meistersinger</i>,” “Richard Wagner,” Inv. No. 19592, “With dedication 19 June 1868.” Provenance: Acquisition from the Vugesta/Gestapo 1940 ○ For example: Arnold Schönberg, “op. 9; <i>Kammersymphonie für 15 Soloinstrumente</i>,” Inv. Nr. 28603, Wien/Leipzig 1912, Partitur. Provenance: “‘<i>Amt für Vermögenssicherung</i>’ (Office for the Protection of Property),” annotation: “Erwin Stein (ink)” ➤ <i>Wienbibliothek im Rathaus</i>
“Further Manuscripts” Sonstige Handschriften (occasional music reference)	2,051	<ul style="list-style-type: none"> ➤ <i>Österreichische Nationalbibliothek</i> ➤ <i>Wienbibliothek im Rathaus</i> ➤ <i>Wien Museum</i> <ul style="list-style-type: none"> ○ For example: Invitations (39), Salzburg music festival 11 to 14 August 1904, <i>Wienbibliothek im Rathaus</i>; <i>Gesellschaft der Musikfreunde und Wiener Sing – Akademie</i>, Nineteen concerts 1858-70, <i>Wien Museum</i> (Purchase from the Dorotheum 1938-45).¹⁶⁰

XV. Conclusion

The role of material culture during the Nazi era and its aftermath is still playing out internationally and this history will continue to unfold as archives are mined for information. There is much that has, can, and should be accomplished to reconstruct this lost history and move forward. There are also many barriers, some solvable, some not.

Why should we attempt to master this past? For historical accuracy, which is itself a form of justice. Restitution may be possible if the requisite information is available. For musical works that were marginalized during the Nazi era, their recovery or rediscovery may result in their performance, study, and an enhancement of the sonic cultural landscape. Reconstructing this history also serves the memory of those who were persecuted during the era of National Socialism.

For those Nazi-era looted objects whose histories and owners are identifiable, institutions that house such works of cultural importance might consider including in their published provenances object biographies during the 1933-1945 period. When known, or knowable, silence on this topic deprives the public of a full historical understanding of such works and the lives interwoven with their history.

¹⁵⁹ Object Data: <http://www.artrestitution.at/detailsearchoutput/items/3235.html>.

¹⁶⁰ The author was advised by a representative of the Vienna Museum that “this package of invitations was acquired during the Nazi era by the Dorotheum in Vienna and its whereabouts are currently unknown.” Email communication between the author and Michael Wladika, provenance researcher Vienna Museum, dated June 21, 2012.

For some still missing objects mentioned in this report, with access to provenance and authenticity information, it is still possible for these objects to be found, as long as the public is on notice that they are still missing.¹⁶¹

¹⁶¹ Acknowledgements: The author acknowledges the assistance in Vienna from the following institutions and individuals: Commission for Provenance Research (Mag. Anneliese Schallmeiner. Also, Mag. Lisa Frank, Mag. Anita Stelzl-Gallian, Mag. Alexandra Caruso); Museum of Art History (Dr. Monika Löscher, Dr. Susanne Hehenberger, Archives Director Dr. Franz Pichorner, Director, Collection of Historical Musical Instruments, Dr. Rudolph Hopfner.); Museum of Ethnology (Dr. Ildikó Cazan-Simányi; Dr. Gabriele Anderl); Leopold Museum (Dr. Robert Holzbauer); National Fund of the Republic of Austria for Victims of National Socialism (Mag. Michael R. Seidinger); Vienna City Library (Mag. Christian Mertens); Austrian National Library and its Music Collection (Mag. Margot Werner, Dr. Alfred Schimdt, Dr. Leibnitz); Vienna Philharmonic Orchestra (Prof. Dr. Clemens Hellsberg; Dr. Silvia Kargl); University of Vienna (Prof. Dr. Dr. Oliver Rathkolb; Prof. Dr. Murray Hall); Austrian State Archives (Dr. Hubert Steiner); Vienna City and Land Archives (Mag. Angelika Shoshana Duizend-Jensen), *Mozarteum* Foundation Salzburg (Dr. Armin Brinzing); independent researchers in Vienna: art historian Sophie Lillie, Dr. Primavera Gruber. Thanks also to the research assistants while in Vienna, Angelika Humpf, Christian Rödiger, and Bob Cooper. Finally, thanks to University of California, Berkeley Undergraduate Research Apprenticeship Program students for their translation efforts: Chelsea Clark, Lara Fasbender, Kellie Hall, Luisa Hoffmann, Maryam Khalilian, Lily Kley, Christina Kowalski, Max Pitner, Donnie Schultz.

Appendix

Alphonse Rothschild Collection of Musical Instruments Auctioned on July 8, 1999

Nearly eighty musical instruments were in the Alphonse Rothschild Collection when it was confiscated in Vienna following the *Anschluss* in the spring of 1938. It was not until 1999 that Austria restituted the below-referenced instruments and books. On July 8, 1999, these objects were sold by the heirs of Alphonse Rothschild at auction through Christie's in London. Records were broken when 224 lots of Rothschild restituted works were sold, with sales at nearly \$90 million. Amid these were the sixty lots of musical objects identified below.

Alphonse Rothschild's Restituted Musical Objects Auctioned on July 8, 1999		
A.R. Inv. #	Description	Lot #
1390	Pochette with satyr's head	Lot 1
1389	Ivory and fruitwood pochette, German, 17 th century	Lot 2
1388	Tortoise shell pochette, probably French, 18 th century	Lot 3
1387	Pochette, labeled "Mathias Hummell/Augsberg 1649," ivory and ebony	Lot 4
2844	Mute viola d' amore, with blindfolded cherub's head	Lot 5
1392	An 1/8 th size violin, mid-18 th century, decorated with scenes of fête champêtre	Lot 6
970	Bass viola da gamba, English, circa 1700, purpled arabesques and geometric designs, carved woman's head	Lot 7
1410	Walking stick violin, probably 19 th century, ivory bow, ivory finial of a hand clasping a serpent's head containing a small cameo, a gold ring on the hand engraved "M de La Valette, Paris	Lot 8
72	Bone-mounted viol bow, circa 1750, fluted stick with pike's head, bone frog	Lot 9
1397	Carved wooden tailpiece for viola da gamba, late 16 th or early 17 th century, probably South German, with satyr mask and scrolling strapwork decoration and acanthus leaves	Lot 10
985	Double violin, circa 1870, probably German, two violins joined along the back	Lot 11
78	Leather studded violin case, probably 18 th century	Lot 12
1060	Seven Keyed Cittern, English, circa 1760	Lot 13
1408	Neapolitan mandolin, by Gaetano Vinaccia, labeled "Gaetanus Vinaccia/fecit Neapoli 1789/Nella Rua Catalana," back of twenty-three staves, ivory and tortoiseshell inlaid sound hole and edging, with inlaid mother-of-pearl	Lot 14
971	Cittern, Italian, late 16 th /early 17 th Century, inscribed "Franciscus Citared Urb"	Lot 15
1409/2420	Mandore, probably French, mid-18 th century, nineteen ivory ribs, with ebony stringing, mother-of-pearl rose; shaped leather case embossed	Lot 16
969	Thirteen course lute, by Magnus Tieffenbruch the Younger, labeled, "Magno dieffopruchar a venetia" and "Josephus Joachimus Edlinger/me Reparavit Pragae An: 1732," eleven ebony ribs with ivory stringing	Lot 17
973	Guitar, French second half of 17 th century, labeled, "Jean frère Rue s./Martin...á Paris 1667," fluted ebony back, ivory stringing	Lot 18
288	Thirteen course theorbo, probably first half of 18 th century, in the style of	Lot 19

	Jacob Heinrich, nine alternating ivory and tortoiseshell engraved ribs	
1044	Guitar, Nuremberg, 1720, partially labeled "...Nurnberg...A1720," ivory decorated back and ribs; table and neck highly decorated	Lot 20
974	Thirteen course lute, by Joachim Tielke, second half 17 th century, labeled "Joachim Tielke/in Hamburg An 16..." nine rosewood ribs with ivory stringing, fingerboard decorated with ivory and tortoiseshell	Lot 21
649/3295	Dulcimer, Italian, late 17 th /early 18 th century, trapeze shaped soundbox, gilt mouldings, decorated soundboard; two ivory hammers	Lot 22
200/649	Dulcimer, probably 18 th Century, trapeze shaped soundbox, gilt mouldings, decorated soundboard on gilt stand; two ivory hammers	Lot 23
24	Portable hook harp, probably German	Lot 24
983	Cross-strung harp, probably 19 th century, seven staves with geometric decoration, ivory and ebony decoration	Lot 25
1399-1403 and 1407	Set of miniature musical instruments and a carousel hanging stand	Lot 26
281	French Hurdy-Gurdy, by Pierre Louvet, mid-18 th century, inscribed "Pre Louvet A Paris," ebony, ivory, mother-of-pearl, ivory woman's head finial	Lot 27
981	Crochet action pedal harp, French circa 1780, seven staves, fluted column terminating in scroll with acanthus and floral swags, decorated soundboard	Lot 28
980	Child's crochet action pedal harp, French, circa 1780	Lot 29
1718A	Miniature ivory flageolet	Lot 30
1718B	Miniature ivory recorder, probably 18 th century	Lot 31
1405	Miniature musette, French, mid-18 th century, ivory pipes	Lot 32
None	Ivory sounding horn	Lot 33
2822	Ivory hunting call, probably 18 th century	Lot 34
1406	Ivory Shawm, probably early 18 th century	Lot 35
1393	Ivory descant recorder, Italian, circa 1740	Lot 36
1395	German porcelain one-keyed flute, mid-18 th century, perhaps Fürstenberg, painted with bouquets and scattered flower-sprays	Lot 37
1912	Three-keyed ebonized boxwood oboe, French or Dutch, late 17 th century, engraved silver mounts	Lot 38
1394	One-keyed tortoiseshell veneered flute, ivory mounts and endcap	Lot 39
1384	Ivory sopranino recorder, probably Milanese, in the style of J.M. Anciuti, circa 1740, decorated with scrolling acanthus and palmettes, one silver mount	Lot 40
3286	Ivory cornett, Italian or German, 17 th century, curved form, lower part octagonal, upper part diamond pattern, decorated with black designs	Lot 41
1396	Tortoiseshell veneered treble (alto) recorder, stamped "I Heitz," ivory mounts with gold plaque on footjoint	Lot 42
1913	Brass natural trumpet, engraved "Macht/Philipp/Schöller/In/München," decorated with martial trophies in high relief	Lot 43
73	Ivory stand for three flutes	Lot 44
1460	Musette, probably French mid-18 th century, ivory pipes	Lot 45
1461	Musette, probably French, mid-18 th century, ebony pipes with ivory mounts	Lot 46
3132	Silver natural trumpet, engraved "Iohannes Leicham/Schneider/In Weinn 1725, on gilt garland decorated with martial trophies in high relief	Lot 47
1765	Small silver hunting horn, engraved "Michael Leicham/Schneider/in Wein 1713, " decorated with huntsmen on horseback in high relief between trees	Lot 48
1766	Silver hunting horn, engraved "I. W. Haas Nurnberg," emblem of leaping hare, decorated with huntsman on horseback, a hound and wolf in high relief against trees and geometric ground with lion's head mask	Lot 49

1404	Pair of ebony drumsticks, with gilt mounts	Lot 50
977 (and 979)	Tamourin de Provenace, probably 19 th century, with ebony drumstick with ivory head and boxwood galoubet branded 'Jung/Marseille'	Lot 51
1398	Tortoise shell baton, with silver mounts	Lot 52
90 (and 91)	Tambourin de Provence, probably 19 th century	Lot 53
978	Shallow side drum, wood and ivory	Lot 54
212	Inlaid wooden guitar case, circa 1850	Lot 55
976	Indian Tambura, probably late 19 th century	Lot 56
984	Vina, probably South Indian, late 19 th century	Lot 57
975	Iranian Tambur, probably late 19 th century	Lot 58
None	Krause, Christian Andreas. <i>Gesänge mit Klavier-Begeitung</i> 1783, 45 pp. engraved music printed with letterpress text, manuscript dedication leaf to Queen Marie Antoinette	Lot 59
2630	Giovanelli, Pietro, fl. mid-16 th century, <i>Canus Novi Thesauri Musici, Liber Primus</i> . Venice: Antonio Gardano, 1568	Lot 60