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RESTITUTION REPORT 2002/2003

BM:BWK

FEDERAL MINISTRY FOR EDUCATION, SCIENCE AND CULTURE

FIFTH REPORT

**OF THE FEDERAL MINISTER FOR EDUCATION, SCIENCE AND CULTURE
TO THE *NATIONALRAT* [LOWER CHAMBER OF THE AUSTRIAN PARLIAMENT]**

**ON THE RESTITUTION OF ART OBJECTS FROM
AUSTRIAN FEDERAL MUSEUMS AND COLLECTIONS**

Section 2 (3) of the Federal Statute of 4 December 1998 on the Restitution of Art Objects from the Austrian Federal Museums and Collections provides for an annual obligation to inform the *Nationalrat* of restitutions of art objects effected during the reporting period. The first report covered restitutions effected during the period from 19 December 1998 to 18 August 1999, the second report covered restitutions effected during the period from 27 October 1999 to 28 November 2000, the third one covered the period from 23 January 2001 to 1 October 2001, and the fourth report covered the period from 10 April 2002 to 3 December 2002. All four reports were acknowledged by the *Nationalrat*.

The purpose of the Restitution Act is to restitute art objects from the Austrian federal museums and collections which passed into the ownership of the Republic of Austria in the course or as a consequence of Nazi tyranny to the original owners or their legal successors. Thus, provenance research, i.e. a complete review of all acquisitions made during the time of the Nazi regime from 1938 to 1945 as well as in the Post-War Era, became a prerequisite and complementary task of this purpose of the Act. The Commission for Provenance Research has been working under these premises since its establishment in 1998.

Investigations regarding art objects that passed into the ownership of the Republic of Austria in the course or as a consequence of Nazi tyranny are being continued. In this connection it has to be stated that the originally estimated number of restitution cases, which estimate was far too low, and the duration of provenance research has been exceeded by far. The present report to the *Nationalrat* also includes a presentation of the current status of provenance research (compare also the detailed presentation included in the Fourth Report) and a comparison of the Austrian Restitution Act with restitution regulations in other European states.

Co-ordination and management of the Commission for Provenance Research has been established at the Federal Monuments Office, where the most extensive archive material on art theft and restitution is available. Members of the Commission work in the federal museums and collections and in the Austrian National Library [*Österreichische Nationalbibliothek*] and search and study the inventories and relevant archives.

The results are being co-ordinated at the Federal Monuments Office and if restitution cases result therefrom, they are compiled in dossiers on the historical facts and circumstances. Subsequently, those dossiers are forwarded to the Advisory Board established at the Federal Ministry for Education, Science and Culture according to Section 3 of the Restitution Act, which makes recommendations to the Federal Minister for National Defence, the Federal Minister for Economy and Labour and to the Federal Minister for Education, Science and Culture on transfers of title.

Upon the Advisory Board's recommendation and after the Ministry in charge has made a restitution decision, the search for the legal successors to the former owners of the art objects to be restituted in almost all cases is extraordinarily difficult and time-consuming because mostly the entitled persons are already the second generation of the former owners and almost all of the legally relevant acts took place abroad.

Successes in those investigations were, above all, made possible by the support provided by the contact office of *Israelitische Kultusgemeinde* [Jewish Community]. We would like to take this opportunity to thank the entire staff of the contact office very much.

The following persons were appointed members and substitute members of the Advisory Board as per Section 3 of the Restitution Act for the period of office from 5 December 2002 to 4 December 2003:

Chairwoman:

Sektionschefin [head of section]

Dr. Brigitte BÖCK

Federal Ministry for Education, Science and Culture

Members:

Ministerialrat [title]

Dr. Peter PARENZAN

Federal Ministry for Economy and Labour

Generalanwalt [Attorney General]

Dr. Peter ZETTER

Federal Ministry of Justice

Vice President

Dr. Manfred KREMSER

Finanzprokuratur [Office of State Attorneys]

Univ.-Prof. Dr. Artur ROSENAUER

University of Vienna

Univ.-Prof. Dr. Helmut KONRAD

Karl-Franzens University of Graz

Director

HR Univ.-Prof. Dr. Manfred RAUCHENSTEINER

Heeresgeschichtliches Museum [Museum of Military History]

Substitute Members:

Oberrätin [title]

Mag. Dr. Verena STARLINGER

Federal Ministry for Economy and Labour

Oberstaatsanwältin [title]

Dr. Sonja BYDLINSKI

Federal Ministry of Justice

Oberrat [title]

Dr. Gottfried TOMAN

Finanzprokuratur [Office of State Attorneys]

Univ.-Prof. Dr. Götz POCHAT

Karl-Franzens University of Graz

Univ.-Prof. Dr. Ernst BRUCKMÜLLER

University of Vienna

Mag. Christoph HATSCHEK

Heeresgeschichtliches Museum [Museum of Military History]

Ministerialrat [title]

Dr. Georg FREUND

Federal Ministry for Education, Science

and Culture

(also head of the office as defined by Article 3 of the Internal Rules of the Advisory Board)

Fachinspektorin [title]

Christine ARABATZIS

Federal Ministry for Education, Science

and Culture

Head of Provenance Research

Generalkonservator i.R. [curator general, retired]

Hofrat [title] Univ.-Prof. Dr. Ernst BACHER

Federal Monuments Office

The Advisory Board fulfilled its duty of deliberation in the course of four meetings (the fourth meeting, which had been fixed for December 2003, had to be postponed to 27 January 2004 on short notice but has been considered in this report). The Advisory Board thoroughly examined the dossiers on the individual cases prepared by the Commission for Provenance Research and then made respective recommendations to the competent Federal Ministers.

STATUS OF PROVENANCE RESEARCH

RESULTS AND ACTIVITIES

The Restitution Report 2001/2002 gave a summarizing overview of the status of provenance research including the results of a review of all acquisitions made during the period between 1938 and 1945 and in the Post-War Era in all museums and collections of the Republic included in this mission.

Since then the very comprehensive final report of the Austrian National Library, detailed information about which is contained in the résumé below, has been added to the reports already completed which are mentioned therein.

Completion of provenance research in the Austrian National Library

At the end of 2003 the Austrian National Library, after very extensive research and a general autopsy of its inventory, completed its provenance report and handed it over to the Commission for Provenance Research. The core of the report, which consists of more than 3,000 pages, are lists of unlawful acquisitions made during the time of the Nazi regime, which are currently still kept in the inventory of the Austrian National Library and are now being prepared for restitution, i.e. for further treatment by the Advisory Board established at the Federal Ministry for Education, Science and Culture. A total of 14,133 volumes of prints and 11,373 signatures of collection objects and a major uncounted photo archive have to be classified as questionable within the meaning of the Restitution Act of 1998. It was only possible to allocate part of that inventory to former owners, whose names it was possible to identify (including numerous supplements to restitutions already made in the Post-War Era). However, for a great part of the unlawfully acquired books no information on former owners could be found.

The report has been compiled in co-operation with all departments of the Austrian National Library and the results are based both on a review of all acquisitions made during the time of the Nazi regime by means of the inventory books and on an inspection of all objects themselves including studies of the relevant files. Already in the Post-War Era the Austrian National Library restituted approximately 5,420 prints from the registered holdings of books. These constitute only about a third in relation to the total number of confiscated registered books. With respect to the collection items these figures seem to be more favourable but it is no more possible to ascertain exact numbers.

In recent years the Austrian National Library has already restituted the following particularly precious objects according to the Restitution Act of 1998:

- the so-called *Rothschild-Gebetbuch* [book of prayers]
(Restitution Report 1999)

- the Roda-Roda estate as well as confiscated objects previously owned by Hedwig and Hans Schwarz, Richard Weinstock and Moritz Kuffner
(Restitution Report 2000)

The last stage of provenance research in the Austrian National Library, which has now been completed, was based on the following methodical procedure: primarily, those groups of signatures were examined which had been added to the inventory of the Austrian National Library between the *Anschluss* in March 1938 and the end of the War. This concerned 70,000 signatures of print alone (approximately 100,000 separate volumes). In addition, it turned out to be necessary to check later additions to the inventory as well because until the 1980s a backlog, in part still dating back to the Nazi period, had been added to the inventory ("*Altbestand 1946*" [old inventory]). For that purpose an additional 50,000 volumes or so had to be examined.

Thus, the provenance of a total of more than 150,000 prints was examined by means of the inventory lists and also the objects themselves were inspected in the stacks. The additions of collection items also had to be examined beyond the time of the Nazi regime until 1960. All collection items classified as "questionable acquisitions" on the basis of the entries in the inventories (printed music, maps, manuscripts, autographs, photos, negatives and views) were made subject to a systematic autopsy. Also backlogs from the Nazi period, if any, were checked.

One of the main objectives of the autopsy of books and collection items was to record book owners' marks in the form of *ex-libris* and hand-written or stamped names and dedications in the books. Also those objects which were allocated to the Austrian National Library as "ownerless property" by the Federal Ministry for Property Protection in 1950 were included in the report after conclusion of the work of the so-called book-sorting office. Examination of the inventory was primarily based on three criteria:

- owners' marks in the books and on collection items
- provenance notes in the inventory books

- available file material

In this connection a mark which had been specifically introduced for confiscated objects allocated to the Austrian National Library at that time was an essential piece of information, namely the mark "P 38" (= "Police 1938"). This abbreviation had been entered both in the books themselves and in the respective inventories as provenance information.

At the same time, however, this abbreviation obviously served the purpose of concealing the provenance of those objects. The first additions of confiscated books to the inventory were often made using the "*Gestapo*" provenance mark. Also the "Police 1938" version, i.e. the long version, was only used at the beginning of registration of confiscated items. The provenance mark "P 38" was provably used during the entire Nazi period, which means that there is no connection between this mark and the actual year of registration.

Apart from the relevant file material kept in the Austrian National Library, which was fully examined regarding the years from 1938 to 1945 and the Post-War Era, investigations were also extended to the relevant inventories of the *Staatsarchiv* [State Archive], the *Kultusgemeinde* [Jewish Community], the *Bundesdenkmalamt* [Federal Monuments Office] and the *Wiener Stadt- und Landesarchiv* [Vienna City and Provincial Archive]

Results

Following a detailed historical introduction and the necessary explanations of the methods used, the report consists of two large sections:

Personal dossiers: this chapter contains detailed descriptions of cases concerning 65 former owners to whom confiscated objects could clearly be allocated on the basis of the indications found.

Anonymous former owners: this section lists those objects which could not be allocated to identifiable former owners.

It will now be the task of the Advisory Board to make restitution recommendations to the Federal Minister for Education, Science and Culture on the basis of the documents compiled by the Austrian National Library in co-operation with the Commission for Provenance Research.

Regarding identified former owners

(Personal dossiers)

Prints 1,150 volumes

Printed music 537 signatures

Music manuscripts 13 signatures

Manuscripts 182 signatures

Autographs 6,841 signatures

Maps 4 signatures

Views and photos 810 signatures

Book bindings (from the collection of book bindings) 6 signatures

Incunabula 3 signatures

Collection items in total 8,396 signatures

+ R. Korty photo collection uncounted (approx. 15,000 objects)

Regarding non-identified names (personal folders)

Prints 1,065 volumes

Printed music 128 signatures

Music manuscripts 12 signatures

Manuscripts 2 signatures

Autographs 5 signatures

Maps 1 signature

Photo negatives 561 signatures

Broadsheets 2 signatures

Collection items in total 711 signatures

Objects of anonymous provenance

Prints 11,918 volumes

Printed music 811 signatures

Music manuscripts 70 signatures

Maps 374 signatures

Photo positives 793 signatures

Photo negatives 153 signatures

Manuscripts 58 signatures

Autographs 3 signatures

Incunabula 4 signatures

Collection items in total 2,266 signatures

Summarized according to types of media

Department of Music

Printed music 1,476 signatures

Music manuscripts 95 signatures

Department of Manuscripts, Autographs and Closed Collections

Manuscripts 242 signatures

Autographs 6,849 signatures

Map Department

Maps 379 signatures

Picture Archive

Photos, negatives and views

Estate of R. Korty (not counted) 2,317 signatures

Department of Incunabula, Old and

Precious books

Book bindings 6 signatures

Incunabula 7 signatures

Department of Broadsheets, Posters and Ex Libris

Broadsheets 2 signatures

Collection items in total 11,373 signatures

Prints in total (in volumes) 14,133 signatures

The Austrian National Library was one of those institutions which provably enriched itself to a major extent by stealing from persecuted persons or those who were forced to emigrate. The present report fully analyses all indications of unlawful acquisitions. By further processing of the matters within the meaning of the Restitution Act of 1998 this dark chapter of the history of the Austrian National Library will be closed for good.

The fact that due to the great number of inquiries/applications addressed to the Commission for Provenance Research from all over the world regarding confiscated art objects and cultural assets investigations will still have to be carried out on a broad basis requires that a contact office will be maintained also at the Austrian National Library.

Since December 2003 the restitution cases of the Austrian National Library have been submitted to the Advisory Board in parts. It is expected that in the course of 2004 all those cases will be dealt with regarding which it was possible to find personal information and that it will therefore be possible to reconstitute the objects to the legal successors to the former owners.

The large number of objects for which provenance research was not able to find indications or names of former owners will be reconstituted at a later point in time in the overall context of all

those restitutions which are still open in accordance with Section 1 para 3 and Section 2 of the Restitution Act.

PROVENANCE RESEARCH IN THE FEDERAL MUSEUMS AND AT THE FEDERAL MONUMENTS OFFICE

As to the current status of provenance research at the Federal Monuments Office and in the federal museums the following has to be stated: in *Österreichische Galerie Belvedere* [Austrian Gallery Belvedere] and in *Museum für angewandte Kunst* [Museum of Applied Arts] systematic review of the acquisitions made between 1938 and 1945 and in the decades after World War II is still in progress. Substantial material will still have to be examined in 2004 which - according to the result of a preliminary initial survey - contains indications of questionable acquisitions and/or allocations the clarification of which still requires detailed research.

The fact that in the course of systematic studies of the archival and historical material concerning art theft and restitution new indications of questionable objects as defined by the Restitution Act are constantly found, requires provenance research to carry out targeted supplementary research also in those museums and collections for which an initial final report is already available (analysis of the material available in the institution itself or compiled material).

For example, the final report of the Austrian National Library contains indications that parts of the looted art objects stored there were passed on to other museums in the past (*Museum für Völkerkunde* [Museum of Ethnology], *Theatermuseum* [Theatre Museum]), which, however, did not document any information on their questionable provenance. Research to this effect can now be carried out subsequently on the basis of the material presented by the Austrian National Library. Provenance research must, therefore, also take account of all past and recent changes in the organisational structures of the museums and the relocations of confiscated art objects made in that connection.

The restitution case of Heinrich and Moritz Rothberger, which was concluded in 2003 and is mentioned in the following report on results, illustrates the complex situation with which provenance research is often confronted where - as in this case and many other cases - confiscated art objects were distributed to different institutions (*Kunsthistorisches Museum* [Museum of Art History], *Naturhistorisches Museum* [Museum of Natural History] *Museum für angewandte Kunst*), but where the relevant documents were kept in one place only and there mostly in fragments only. Only a synopsis of the examination results achieved by provenance research in the individual institutions can give the right lead to a conclusive presentation of the historical facts and circumstances and in this way create a justifiable restitution dossier for the Advisory Board.

With respect to the work of the Commission for Provenance Research this means that not only in the cases where the Restitution Report 2001/2002 (page 5) makes reference to research still in progress work has to be continued in the individual museums but in some cases also where an initial final report is already available because supplementary research is required due to the fact that cross-links become evident all the time.

This is most probably true for *Heeresgeschichtliches Museum*, *Technisches Museum* and *Museum Moderner Kunst-Stiftung Ludwig* and certainly also for *Kunsthistorisches Museum*, where overall presentation of the results of provenance research was already completed in 1998, as well as for *Österreichisches Theatermuseum*, *Museum für Völkerkunde* and *Naturhistorisches Museum*, where, essentially, complex individual cases are being dealt with.

In the field of current inquiries/applications made by descendants of persons formerly affected by art theft various museums/collections have to be included in the investigations in almost every case in order to co-ordinate necessary investigations because of the different areas of confiscated art objects, which determined distribution to federal, provincial and local museums in the past. A major part of the numerous inquiries/applications addressed to the Commission for Provenance Research from all over the world have already been answered or dealt with, respectively.

Unfortunately, despite extensive and time-consuming provenance research it was only possible to achieve satisfactory results in a few cases in the sense that art objects were found and prepared for restitution or, at least, that the events of the past were clarified. The fact that, obviously, selective criteria had been decisive for allocation to museums at that time but that the major part of confiscated art objects was realised on a broad basis, i.e. found its way into the stream of commerce (*Vugesta* [*Gestapo's* Office for the Disposal of the Property of Jewish Emigrants], *Dorotheum* [auction house]), has limited the probability of success of current investigations right from the start.

Nevertheless, the Commission for Provenance Research carries out investigations regarding all inquires in order to take the mission of the Restitution Act into account conscientiously.

The concept of a summarising final report is connected with the objective to complete a major part of systematic examination of the inventories in the federal museums and collections as soon as possible. In order to document fulfilment of the mission for all federal museums and collections equally, the report has to be compiled according to a concept which takes account of the individual standards of the different institutions and at the same time prepares answers to all critical questions to be expected on the results of provenance research. In co-operation with the "contact office for Jewish Nazi victims in and from Austria and their descendants" the Commission for Provenance Research has prepared heads of agreement in preparation of such a report with the objective to compile all necessary documents regarding the research results.

With reference to the activities mentioned in the Restitution Report 2001/2002 the following results of studies of the archive and documentation material of the Federal Monuments Office still have to be stated, which significantly extend the quantitative basis of records on the issue of art theft and restitution that can be analysed.

One thousand two hundred data records have been added to the export database, which constitutes a central source for investigations concerning confiscation and restitution in the past. Approximately 70 per cent of "personal restitution material", which belongs to the most important documents for provenance research, was studied completely. The extensive photo

documentation passed on in the form of negatives (5,600 shots) of confiscated art objects, which were taken by the Central Office for the Preservation of Monuments or the Institute for the Preservation of Monuments, respectively, as of 1938, has already been reported on briefly. Meanwhile, transfer of this photo material, which is most informative for provenance research, to data carriers has been largely completed. In addition, a specific search for picture documents on the issue of art theft and restitution both in the archives of the Federal Monuments Office and also in various museums/collections brought to light further material by which the size of that picture database will now almost be doubled. Study of the file of scanned negatives/photos will be completed by the end of 2004. Subsequently, this documentation material can be prepared for publication, i.e. for use via the internet. From the results of co-operation of the Commission for Provenance Research with the respective contact offices in the Federal Provinces the restitution of an important Dutch painting from the 17th century from the Provincial Museum of Upper Austria by the Federal Governor of Upper Austria to the family of the former owners has to be mentioned as an example of successful co-operation.

EXPENSES INCURRED BY PROVENANCE RESEARCH

In the reporting period a total of 26 staff worked at the Federal Monuments Office and in the federal museums and collections for the Commission for Provenance Research. Some of them are full-time employees, the major part works part-time on the basis of contracts for work or contracts for minor tasks. As of 31 December 2003 the staff costs incurred for provenance research from its start amounted to EUR 1,852,494.59; operating expenses amounted to EUR 88,111.71.

AUSTRIA'S RESTITUTION ACT COMPARED TO THE REGULATIONS IN OTHER STATES

The *Kompetenzzentrum für Kunst- und Kulturrecht an der Rechtswissenschaftlichen Fakultät der Karl-Franzens-Universität Graz* [Competence Centre for the Law on Art and Culture at the Faculty of Law of Karl-Franzens University of Graz] wrote a paper on restitution legislation in other European countries compared to Austria's regulation by means of the

181st Federal Statute on the "Restitution of Art Objects from the Austrian Federal Museums and Collections, BGBl. [Federal Law Gazette] I 1998/181 of 4 December 1998". The paper studies regulations on the restitution of art objects confiscated from the persons concerned in most different ways during the Nazi period. Among other things, it was examined in particular how the Austrian regulation interacts with the regulations in other European states.

The comparative analysis includes the following states: the Federal Republic of Germany due to the similar political systems in the Post-War Era and similar history during the time of the Nazi regime, the Czech Republic and the Netherlands based on the fact that these states had been occupied by force. The analysis compared the legal situation and the measures taken by the individual states in order to reconstitute art objects which are either in the possession or in the ownership of the state to the entitled owners or their legal successors. The Competence Centre for the Law on Art and Culture at the University of Graz arrived at the following conclusion:

"In an overall comparison of the regulation adopted in Austria to the countries studied it has to be stated that, by creating the Restitution Act, Austria chose a way which obliges the persons entitled to restitution to a great extent. On the one hand, a statutory basis has been created which not only secures publicity and transparency but separates the problematic issue of restitution from being exclusively designed by the executive and at least binds the same in the principles. In this way a fundamental change of direction that would be possible in the case of a mere political declaration of intent (cf., e.g., the "Policies" in the Netherlands) or even in case of a merely factual restitution conduct is excluded.

Special attention has to be drawn to the mission of provenance research implicitly arising from the Restitution Act, which is particularly favourable to the persons affected. This mission grants the persons entitled to restitution, who often have no knowledge of the whereabouts of the art objects or do not know at all that a claim might exist, a realistic opportunity to regain cultural assets confiscated in the past. The fact that such provenance research in particular has been secured by a statute is considered an essential advantage of the Austrian regulation.

The scope of application of the Restitution Act (only) extends to art objects from federal museums and collections. Such limitation is not unproblematic insofar as art objects of

unknown provenance might also be part of private collections. However, the limitation of the scope of application is no Austrian particularity. It is inherent in the restitution regulations of all countries examined. Only the German declaration of 1999 also includes a call for restitution to privately owned institutions. However, since it is a mere political declaration it has no legally binding effect for lack of a statutory regulation.

At first sight, the fact that Austria chose the form of an enabling act could be considered a disadvantage. In this connection it must certainly be stated that a statute regulating claims of persons affected or enforceable obligations of the state would be a more important instrument for enforcement of claims of affected persons. The chosen practice and the concluded restitution cases show, however, that this disadvantage does not matter very much. On the one hand, the conduct of the institutions and bodies obliged to restitution are subject to public observation and, thus, under a strong moral pressure. The obligation to report creates the transparency necessary for that purpose. On the other hand, in case of a negative outcome alleged claims can still be asserted by calling upon the civil courts as in all other countries examined.

The fact that no lack of legal claim exists seems to weigh less heavily than the fact that the persons affected have not been granted any rights to participate in the restitution proceedings (no inspection of files, no appeals, etc.). Again, also in this respect reference has to be made to the regulations in the other states examined, which are definitely not more favourable. With respect to Germany the question does not arise at all because no statutory regulation exists, and the Czech Republic does not provide for any rights of the persons affected to participate in the restitution proceedings either.

After the unpleasant experience gained from restitutions immediately after the War the fact that according to the Restitution Act which is currently applicable the Prohibition of Exports Act does not apply to restituted art objects is most positive. In this respect the legal situation in Austria is definitely more favourable for the persons affected than in Germany and the Czech Republic, which face similar problems (the Netherlands are not comparable in this respect)."

At the end the paper recommends dissemination of information about finding and existence of art objects of questionable provenance by establishing an Austria-wide Lost Art Register and announcing the same via the internet.

With respect to the paper it has to be stated in general that an analysis of the legal possibilities and limits of the Austrian Restitution Act of 1998 takes up and examines only a part of the cultural-political initiative intended by the Act, because the mission of provenance research, which as a necessary addition to the previous Restitution Acts substantiates this Enabling Act on the basis of current historical research, is an element and complementary part of that initiative.

For this reasons the critical remark contained in the legal opinion to the effect that the Act does not provide for any legal claim has to be objected to by saying that as an Enabling Act - based on provenance research - it does not need such legal claim because due to its much more comprehensive and more far-reaching concept in favour of the persons affected all acquisitions made during the time of the Nazi regime from 1938 to 1945 are systematically examined "*ex officio*" as to possible "questionableness" and, further, as to possible "nullity" with respect to the title of the Republic of Austria. In addition, acquisitions made after 1945 are checked with respect to unjustified dedications and donations extorted in connection with application of the Prohibition of Exports Act, which are now being included in the restitution obligations.

The results of provenance research show that even acquisitions made after 1945 can still include objects of questionable provenance, a rather difficult problem under the aspect of thorough examinations, which many museums and collections world-wide are confronted with, without having such a systematic provenance research like Austria.

For a major part of the descendants of former owners who are now provided with restituted art objects a legal claim would have been of no advantage because they did not know of the existence of confiscated art objects which were kept in museums or collections of the Republic of Austria or, at best, could only assume that they existed and only on the basis of the results of provenance research received concrete indications thereof. Instead of the legal

claim there is the objective of the Enabling Act: based on and in combination with provenance research long-winded proceedings with necessary involvement of attorneys-at-law, etc. are replaced by active, non-bureaucratic restitution regulations in the interest of the persons affected.

In that sense no legal claim is required either to take account of current applications from descendants according to the Restitution Act of 1998. Since the Act became known several hundreds of inquires which are to be considered applications have been addressed to the Commission for Provenance Research and in each case extensive research was carried out, the results of which subsequently led to numerous restitutions.

Restitution is not subject to timely application, i.e. claims cannot become statute-barred.

As regards statistics, the number of "*ex officio*" restitutions, i.e. without initiative taken by the persons concerned but solely based on the results of provenance research, and the number of restitutions based on current inquiries of descendants of former owners is approximately the same.

Only in cases where the historical facts and circumstances provide no tangible and provable clear indications of "confiscation" and "nullity" or unjustified application of the Prohibition of Exports Act, i.e., where the events caused by the Nazi regime can only indirectly be made responsible for the loss of art objects, civil law provisions apply as referred to by the legal opinion.

The large number of restitutions effected on the basis of extensive results of provenance research, which it was possible to present in the restitution reports since 1999, is due to the fact that, as has already been mentioned in this report, the continuous study of the archival and historical material available on the subject of art theft and restitution simultaneously with the systematic review of the holdings of museums and collections, which was initiated in 1998, today communicates a much more detailed and complete knowledge of past events and provenance research is, therefore, able to work from a much broader perspective.

This also includes the resumption of investigations that were not concluded in the past for whatever reason and of inquiries of former owners or their descendants regarding confiscated art objects which have not been answered to date and can now be resumed and closed.

As to the critical remark in the legal opinion to the effect that the Restitution Act does not guarantee parties' rights (right to be heard and right to inspect files) it has to be stated that this formal claim is taken into account in practice by the fact that in the course of provenance research for the purpose of compiling and ascertaining the historical facts and circumstances any possible contact with the descendants of former owners is sought and made use of, on the one hand to notify the "parties" of the prepared dossiers including the results of provenance research, and on the other hand, to take comments of the descendants into consideration as well as to include supplementary information out of material and documents available to them. In this connection it usually turns out that the Commission has more documents and information on the issue at hand than the persons concerned.

The possibility and right to inspect files has been guaranteed by order of the Federal Ministry for Education, Science and Culture as of the beginning of 1998, which ordered opening and making accessible of all archives relevant to art theft and restitution in general and disclosed all respective records (restricted only by applicable provisions on the protection of personal data). Since then many files have been inspected, above all at the Commission for Provenance Research and in the archives of the Federal Monuments Office and also in the archives of the museums and collections, and extensive archival and historical material has been made available in a non-bureaucratic manner.

The urgent call for a "Lost Art Register" misunderstands the meaning and purpose of such an instrument in connection with the Restitution Act. It is correct that many countries work on such inventories, which are generally accessible via the internet and which are, in principle, important to the history of art theft and restitution and seem to be attractive. On the one hand, they serve the purpose of finding art objects which were confiscated and then missing (similar to the "*Suchkartei*" [tracing file] created in Austria in connection with the first Restitution Acts after World War II) and, on the other hand, that of publishing art objects whose former owners are not known and are thus wanted.

However, the core area of the Restitution Act's mission, namely a systematic review of all available inventories as to questionable acquisitions, does not require such an aid and documentation of that kind seems to make little sense because it involves substantial expenses, which would delay the pending restitution obligations without any progress as to the merits of the case. Also in connection with the Restitution Act a summarising "Register of art objects the former owners of which could not be identified so far" will be created and published in due course. It will contain the final result of provenance research regarding Section 1 (3) and Section 2 (1) of the Restitution Act, which will subsequently serve as the basis for restitutions according to Section 1 (3) and Section 2 (1) of the Restitution Act.

In this connection it has to be pointed out once again, and in view of the objectives of the Restitution Act it goes without saying that outstanding restitution tasks will be dealt with first where there is a chance that such obligations will be fulfilled vis-à-vis descendants of former owners who are still alive and that lump-sum restitutions to the "*Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus*" [National Fund of the Republic of Austria for the Victims of National Socialism], which, in due course, will require the creation and publication of such a register will be put at the end of the "to do" list of provenance research.

In connection with the urgent call for a "Lost Art Register" it also has to be pointed out that the wish for an "object file" on looted art and restitution was taken up by the "contact office for Jewish Nazi victims in and from Austria and their descendants". The extensive personal files of that important institution as well as those of the National Fund of the Republic of Austria for the Victims of National Socialism are available to provenance research for an efficient non-bureaucratic co-operation as provided for in the "Washington Principles".

An assessment of the Restitution Act of 1998 without any detailed explanation of the essential complementary mission of provenance research, which is not obvious at first sight but included in the intention of the cited Act, and its contribution to clarify and settle the restitution obligation is therefore superficial.

The comparison of the Restitution Act of 1998 with the legal foundations in Germany, the Netherlands and the Czech Republic made in the legal opinion shows a quite positive picture of the situation in Austria. An extension of the comparison to other European countries would emphasise that even more. The current basis of the Restitution Act and of the related mission of provenance research, which constitute a general basis and guideline, goes much further than the situation of decentralised embodiment and responsibility of individual institutions, museums and collections that can be found elsewhere.

This applies both to the statutory regulations of restitution obligations which are still unsettled and to the related task of provenance research. Due to the fact that, according to the network of organisational structures during the time of the Nazi regime from 1938 to 1945 also matters concerning the Federal Provinces were included in the documents on art theft and restitution in Austria and are thus kept in the Vienna archives, Austria-wide co-operation on that basis is secured.

The fact that the Restitution Act of 1998 only refers to museums and collections of the Republic of Austria is criticised as being a deficiency. That argument has to be objected to in two ways. Firstly, some Provinces (Vienna, Styria, Upper Austria) followed the call of the Federal Ministry for Education and Cultural Affairs, as it was called at that time, and created similar provincial statutory regulations. Secondly, it has to be stated that, as a matter of principle, provenance research cannot be restricted to regions and that contact persons were nominated and/or institutions established in the Federal Provinces for the purpose of co-operation with the Commission for Provenance Research.

Thus, there is not only close co-operation in the field of provenance research but also with respect to the restitution obligations resulting therefrom (with the Restitution Act of 1998 having model character in this respect). That means that at government level (the Republic, the Federal Provinces, the municipalities) provenance research is co-ordinated to a large extent in order to safeguard and ascertain open restitution obligations within the meaning of the "Washington Principles".

The necessity of detailed documentation of the results of provenance research is no question and will be complied with in the form of a summarising report in due course.

In the cases listed below authorization according to Section 2 (1) Restitution Act was made use of (as of 27 January 2004):

I. TO THE HEIRS OF WALLY KULKA:

from *Österreichische Galerie Belvedere*

Gemälde von Johann Gualbert Raffalt
„Zwei Ungarn mit zwei Pferden in der Puszta“
oil/wood, 24.5 x 29.5 cm
Inv. No. 5596

II. TO THE HEIRS OF LUISE SIMON:

from the *Albertina*

Anton Romako:
„Bildnis eines Mannes mit blonden Haaren, blauen
Augen und Schnurrbart en face“
watercolour
Inv. No. 28152

III. TO THE HEIRS OF EMILIO VON HOFMANNSTHAL:

**from the library of *Heeresgeschichtliches
Museum* (Recommendation to the
Federal Minister for National Defence)**

1. Wulff, Altgriech. und byzantin. Kunst
Bücherinventar: II 22.198
2. Willich, Die Baukunst der Renaissance in Italien
Bücherinventar: II 22.198
3. Weese, Skulptur und Malerei in Frankreich
im 15. und 16. Jhdt.
Bücherinventar: II 22.198
4. Hildebrandt, Die Malerei und Plastik des
18. Jhdt.: Frankreich, Deutschland und England
Bücherinventar: II 22.198
5. Schubrich, Die italienische Plastik des
Quattrocento
Bücherinventar: II 22.198
6. Feulner, Skulptur und Malerei des 18. Jhdt.
in Deutschland
Bücherinventar: II 22.198
7. Brinkmann, Barockskulptur

Bücherinventar: II 22.198

8. Grautoff, Barockmalerei in den romanischen
Ländern

Bücherinventar: II 22.198

IV. TO THE HEIRS OF EMIL STIASSNY (SUPPLEMENT):

from *Technisches Museum Wien*

1 Segelschiff (Karavelle),
Inv. No. 16.037

V. TO THE HEIRS OF DR. VALENTIN VIKTOR ROSENFELD:

from the Austrian National Library

A. From the Department of Manuscripts, Autographs and Closed Collections

1. Autogr. 129/65-1: Richard Wagner an Berta Goldwag, Luzern 9. Mai 1868. Prov. lt. ZWB III, fol. 83r.: „Gestapo, Sept. 1938“
2. Autogr. 141/54-1: Waldemar von Biedermann an Unbekannt, Dresden 26. Feb. 1888. Prov. lt. ZWB III, fol. 83r.: „Gestapo, Sept. 1938“
3. Autogr. 141/55-1: Bertaux Pierre an Unbekannt, o. O. 21. Sept. 1925, Prov. lt. ZWB III, fol. 83r.: „Gestapo, Sept. 1938“
4. Autogr. 123/87-16: Josef Lewinsky, Abschrift einer Ansprache über Tristan und Isolde, o. O. Dez. 1859. Prov. lt. ZWB III, fol. 83r.: „Gestapo, Sept. 1938“
and

B. From the Department of Prints

- 225606 C A.B. 1946, Suida, Wilhelm,
Die Genredarstellungen Albrecht Dürers,
Straßburg 1900, Widmung an Dr. Victor
Rosenfeld, 1912
- 226371 C A.B. 1946, Charkower evangelischer
Gemeinbote, Jg. 4/1913, Charkov 1913, Widmung an
Victor Rosenfeld v. Verf., 1902 (1912?)

**VI. TO THE HEIRS OF MORITZ
ROTHBERGER:**

from *Kunsthistorisches Museum*

Syrisches Glasgefäß aus der römischen Kaiserzeit,
KHM IN XI 1584

Syrisches Glasgefäß aus der römischen Kaiserzeit,
KHM IN XI 1585

and from *Naturhistorisches Museum*

Antennenschwert, NHM IN 17132

**VII. TO THE HEIRS OF HEINRICH
ROTHBERGER (SUPPLEMENT):**

**from *MAK – Österreichisches Museum für
angewandte Kunst***

Porzellanstatuette, chinesischer Fürst, Frankenthal
um 1760,

MAK-Inv. No. 28.697

Porzellanstatuette, Tänzerin, Frankenthal um 1760,

MAK-Inv. No. 28.698

Komödiengruppe, Harlekin, Wien, um 1760,

MAK-Inv. No. 28.699

**VIII. TO THE HEIRS OF BERNHARD
ALTMANN:**

from *Österreichische Galerie Belvedere*

Gustav Klimt,

Bildnis einer Dame

Öl auf Karton, 43 x 34 cm

seitl. rechts: Gustav/Klimt

Inv. No. 5449

**and the prints from
the Austrian National Library**

Repond: Le costume de la garde Suisse pontificale
et la renaissance italienne,

Rom, 1917,

Signature 683569 D

IX. TO THE HEIRS OF DR. RICHARD ABELES:

from the Austrian National Library

A. Prints, List A, EZ 912

Signature Author / Title Imprint Number of volumes

401735 Berlin 1876 1
721963 Stocker, Joseph Ferdinand: Fontigraphia Linz 1722 1
721965 Augustin, Ferdinand Freiherrn von:
Streifzüge durch die nordischen Alpen Wien 1840 1
721966 Bach, Friedrich: Sensitiven Leipzig 1839 1
721968 Die Bäcker in Wien. Wien 1801 1
721969 Barach, Moriz: Wiener Bilderbogen Wien 1869 1
721970 Der Bassa von Ofen o.O. 1765 1
721973 Bergk, Johann Adam:
Die Kunst, Bücher zu lesen Jena 1799 1
721974 Der Bettelstudent in Wien, oder:
Armuth, Mitleid und Liebe haben mir den Weg
zum Glücke gebahnt. Leipzig 1804 1
721981 Braun, Johann Adam:
Pater Martin Kochems Hypochondrische Stunden
im Reiche der Todten Kurire zur Zeit der Reformation o.O. 1782 1
721982 Breier, Eduard: Moderne Grasel Wien 1865 1
721985 Breier, Eduard: Der Königsengel Wien 1841 1
721986 Breier, Eduard:
Eine Maria Magdalena in Wien Wien 1845 2
721987 Breier, Eduard: Wien und Rom, Bd. 1-2 Leipzig 1851 1
721987 Breier, Eduard: Wien und Rom, Bd. 3-4 Leipzig 1851 1
721988 Bruckbräu, Friedrich Wilhelm:
Mittheilungen aus den geheimen Memoiren
einer deutschen Sängerin Stuttgart 1829 1

Signature Author / Title Imprint Number of volumes

721990 Burmeister, Johann Peter Theodor:
J. Lyser's Lieder eines wandernden Malers. Leipzig 1834 1
721998 Cronegk, Johann Friedrich Freiherr von: Der Mistrauische Wien 1762 1
722006 Egenter, Franz Joseph: Schwarze Lieder Bern 1842 1
722009 Fessler, Ignaz Aurelius:
Der Groß-Hof und Staats-Epopt Lotario
oder der Hofnarr von Lotario Berlin 1808 1
722012 Fridrich, Carl-Julius:
Situationen von Karl Julius Fridrich Wien 1786 1
722013 Frankl Ritter von Hochwart, Ludwig-August: Gusle Wien 1851 1
722016 Gaheis, Franz de Paula-Anton:
Äußere Merkwürdigkeiten der
St. Stephanskirche in Wien Wien 1801 1

722018 Geheimer Gang menschlicher Machinationen
in einer Reihe von Briefen 1790 1

722025 Gardel, Pierre Gabriel:
Die Tanzsucht, eine pantomimische Posse
in 2 Acten o.O. 1799 1

722054 Goethe, Johann Wolfgang: Vier Jahreszeiten Berlin 1860 1

722055 Goether, Ibrahim: Joseph der II. im Controleur-Gang:
oder: Allerlei Scenen aus der heutigen Regierung Wien 1782 1

722056 Gräffer, Franz:
Cabinett historischer Trauergemählde und
Schreckens-Scenen, Bd. 1 Wien 1813 1

722056 Gräffer, Franz:
Cabinett historischer Trauergemählde und
Schreckens-Scenen, Bd. 2 Wien 1813 1

722058 Greenaway, Kate: Language of flowers London o. J. 1

722059 Gross-Hoffinger, Anton-Johann:
Oesterreichische Senfkörner Leipzig 1833 1

722060 Gross-Hoffinger, Anton-Johann:
Urgeschichte der österreichischen Länder Meissen 1846 1

722061 Haeften, Benedict:
Schola cordis sive aversi deo cordis ad
eumdem reductio et instructio Auctore
Benedicto Haefteno Ultraiecto Antwerpen 1629 1

722075 Kleist, Franz von: Hohe Aussichten der Liebe Berlin o. J. 1

722076 Kleist, Franz von: Das Glück der Liebe Berlin 1793 1

722077 Kleist, Franz von: Liebe und Ehe in 3 Gesängen Berlin 1800 1

722078 Kleist, Heinrich von:
Das Käthchen von Heilbronn Pest 1822 1

722079 Klinger, Friedrich Maximilian von:
Der Schwur gegen die Ehe. 1

722080 Klesheim, Anton Freiherr von: Frau'n-Kaeferl Dresden 1854 1

722084 Kolisch, Sigmund:
Kleine Romane aus Wien, Bd. 1 Leipzig 1848 1

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722084 Kolisch, Sigmund:
Kleine Romane aus Wien, Bd. 2 Leipzig 1848 1

722089 Laukhard, Friederich Christian:
Annalen der Universität zu Schilda, Bd. 1 1798 1

722089 Laukhard, Friederich Christian:
Annalen der Universität zu Schilda, Bd. 2 1798 1

722089 Laukhard, Friederich Christian:
Annalen der Universität zu Schilda, Bd. 3 1798 1

722090 Des Wieners Lebensessenz Wien 1797 1

722091 Lebensgeschichte eines deutschen
Holländers nach ausgestandenen
Glücks- und Unglücksfällen zu Wasser

und zu Lande von ihm selbst beschrieben Regensburg 1775 1
 722097 Burmeister, Johann Peter Theodor:
 General-Übersicht der Geschichte
 der Musik in Europa, namentlich in Bezug
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 722101 Mastalier, Carl: Auf Gellerts Tod Wien 1750 1
 722103 Meister, Leonhard: Erscheinung und
 Bekehrung des Don Quichotte de la Mancha,
 im letzten Viertel des 18. Jhdt. Wesel 1786 1
 722104 Meynert, Hermann: Nordlichter, Bd. 1 Pest 1843 1
 722104 Meynert, Hermann: Nordlichter, Bd. 2 Pest 1843 1
 722104 Meynert, Hermann: Nordlichter, Bd. 3 Pest 1843 1
 722104 Meynert, Hermann: Nordlichter, Bd. 4 Pest 1843 1
 722104 Meynert, Hermann: Nordlichter, Bd. 5 Pest 1843 1
 722104 Meynert, Hermann: Nordlichter, Bd. 6 Pest 1843 1
 722105 Mörike, Eduard: Maler Nolten Stuttgart 1877 1
 722106 Müller, Gottlieb: Laura von Wien Wien 1804 1
 722107 Müller, Johann:
 Romantische Erzählungen und Sagen Znaim 1839 1
 722108 Müller, Johann:
 Das Königs-Kind aus Kärlingen Znaim 1839 1
 722109 Mundt, Theodor:
 Moderne Lebenswirren Leipzig 1840 1
 722113 Nürnberger, Woldemar: Diana-Diaphana Nordhausen 1863 1
 722114 Oettinger, Eduard Maria:
 Der Ring des Nostradamus. Leipzig 1852 1
 722115 Orpheus der Zweyte Grätz 1798 1
 722116 Ortlepp, Ernst: Gesammelte Werke, Bd. 1 Winterthur 1845 1
 722116 Ortlepp, Ernst: Gesammelte Werke, Bd. 2 Winterthur 1845 1
 722116 Ortlepp, Ernst: Gesammelte Werke, bd. 3 Winterthur 1845 1

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722117 Panizza, Oscar: Dämmrungsstücke Leipzig o. J. 1
 722118 Panizza, Oskar: Londoner Lieder Leipzig 1887 1
 722120 Perinet, Joachim: Pizichi Wien 1792 1
 722121 Perinet, Joachim : Die neue Semiramis Wien 1808 1
 722123 Phantasmus Leipzig 1883 1
 722124 Pichler, Caroline:
 Zerstreute Blätter aus meinem Schreibtische Wien 1836 1
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 gegen üble Laune und Langeweile;
 aus der Reiseapotheke des
 Herrn Rochus Pumpernickel Pest 1811 1
 722126 Poirters, Adriaan:
 Het masker vande wereldt afgetrocken door Amsterdam 1649 1
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Die Akten des Vogelsangs, Bd. 1 Berlin 1896 1
 722128 Raabe, Wilhelm:
 Die Akten des Vogelsangs, Bd. 2 Berlin 1896 1
 722129 Raabe, Wilhelm:
 Fabian und Sebastian Braunschweig 1882 1
 722130 Raabe, Wilhelm: Braunschweig
 Das Horn von Wanza 1881 1
 722131 Raabe, Wilhelm:
 Die Kinder von Finkenrode Berlin 1859 1
 722132 Raabe, Wilhelm: Braunschweig 1889
 Der Lar 1
 722135 Raabe, Wilhelm:
 Stopfkuchen Berlin 1891 1
 722138 Rasche, Johann Christoph: Helmstädt u.
 Kleinigkeiten Magdeburg 1768 1
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 Wunderbare Reisen, Feldzüge und lustige
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 Der Haushahn Wien 1783 1
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 Die Verbannung der Jesuiten aus China 1785 1
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 Empfindsame Reise nach Schilda mit Kupfern Leipzig 1793 1
 722148 Rosegger, Peter: In der Einöde Pest 1872 1
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 Friedrich Rückert's Kindertotenlieder Frankfurt 1872 1
 722152 Sammlung poetischer Versuche von Schülern
 der Poetik am Fürst-Erzbischöflichen Gymnasium
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 722153 Der Sattlermeister von der Wieden Wien o. J. 1

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722154 Saupe, Ernst Julius:
 Schiller und sein Väterliches Haus Leipzig 1851 1
 722157 Schleifer, Matthias Leopold: Gedichte Wien 1846 1
 722160 Schmid, Christoph von: Eustachius Steyr 1828 1
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 722163 Schwaldopler, Johann:
 Raphael, Bd. 1 Leipzig 1808 1
 722163 Schwaldopler, Johann:
 Raphael, Bd. 2 Leipzig 1808 1

722165 Seybold, David Christoph:
 Chinesische Lebens-Bilder München o. J. 1
 722166 Spaun, Anton Ritter von:
 Oesterreichische Volksweisen in
 einer Auswahl von Liedern,
 Alpen-Melodien und Tänzen Wien 1882 1
 722171 Steiner von Pfungen, Joseph:
 Louise Moor Wien o. J. 1
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 722183 Vogl, Johann Nepomuk:
 Das Mädchen von Gloggnitz Stuttgart 1873 1
 722184 Vogl, Johann Nepomuk:
 Scherzhaftes Wien Wien 1850 1
 722185 Vogl, Johann Nepomuk:
 Poetisches Sylvester Wien 1858 1
 722217 Zusner, Vincenz: Neuere Gedichte Wien 1853 1
 722522 Brisset, Joseph: Madrid wie es ist Leipzig 1826 1
 722530 Bauernfeld, Eduard von:
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 722531 Les Beautés de l'Opéra Paris o. J. 3 (od. 6)

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722537 Bruckbräu, Friedrich Wilhelm:
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 722539 Burmeister, Johann Peter Theodor:
 Controvers-Predigt über den Buchhändler
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722543 Kritik über den Apollo-Saal o.O. 1808 1
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 722561 Gall, Ferdinand von:
 Paris und seine Salons, Bd. 1 Oldenburg 1844 1
 722561 Gall, Ferdinand von:
 Paris und seine Salons, Bd. 2 Oldenburg 1844 1
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 722565 Gläser: Goethe's Studentenjähre Leipzig 1846 1
 722567 Merz, Philipp:
 Goethe als Erzieher Leipzig 1864 1
 722569 Gotter, Friedrich Wilhelm: Leibnitz Leipzig 1776 1
 722571 Gueullette, Thomas Simon:
 Les mille et un quart-d'heure Utrecht 1737 1
 722575 Hagen, Theodor: Musikalische Novellen Leipzig 1848 1
 722581 Hillisch, Joseph Hermann: Gedichte Linz 1855 1
 722582 Hillisch, Joseph Hermann:
 Gedichte eines deutschen Handwerksburschen o.O., o. J. 1
 722584 Hoffmann, Leopold Alois:
 Wiener Stutzergalerie Wien 1781 1
 722593 Langer, Anton:
 Geschichten-Buch des Hans Jörgel, Bd. 1 Wien 1865 1
 722593 Langer, Anton:
 Geschichten-Buch des Hans Jörgel, Bd. 2 Wien 1865 1
 722593 Langer, Anton:
 Geschichten-Buch des Hans Jörgel, Bd. 3 Wien 1865 1
 722603 Meister, Leonhard:
 Leonard Meisters neue schweizerische Spaziergänge Gallen 1790 1
 722604 Montenglaut, Henriette:
 Herbstblumenkranz Darmstadt 1814 1
 722608 Oettinger, Eduard Maria:
 Fashionable Dummheiten Wien 1840 1
 722610 Vacano, Emil Alois Ferdinand:
 Wiener Fresken Pest 1873 1
 722611 Perez, Andreas:
 Die Landstörtzerin Justina Dietzin Picara Frankfurt 1646 1

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722613 Kobell, Franz von und Pocci, Franz Graf von:
 Alte und neue Jäger-Lieder Landshut o. J. 1
 722615 Prem, Simon Marian:
 Der Ost- und Westindienfahrer Grätz 1798 1
 722616 Reil, Johann Anton Friedrich:
 Der Wanderer im Waldviertel Brünn 1823 1
 722619 Rosegger, Peter: Streit und Sieg, Bd. 1 Pressburg 1876 1
 722619 Rosegger, Peter: Streit und Sieg, Bd. 2 Pressburg 1876 1
 722621 Sauer, Carl Marquard:

Korporal Hilscher Leipzig 1867 1
 722625 Schosser, Anton:
 Naturbilder aus dem Leben der
 Gebirgsbewohner in den Grenzalpen
 zwischen Steyermark und dem
 Traunkreise Steyr 1850 1
 722632 Stegmayer, Carl:
 Klänge aus der Teufe Wien 1826 1
 722633 Straube, Emanuel:
 Die Pest in Wien Wien 1842 1
 722639 Vogl, Johann Nepomuk:
 Aus der Taufe Wien 1856 1
 722640 Vogl, Johann Nepomuk:
 Blätter und Trauben Wien 1843 1
 722641 Vogl, Johann Nepomuk:
 Fruchtkörner auf deutschen Grund und Boden Wien 1830 1
 722642 Vogl, Johann Nepomuk:
 Liedertafel Wien o. J. 1
 722643 Vogl, Johann Nepomuk:
 Soldaten- Lieder Wien 1856 1
 722647 Wagner, Richard:
 Die Meistersinger von Nürnberg Mainz 1868 1
 722648 Gleich, Joseph Alois:
 Sylphide das Seefräulein auf ihrer Lustreise Wien 1829 1
 722649 Wedekind, Frank:
 Überfürchtenichts München 1917 1
 723232 Schiller, Johann Christoph Friedrich von:
 Die Braut von Messina oder die feindlichen Brüder Mannheim 1804 1
 723270 Oesterreichisch-Ungarischer Hausfreund Leipzig 1
 723277 Strodttmann, Adolph: Orion, Bd. 1 Hamburg 1865 1
 723277 Strodttmann, Adolph: Orion, Bd. 2 Hamburg 1865 1
 724678 C.S.: Aus der Mappe eines Einsamen Wien 1853 1
 724680 Gallois, Leonard:
 Theatralische Kreuz- und Querzüge Stuttgart 1927 1
 724686 Hirsch, Rudolph: Eulenspiegels Tagebuch Pest 1856 1

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724723 Schiebeler, Daniel:
 Musikalische Gedichte von Hamburg 1770 1
 724734 Uffenheimer, Gabriel Samuel:
 Wiener Lach-Kirchtag im Lustwäldchen
 des Frohsinns Wien 1839 1
 724738 Weber, Gottfried:
 Ergebnisse der hisherigen Forschungen
 über die Echtheit des Mozartschen Requiem Mainz 1826 1
 724741 Zum Vergnügen auf den Spaziergängen
 in dem Augarten zu Wien Wien 1777 1

727283 Leopoldinischer Streit-und Leyden-Calender Graz 1707 1
741778 Oesterlein, Nicolaus:
Catalog einer Richard-Wagner-Bibliothek Leipzig 1882 1
845000 Grätz 1797 Bd. 317

Prints, List B, EZ 911

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721959 Albrecht, Johann-Friedrich-Ernst:
Adelhaupt von Stockfisch 1
721960 Albrecht, Johann Friedrich Ernst:
Miranda, Königin im Norden,
Geliebte Pansalvins 1
721961 Albrecht, Johann Friedrich Ernst:
Pansalvin Fürst der Finsterniss und
seine Geliebte 1
721962 Amon, J. Z.: Wendelin der Raubritter 1
721967 Bachmann, Joseph Adolph:
Adelmar von Rauhenstein 1
721971 Benkowitz, Carl Friedrich von:
Die Jubelfeier der Hölle 1
721972 Benkowitz, Carl Friedrich von: Natalis, 1
721975 Biedenfeld, Ferdinand Freiherr von:
Sagen, Märchen,
Kriegsscenen ... aus Spanien, Bd. 1 1
721975 Biedenfeld, Ferdinand Freiherr von:
Sagen, Märchen,
Kriegsscenen ... aus Spanien, Bd. 2 1
721976 Blutrosen. Schauer-Erzählungen 1
721977 Boritz, C: Die Höllenbrüder im Wienerwald 1
721978 Bornschein, Johann Ernst Daniel:
Die Äbtissin der Jesuiter-Damen zu St.Inigo, Bd. 1 1
721978 Bornschein, Johann Ernst Daniel:
Die Äbtissin der Jesuiter-Damen zu St.Inigo, Bd. 2 1
721979 Bornschein, Johann Ernst Daniel:
Antonia della Roccini die Seeräuber-Königin 1

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721980 Brancaglio, Johann Ernst:
Alida und Cloridan, Bd. 1 1
721980 Brancaglio, Johann Ernst:
Alida und Cloridan, Bd. 2 1
721989 Der Brudermörder 1
721991 Busch, F: Adalbert von Geiersberg genannt:
Ritter von Habenichts. 1
721992 Busch, F: Hirlanda, Herzogin von Bretagne 1
721993 Der Christ und der Türk, Brüder aus Ungarn 1

721994 Heidemann, Theophil: Malwina 1
 721995 Cramer, Carl Gottlob:
 Der deutsche Alcibiades, Bd. 1 1
 721995 Cramer, Carl Gottlob:
 Der deutsche Alcibiades, Bd. 2 1
 721995 Cramer, Carl Gottlob:
 Der deutsche Alcibiades, Bd. 3 1
 721996 Cramer, Carl Gottlob:
 Hasper a Spada, Bd. 1 1
 721996 Cramer, Carl Gottlob:
 Hasper a Spada, Bd. 2 1
 721997 Cramer, Carl Gottlob:
 Das Harfen-Mädchen 1
 721999 Cuno von Schreckenstein, Bd. 1 1
 721999 Cuno von Schreckenstein, Bd. 2 1
 721999 Cuno von Schreckenstein, Bd. 3 1
 722000 Czapek, Joseph Max:
 Die Ruinen von Palmira 1
 722001 Czapek, Joseph Max:
 Schauergeschichten der Vorzeit 1
 722002 Das Mädchen unter den Räufern 1
 722003 Degenhort, A:
 Johann und Marie 1
 722004 Die Drachenritter, Bd. 1 1
 722004 Die Drachenritter, Bd. 2 1
 722005 Eduard und Kunigunde 1
 722007 Erich von Lilienstein 1
 722008 Neue Feen-und Geister-Mährchen 1
 722010 Fielding, Henry:
 Jonathan Wild, Rinaldo Rinaldini's Antipode, Bd. 1 1
 722010 Fielding, Henry:
 Jonathan Wild, Rinaldo Rinaldini's Antipode, Bd. 2 1
 722011 Friedrich von Udenheim 1

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722014 Franz Baudin:
 Räuber und Giftmischer 1
 722015 Die weiße Frau in Neuhaus 1
 722017 Der Galeerensklave 1
 722026 Der Geist des Brunnens oder Reinsteins Fall 1
 722027 Der Geist auf Frauenburg 1
 722028 Der Geist des eingemauerten Markensteins
 und seine Brüder 1
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ZWB III, fol. 133 r: „Beschlagnahmt durch die
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2. Ser. n. 9395: Alfred Grünewald, Die Gezeiten
der Seele, Wien 1912. Prov. It. ZWB III,
fol. 133 r: „Beschlagnahmt durch die Staatspolizei
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Okt. 1916-Aug. 1921: Prov. lt. ZWB III, fol. 133 r:
„Beschlagnahmt durch die Staatspolizei 1941, von
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4. Ser. n. 9397: Alfred Grünewald, Renatos Gesang.
Ein Buch der Einsamkeit, Wien, Baden Juni-August
1917. Prov. lt. ZWB III, fol. 133 r: „Beschlagnahmt
durch die Staatspolizei 1941, von der Generaldirektion
zugewiesen.“

5. Ser. n. 9398: Alfred Grünewald, Urians Lendenschmuck,
Wien, Feb. - Juli 1914. Ein Fastnachtsspiel
in fünf Aufzügen. Prov. lt. ZWB III, fol. 133 r:
„Beschlagnahmt durch die Staatspolizei 1941, von
der Generaldirektion zugewiesen.“

6. Ser. n. 9399: Alfred Grünewald, Sonette an einen
Knaben, Wien Juni-Juli 1913. Prov. lt. ZWB III,
fol. 133 r: „Beschlagnahmt durch die Staatspolizei
1941, von der Generaldirektion zugewiesen.“

7. Ser. n. 9400: Alfred Grünewald, Spiele, Wien 1910-
1913. Prov. lt. ZWB III, fol. 133 r: „Beschlagnahmt
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Wien (?) Herbst 1918. Prov. lt. ZWB III, fol.
133 r: „Beschlagnahmt durch die Staatspolizei 1941,
von der Generaldirektion zugewiesen.“

9. Ser. n. 9402: Alfred Grünewald, Dithyrambischer
Herbst, Wien (?) 2. Sept.-29. Okt. 1919. Prov. lt.
ZWB III, fol. 133 r: „Beschlagnahmt durch die
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409873 Arnim, Ludwig Achim von:
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 Zeitschrift für bildende Kunst 58. Jahrgang Leipzig 1924 1
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642336 Schaeffer, Albrecht:
Heimgang
(= S. Fischer Verlag Bücherei Bd. 4) Berlin 1934 1
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Die Hochzeit der Aufrührer
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660248 Jessen, Peter:
Meister der Schreibkunst
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 Paysages françaises du XVe siècle Paris o. J. 1
 682907 Bahr, Hermann:
 Himmelfahrt Berlin 1919 1
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 Pompeji Potsdam 1921 1
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Irredentismo Adriatico contributo alla
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 231664 Rohleder, Franz:
 Die Pariser Kommune Braunschweig 1876 1
 231682 Rosenow, Emil:
 Kapital und Judenfrage Chemnitz o. J. 1
 231710 Illge, Richard:
 Zur Wahlbewegung in Sachsen Leipzig 1903 1
 231716 Bremen und die Sozialdemokratie Bremen 1904 1
 231729 Deutsch, Hanns:
 Qualifizierte Arbeit und Kapitalismus Wien 1904 1

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232076 Paul Pflüger,
 Das Wesen der sozialen Frage Zürich 1897 1
 232078 Pezolt, Ernst:

Wesen und Ziele der Sozialdemokratie
 (= Volksschriften des Einwohnervers
 Bern Nr. 1) Bern 1893 1
 232090 Flürscheim, Michael:
 Der einzige Rettungsweg Dresden o. J. 1
 244993 Cocteau, Jean:
 Les Enfants terribles Berlin 1930 1
 248656 Trentin, Silvio:
 Le Code Pénal Fasciste Paris 1931 1
 248804 Bresnitz von Sydacoff, Philipp Franz:
 Will Rußland die orientalische Frage lösen? Leipzig o. J. 1
 248863 Masaryk, Tomás Garrigné:
 Vasic-Forgach-Aehrenthal Prag 1911 1
 248866 Karry, Arthur:
 Warum ich verurteilt wurde Wien 1920 1
 248895 Menger, Max:
 Zur gegenwärtigen politischen Lage Schönberg 1896 1
 249706 Danneberg, Robert:
 Politik und Volkswirtschaft im dritten Kriegsjahre Wien 1917 1
 290027 Lupu, Florea:
 Offene Antwort an den Reichsratsabgeordneten
 Herrn Nikolaj Ritter von Wassilko Wien um 1908 1
 290028 Sdrinko, Otakar:
 Die „verhätchelte“ böhmische Universität Prag 1909 1
 290030 Engländer, Leopold:
 Einige Worte der Aufklärung über das
 große National-Anleihen Wien 1854 1
 290031 Die Österreichische Politik gegen
 die Ruthenen Wien um 1910 1
 290032 Radosavljevic-Bdin, Stevan J.:
 Der Streit um Alt-Serbien 1918 1
 290469 Zur polnisch-ruthenischen Frage
 in Galizien Lemberg 1903 1
 291929 Leuthner, Carl:
 Arbeiterschaft und Zwischenhandel Wien 1902 1
 291931 Pronier, H. und Thurow, H.:
 Was haben wir erreicht? Davos 1895 1
 292587 Perger, Joseph:
 Der Weg zu deutsch-österreichischem Zollverein München 1904 1
 292603 Robert, Fritz:
 Justitia Regnorum Fundamentum Wien 1910 1
 292604 Behörden als Schulstürmer Wien 1909 1
 292680 Bulgariens Blutstrom Berlin 1925 1

Signature Author / Title Imprint Number of volumes

292764 Die Soldatenmisshandlungen vor dem
 deutschen Reichstag Nürnberg 1893 1

292773 Leuthner, Carl:
 Bankerott unserer Balkanpolitik Wien 1913 1
 292813 Swoboda, Franz:
 Schienenstrag und Funkenflug Wien 1918 1
 292818 Berl, Oscar:
 Der Wiederaufbau Österreichs und die Kohlenfrage Wien 1921 1
 292833 Bosco, Garibaldi:
 I fasci dei lavoratori Palermo 1893 1
 298991 Lupul, Johann: Streiflichter Czernowitz 1902 1
 299052 Onciul, Aurel:
 Politische Bekenntnisse Czernowitz 1905 1
 772926 Eisner, Curt: Feste der Festlosen Dresden 1906 1
 773500 Hepner, Adolph: Die Ikarier in Nordamerika New York 1886 1
 780993 Braun-Prager, Käthe: Bei der Kerze Darmstadt 1929 1

XIV. TO THE HEIRS OF DR. HANS FISCHL:

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A. Map Department

Signature Author / Title Imprint Number of Sheets

I 36.405-
 I 36.410 12 Stiche versch. Größe 12
 II 37.354 Schloß Buba in Böhmen
 (Zusammengesetzt aus getrockneten
 Pflanzenteilen).
 IV 22.479 Mitsel, H.:
 Helsingborg med Öresund. Lithographie. 1
 IV 22.491 Heiligenstadt. Druck nach Original
 Lithographie. 1
 K I 097.826 -
 K I 097.827 Ansichten (Drucke, Stiche etc.) 78
 K I 99.213 Plan von Rostock. 1: 10.560 1
 K III 103.798 Balkan. 1: 750.000 (1941) 1
 K III 112.141 Umgebungskarte von Karlsbad 1
 no Signature Heidelberg im Jahre 1620 P 38 (Bl.) 1
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 nächst Salzburg P 38 (Bl.) 1
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(Ober-Österreich) 1
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(Salzburg) 1
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(Oberösterreich) 1
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(Oberösterreich) 1
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no signature St. Gilgen mit dem Schafberg 1
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(Salzburg-Kärnthen) 1
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B. Portrait Collection

Signature Type of object Name of the person depicted Number

122076 Pf B (6) Lichtdruck Ibsen, Henrik 1
104089 Pg (1a) Lichtdruck Ultzmann, Robert 1

XV. TO THE GRAND LODGE OF VIENNA:

from the Austrian National Library

A. Prints

Signature Author / Title Imprint Number of volumes

398702 Der Zirkel Jg. 3 Ödenburg 1873 1
398702 Der Zirkel Jg. 5-7 Ödenburg 1875 1
398702 Der Zirkel Jg. 13 Wien 1883 1
398702 Der Zirkel Jg. 14 Wien 1884 1
398702 Der Zirkel Jg. 15 Wien 1885 1
398702 Der Zirkel Jg. 17 Wien 1887 1
398702 Der Zirkel Jg. 19-21 Wien 1889-91 1

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398702 Der Zirkel Jg. 33 Wien 1902-03 1
398702 Der Zirkel Jg. 34 Wien 1903-04 1
398702 Der Zirkel Jg. 36 Wien 1905-06 1
681905 Gelléri, Moriz u. Payr, Eduard (Red.):
Orient. Organ der symbolischen Großloge

von Ungarn Jg. 1906 Budapest 1906 1
681905 Gelléri, Moriz u. Payr, Eduard (Red.):
Orient. Organ der symbolischen Großloge
von Ungarn Jg. 1909 Budapest 1909 1
681905 Soltész, Adolf u. Payr, Eduard (Red.):
Orient. Organ der symbolischen Großloge
von Ungarn Jg. 1910 Budapest 1910 1
682242 Cappilleri, Wilhelm: Die Antisemiten Wien o. J. 1

B. Department of Music

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45374 Gaudeamus, Sammlung ausgewählter Lieder.
M. Klavierbegl. 1
45377 Br. O. Fischer, Meisterlied (Bogenlied), Op. 40 Dessau-Leipzig 1
45378 Br. O. Fischer,
Schlußgesang am Logen-Stiftungsfest, Op. 39 1
45379 A. Liebich, Hab' Sonne, Kl. u. Ges. Leipzig 1
45380 W. A. Mozart,
Kettenlied u. Bindeliied, Ges. u. Harmonium 1
46129 Fr. Silcher, Volkslieder (Männerstimmen) 4

C. Map Department

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D. Department of manuscripts

Ser. n. 9716-9717: Moritz Amster: Sonnenstäubchen. Gedichte (Reinschrift und Abschrift.
Darin Abschrift von
Amsters Hand: „O breite deine Arme aus“ von Elisabeth, Kaiserin von Österreich.),
Österreich, 2. Hälfte 19. Jhdt.
Prov. ZWB IV, fol 4r: „Aus der Bibliothek der Großloge von Wien, P 38“ und St. „Bibliothek
der Großloge von
Wien“ im Objekt.

E. Prints / AB 46

Signature Author / Title Imprint Number of volumes

224147 Schuster, Georg:
Die geheimen Gesellschaften,
Verbindungen und Orden Leipzig 1906 1
224147 Schuster, Georg:
Die geheimen Gesellschaften,
Verbindungen und Orden Bd. 1 Leipzig 1906 1

227396 Memminger, August: Hakenkreuz
und Davidstern Würzburg 1922 1
227536 Der Spiritismus der Gegenwart Wien 1868 1
227539 Friis, Jens Andreas:
Lappisk Mythologi, Eventyr og Folkesagn Christiana 1871 1

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227544 Eichhoff, Wilhelm:
Die Internationale Arbeiterassociation Berlin 1868 1
227547 Schwebel, Oskar:
Tod und ewiges Leben im Deutschen Volksglauben Minden i. Westf. 1887 1
227557 Baersch, Georg:
Beiträge zur Geschichte des sogenannten
Tugendbundes Hamburg 1852 1
231640 Ratzel Friedrich (Hg.): Das Ausland Jg. 29 Augsburg 1856 1
231640 Ratzel Friedrich (Hg.): Das Ausland Jg. 31 Augsburg 1856 1
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231640 Ratzel Friedrich (Hg.): Das Ausland Jg. 33 Augsburg 1856 1
231640 Ratzel Friedrich (Hg.): Das Ausland Jg. 34 Augsburg 1856 1
231640 Ratzel Friedrich (Hg.): Das Ausland Jg. 36 Augsburg 1856 1
231640 Das Ausland Jg. 38 Augsburg 1858 1
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231640 Das Ausland Jg. 40 Augsburg 1860 1
231640 Das Ausland Jg. 41 Augsburg 1861 1
231640 Das Ausland Jg. 42 Augsburg 1863 1
244878 Drabitus, W.:
Ueber den Klatsch und Quatsch
in unseren Zeitungen Berlin 1885 1
244881 Dipner, Georg:
Urtheil eines Arztes über das Turnwesen
der Gegenwart Würzburg 1868 1
290320 Mittheilungen der kulturellen Vereine
Jg. 1927 Heft 4 Zürich 1927 1

XVI. TO THE HEIRS OF ALEXANDER FRIEDRICH ROSENFELD (SUPPLEMENT):

from the Austrian National Library

A. Prints

Signature Author / Title Imprint Number of volumes

685159 Lesznai, Anna: Hazajáró verrek Budapest 1909 1
687703 Krebs, Gottwald:
Militärische Redensarten und Kunst-Ausdrücke Wien 1892 1
687726 Maassen, Carl Georg von:
Johann Carl Wezel. Sein Leben und seine Werke München 1919 1

Prints / AB 46**Signature Author / Title Imprint Number of volumes**

216745 Christov, Kiril: Antologija Sofija 1922 1
222115 Berndt, Otto: Die Zahl im Kriege Wien 1897 1
231881 Zweig, Stefan: Jeremias Leipzig 1917 1
248247 Elin-Pelin (Stojanov, Dimitar Ivanov):
Razkazi Teil 1 Sofija 1911 1
248247 Elin-Pelin (Stojanov, Dimitar Ivanov):
Razkazi Teil 2 Sofija 1912 1

Signature Author / Title Imprint Number of volumes

248258 Führer der alten Hauptstadt von Bulgarien.
Tirnovu und seine Umgebung Tarnovo 1907 1
248301 Kapetanovic, Mehmed-beg:
Boj pod Banjom Lukom Lukom godine 1737 Sarajevo 1888 1
248303 Hangi, Antun:
Zivot i obicaji muhamedanaca u Bosni i Hercegovini Mostar 1900 1
248307 Basagic, Safvetbeg:
Kratka uputa u proslost Bosne i Hercegovine Sarajevo 1900 1
248583 Boldemann, Georg: Weltmeister Berlin 1926 1
248823 Perné, Adam: Warasdiner 1538-1913 Wien 1913 1
248905 Dunker, Balthasar Anton:
Doktor Luther auf'm Abtritt Frankfurt 1920 1
290728 Kapetanovic, Mehmed-beg: Narodno blago Sarajevo 1888 1
759152 Kapetanovic, Mehmedbeg, Istocno blago.
Sbrav i preveo Mehmed-beg Kapetanovic Sarajevo 1896 1
759152 Kapetanovic, Mehmed-beg, Istocno blago Sarajevo 1896 1

XVII. TO THE HEIRS OF DR. GERT LADNER UND DR. OSKAR LADNER:**from the Austrian National Library****Prints****Signature Author / Title Imprint Number of volumes**

681636 Schlosser, Julius von:
Über einige geschichtliche Voraussetzungen
der mittelalterlichen Kunstsprache Wien 1933 1
664255 Gardiner, Rolf:
Nationalsozialismus vom Ausland gesehen Berlin 1933 1
664125 Die deutsche Stadt Bielefeld o. J. 1
664252 Donin, Richard Kurt:
Die romanische Kirche der Burg Ranna Baden bei Wien 1936 1

XVIII. TO THE HEIRS OF CARL ZUCKMAYER:**from the Austrian National Library**

A. Prints

Signature Author / Title Imprint Number of volumes

696495 Cohn, David Lewis:
God Shakes Creation New York 1935 1

B. Prints / AB 46

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225599 Hambruch, Paul (Hg.):
Südseemärchen Jena 1916 1

Almost all of the cases the Commission brought before the Advisory Board were concluded with positive recommendations for restitution. Those cases in which it was not possible to recommend restitution since the Advisory Board's establishment have been listed in full on pages 10 et seq. of the Third Restitution Report and supplemented on page 12 of the Fourth Restitution Report.

On 11 March 2003 the Advisory Board was not able to recommend restitution of the painting "*Tigerlöwe*" by Oskar Kokoschka to the heirs of Hugo Blitz because that work of art passed into the ownership of a previous owner with the knowledge and will of the formerly entitled person and subsequently passed into the ownership of the Republic of Austria.