

[unofficial translation]

In accordance with Section 3 of the Federal Act on the Restitution of Art Objects from Austrian Federal Museums and Collections, Federal Law Gazette I No. 181/1998, as amended by Federal Law Gazette (BGBl) I No. 117/2009 (Art Restitution Act), at its meeting on 16 March 2018, the Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for the EU, Arts, Culture and the Media that the books listed in the dossier of the Commission for Provenance Research "Guido Adler" (2/2018), namely

- Gustave Chouquet, Le Musée du Conservatoire National de Musique, Paris 1884
- Fachkatalog der Musikhistorischen Abteilung der Internationalen Ausstellung für Musik- und Theaterwesen, Wien 1892 (Specialized catalogue of the music history section of the International Exhibition Music and Theatre, Vienna 1892)

be transferred from the Collection of Historic Musical Instruments of the Kunsthistorisches Museum to the legal successors *causa mortis* of Melanie Adler.

FOUNDATIONS

The Advisory Board has received the aforementioned dossier from the Commission for Provenance Research, on the basis of which it has established the following facts relevant to the decision: After the death of the Viennese musicologist Guido Adler (1855–1941), his library passed to his daughter Melanie Adler (1888–1942). Melanie Adler was deported to Maly Trostinec (Maly Traszjanez) on 20 May 1942 and murdered there. The written estate, the library and all other assets of Guido and Melanie Adler were "aryanized", as documented by a letter from the Department of Art Promotion, State Theatres, Museums and Popular Education of the Reich governor's office in Vienna to the Director General of the National Library dated 4 May 1942:

The confiscation of the entire property of the daughter of the late Prof. Dr. Guido ADLER, ordered by the Secret State Police Headquarters in Vienna, meant that his library and the collection of music manuscripts and musicians' letters also became the property of the German Reich.

A memorandum dated 24 April 1943 states, among other things, that two books from the remaining holdings of the acquired library were transferred "quickly" to the Kunsthistorisches Museum for the Collection of Historic Musical Instruments; whereby these are the two books dealt with in the dossier.

However, Victor Luithlen, curator of the Collection of Historic Musical Instruments, passed them on to the library with the request that they be inventoried and then returned to the Collection of Historic Musical Instruments. A note states: "Transferred [...] from the former Guido Adler library on 20 April 1943".

While the work by Gustave Chouquet is listed in the XXXVI. *Zuwachsverzeichnis zum Inventar der Bibliothek der Kunsthistorischen Sammlungen vom 1. April 1943 bis 31. März 1944* (XXXVI List of additions to the inventory of the Library of the Kunsthistorische Sammlungen from 1 April 1943 to 31

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March 1944) - albeit without reference to the Adler provenance – the *Fachkatalog* (Specialized Catalogue) does not appear in the inventory. In the acquisition file, however, it is noted: "should exist, but is a pleasant reference copy for the Collection of Historic Musical Instruments". As such a catalogue already existed in the museum's library before 1933/1938, Adler's catalogue was included as a duplicate. According to the loan slip, Adler's *Fachkatalog* was lent to the Collection of Historic Musical Instruments by the library of the Kunsthistorisches Museum in Vienna on 13 May 1943, and Chouquet's on 16 June 1943, and both books are still in the Collection of Historic Musical Instruments today. Part of Guido Adler's library was restituted from the Vienna University Library in 1949, further books from the Vienna University Library were restituted in 2013.

The Advisory Board considered the following:

According to Section 1. (1). 2 of the Art Restitution Act, objects that were the subject of a legal transaction or a legal act under Section 1 of the Nullity Act 1946 may be transferred to the original owners or their legal successors *causa mortis*.

The comprehensive seizure and confiscation of Melanie Adler's property constitutes a null and void legal act under Section 1 of the Art Restitution Act, and the Advisory Board has no doubt that the two books - as stated in the file note dated 24 April 1943 - originate from the property of Melanie Adler. As she was in any case a member of the group of persecuted persons, the facts of the case in accordance with Section 1. (1). 2 of the Art Restitution Act are therefore fulfilled and the transfer of ownership to the legal successors of Melanie Adler is to be recommended.

Vienna, 16 March 2018

Univ.Prof. Dr. Dr.h.c. Clemens Jabloner (Chairman)

Members:

Substitute members:

Ministerial councillor

Mag. Dr. Christoph HATSCHEK

Dr. Ilsebill BARTA

Rector

Mag. Eva BLIMLINGER

Univ.-Prof. Dr. Artur ROSENAUER

Councillor of the Administrative Court

Dr. Franz Philipp SUTTER

Former Attorney General

Dr. Peter ZETTER

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