

In accordance with Section 3 of the Federal Act on the Restitution of Art Objects and Other Movable Cultural Property from Austrian Federal Museums and Collections and from Other Federal Property (Art Restitution Act - KRG) as amended by Federal Law Gazette (BGBl.) I No. 158/2023, at its meeting on 8 July 2025, the Art Restitution Advisory Board adopted the following

### DECISION

The Federal Minister of Housing, Arts, Culture, Media and Sport is recommended to transfer the following works (20 music manuscripts, four printed music scores) listed in the dossier “Walter Benedikt” of the Commission for Provenance Research 14/2024 from the Austrian National Library .to the legal successors *causa mortis* of Walter Benedict.

- 23351 Mus. Hs. Walter Benedikt, 8 Lieder, Autogr.
- 23352 Mus. Hs. Walter Benedikt, Menuetto Op. 2, Part.
- 23353 Mus. Hs. Walter Benedikt, Pfadfindermarsch, Autogr.
- 23354 Mus. Hs. Walter Benedikt, Pfadfindermarsch, Kl., Autogr.
- 23355 Mus. Hs. Walter Benedikt, Bosn. herzegow. Feldjägersmarsch f. türk. Mus., 20 Stimmen
- 23356 Mus. Hs. Walter Benedikt, Orchestersuite, Bruchstück, autogr
- 23357 Mus. Hs. Walter Benedikt, Arietta, autogr.
- 23358 Mus. Hs. Walter Benedikt, Flötenquartett, Op. 21, 9 Stimmen
- 23359 Mus. Hs. Walter Benedikt, Larghetto und Scherzo, Fl. u. Kl., Autogr.
- 23360 Mus. Hs. Walter Benedikt, Sonate f. Kl. u. Fl., Op. 22
- 23361 Mus. Hs. Walter Benedikt, Sonate f. Kl. u. Fl.
- 23362 Mus. Hs. Walter Benedikt, Wiener Ballerinen. Walzer f. Salonorch, 4 Stimmen
- 23363 Mus. Hs. Walter Benedikt, Wiener Ballerinen. Walzer f. Salonorch. Kl.
- 23364 Mus. Hs. Walter Benedikt, Kleines Tonstück f. Kl., 4 hdg., Autogr., 1913
- 23365 Mus. Hs. Walter Benedikt, Kleines Tonstück, Op. 1
- 23366 Mus. Hs. Walter Benedikt, 2 lyrische Stücke, Kl., Op. 5
- 23367 Mus. Hs. Walter Benedikt, Suite im alten Stil f. Kl., Op. 25
- 23368 Mus. Hs. Walter Benedikt, Silhouetten, Kl., Op. 16
- 23369 Mus. Hs. Walter Benedikt, Berceuse
- 23370 Mus. Hs. Walter Benedikt, Passacaglia
- 39014 M.S. W. Benedikt, Bosnischer Marsch. Kl. 2hdg.
- 39015 M.S. W. Benedikt, Bosnisch-herzegow. Feldjägersmarsch. Kl. 2 hdg.
- 39117 M.S. Adolf Jensen, Hochzeitsmusik Op. 45
- 39118 M.S. Adolf Jensen, Etuden. Op. 32, H. 1

## GROUNDS

The Advisory Board has received the above-mentioned dossier from the Commission for Provenance Research. This provides the following facts relevant to the decision:

Walter Benedikt was born in Vienna on 19 March 1896 as the only child of Max Benedikt (1867–1931) and his wife Pauline, neé Hoffmann (1870–1903). After completing his commercial training at the Vienna Commercial Academy, he joined his uncle Julius Benedikt's company, founded in 1903, as an open partner in 1923. The company "Julius Benedikt", which traded in hides and skins, was based at Franzensbrückenstraße 22 in Leopoldstadt, Vienna's second district – Walter Benedikt and his family also lived at this address. On 14 June 1925, he married Alice Rosa Ehrenfest, born in Vienna to Moritz and Jenny Ehrenfest on 27 October 1902, in the Vienna City Temple. Their daughter Eva was born in March of the following year, and their daughter Lilly was born in July 1928.

After Julius Benedikt's death in 1928, Walter became the sole owner of the company. He also worked as a commercial agent. Alice Benedikt worked in her husband's company and managed the accounts and administration.

In addition to his business activities, Walter Benedikt was a musician: In 1914 he made his debut as the conductor of the hymn he set to music entitled "Das schwarz-gelbe Band". A "Gavotte for string orchestra" composed by him premiered at a concert at the Vienna Commercial Academy, and was reported on in the Neue Freie Presse on 10 February 1915:

"Students of the Vienna Commercial Academy organised [...] an academy for the benefit of the widows and orphans of soldiers who died in the war in the middle hall of the Konzerthaus. [...] The performances by the chamber orchestra, conducted by Professor Dr. E. Stolz, were excellent [...] and included a composition by Walter Benedikt, a student of the Vienna Commercial Academy, which was very well received".

According to his own statements, Walter Benedikt completed his musical training with Wilhelm Sonnenberg, a member of the Vienna Philharmonic Orchestra and the State Opera Ensemble, and the pianist Roderich Bass, among others. Many of his compositions were performed in concert halls and broadcast in radio concerts, for example on Radio Vienna; Benedikt also gave concerts as a pianist and flautist on various occasions. From 1922 to 1924, he substituted at the State Opera and was also a member of the Hakoah Orchestra.

After the annexation of Austria to the National Socialist German Reich, the members of the Benedikt family were at the mercy of direct persecution as Jews. In May 1938, Walter Benedikt registered himself and his family with the emigration department of the Jewish Community in Vienna and announced his intention to emigrate to the USA, where several of his cousins were already living. In the mandatory 'List of Jewish Assets as of 27 April 1938' Walter stated a total value of RM 2,875, as of 15 July 1938, under item IV g) 'Objects made of precious metal, jewellery and luxury items, works of art and collections', Alice stated a total value of RM 6,006

for 'Jewellery according to the appraisal of the certified appraiser Alois Kosian'. A precise list of the items is not enclosed with the property declarations. The couple instructed the lawyer Alfred Maril to handle the property law matters. Walter Benedikt surrendered his business licences in accordance with a decision by the Leopoldstadt (2nd) district authority on 25 June 1938, and the Julius Benedikt company was deleted from the commercial register for sole proprietorships on 23 August 1938. The family left Vienna on 3 August 1938 and almost two weeks later, on 16 August, boarded the S.S. Duchess of Richmond in the northern French port of Cherbourg, bound for Canada. Arriving in Quebec, they crossed the border into the USA on 25 August 1938 and went to Galesburg, Michigan. In December 1942, they were baptised in Philadelphia and changed their surname to 'Benedict'. In his new home, Walter Benedict became a member of the New York Flute Club, where he took part in concerts and composed and performed flute pieces.

As part of his preparations to flee, Walter Benedikt had arranged for his belongings to be exported to the USA by the Bäuml shipping company. In the application for an export permit dated 27 October 1938, the shipping company listed '4 oil paintings, 1 graphic, various reproductions, 1 cello, 1 lute, 1 guitar, 2 violins, 1 saxophone, 7 carpets and various rugs, various glass, silver and porcelain objects, knick-knacks, etc.'. The removal goods were still in Vienna in July 1939 because, according to correspondence between Maril and the Berlin Moabit-West tax office regarding the payment of the so-called 'Jewish Asset Levy, which Alice Benedikt had been ordered to pay in the amount of RM 4,600, there were disagreements. Maril unsuccessfully attempted to pay off the debt with the proceeds from the redemption of insurance policies. In February 1941, the Gestapo headquarters in Vienna applied for all four family members to be stripped of their citizenship; on 15 April 1941, the Gestapo issued a temporary confiscation order regarding all of the assets, and at the same time the lawyer Stefan Lehner was appointed as asset manager and liquidator. On 10 June 1941, the Reichsführer SS and Chief of the German Police in the Reich Ministry of the Interior ordered the revocation of Walter and Alice Benedikt's German citizenship, whereupon the assets were finally confiscated in accordance with RGBI. I p. 480 and RGBI. I p. 1235.

In his report on the assets of the Benedikt family dated 25 August 1941, Lehner commented on the realisation of the Benedikt family's removal goods by the Gestapo's Office for the Disposal of the Property of Jewish Emigrants, (Vugesta):

'There were removal goods and the Vugesta has informed me that it does not yet have a statement of account for the purchase of the removal goods.'

In addition to bank accounts and proceeds from the redemption of insurance policies, shares and securities were also turned to account and transferred to the German tax authorities. In April 1943, Lehner finally informed the Chief Finance President of Vienna-Lower Danube about the completed realisation of the removal goods:

[unofficial translation]

‘Vugesta holds the net proceeds of RM 7,610.81 received for the movables of Walter Israel Benedikt under book number 181/5 at its disposal.’

Vugesta had already transferred the net proceeds to the Chief Finance President of Berlin-Brandenburg on 28 August 1942. It can be proven that items worth RM 4,561.35 were auctioned off at the Dorotheum, and RM 2,376.90 was achieved through ‘depot sales’ and RM 1,921.50 from various ‘private sales’. Lehner received 2 per cent of the net proceeds as a fee.

After 1945, Walter Benedict tried to regain his property, which he succeeded in doing in the case of a detached house in Neuhaus near Weissenbach an der Triesting in Lower Austria that had once belonged to him, which had presumably served the family as a summer holiday home. The purchase contract of July 1939, according to which the house had been sold to a neighbour via lawyer Maril, was declared null and void in 1948, and the house was restituted according to the findings of the external senate of the Restitution Commission Vienna at the District Court of Wiener Neustadt. It is not known whether Benedict or his family became aware of the Vugesta’s expropriation of the removal goods or learnt that music manuscripts and printed music had ended up in the National Library, as described below. There is no corresponding correspondence with Austrian or American authorities. Walter Benedict died in New York on 23 October 1948; his death certificate states his profession as ‘composer + musician’. In the 1960s, his widow Alice received compensation from the so-called relief fund for professional damages suffered; she died in New Jersey in October 1990.

In the Austrian National Library, provenance research identified sheet music - both prints and manuscripts - which were catalogued alphabetically under the inventory code ‘P 1941’ or ‘P 41’ and can be attributed to Walter Benedikt on the basis of annotations or stamps. The manuscripts 23351-23370 Mus. Hs. represent compositions by Walter Benedikt and some of them bear numbers from a catalogue raisonné which was apparently compiled by the composer himself but whose overall scope and details are unknown (listed are operas numbered 1, 5, 12, 16, 21, 22 and 25). Some of these pieces were performed by Benedikt himself at concerts or broadcast in radio programmes in the 1930s, as contemporary newspaper reports from 1914 show. In addition to handwritten notes and instructions for playing, Benedikt’s name, which he wrote underneath the compositions, can be seen on some of the sheets. He set poems to music and wrote the corresponding lines of verse by hand under the sheet music. The two printed music sheets 39014-39015 M.S., also Benedikt’s own compositions, contain annotations handwritten by himself or paste-overs and corrections. These two marches were also mentioned in concert reports and announcements and broadcast at radio concerts. The music prints 39117 and 39118 M.S., on the other hand, are two pieces composed by Adolf Jensen, also inscribed under ‘P. 41’ in the National Library; they bear the stamp ‘WALTER BENEDIKT WIEN’.

[unofficial translation]

The Advisory Board considered the following:

In accordance with Section 1 (1). 2 of the Art Restitution Act, objects owned by the federal government that were the subject of a legal transaction or legal act in accordance with Section 1 of the Annulment Act 1946 can be transferred to the original owners or their legal successors *causa mortis*. In accordance with Section 1 of the Nullity Act 1946, 'legal transactions and other legal acts against payment or free of charge during the German occupation of Austria are null and void if they were carried out in the course of its political or economic penetration by the German Reich in order to deprive natural or legal persons of assets or property rights to which they were entitled on 13 March 1938.'

Walter Benedikt and his family were persecuted by the Nazi regime for being Jewish and managed to flee to the USA in 1938. On 10 June 1941, the Reichsführer SS and Chief of the German Police in the Reich Ministry of the Interior ordered the revocation of Walter and Alice Benedikt's German citizenship; their assets were confiscated in favour of the German Reich in accordance with RGBL. I p. 480 and RGBL. I p. 1235. Their removal goods never reached the United States, but were utilised by the Gestapo's 'Administration Office for Jewish Removal Goods' from 1941: 20 music manuscripts were subsequently registered in the National Library under 'P 1941', the four printed music scores under 'P 41'. The Advisory Board has already stated in previous recommendations that such abbreviations in the acquisition books are Gestapo assignments. The sheets must therefore, without any doubt, be considered to have been expropriated and their acquisition by the National Library must be regarded as null and void legal acts in accordance with Section 1 of the Nullity Act. It can be assumed that Walter Benedikt was not only the author of the pieces, but also the owner of the sheets in question. Based on the evaluation of the annotations on the sheets by the provenance research, the 22 works by Benedikt (23351-23370 Mus. Hs.; 39014-39015 M.S.) can likely be assigned to a catalogue raisonné compiled by Benedikt himself. The two printed scores of works by Adolf Jensen (39117-39118 M.S.), on the other hand, each bear an owner's stamp with Walter Benedikt's name. The Advisory Board sees no reason to assume that the works left Benedikt's ownership before the "Anschluss" and were transferred to the National Library by another person in connection with the Nazi persecution-related expropriation. Rather, the Advisory Board assumes that the music manuscripts and printed music in question were in Walter Benedikt's removal goods and that they came to the National Library via the Vugesta as a result of the seizure of his entire property. The Advisory Board therefore considers the facts of Section 1. (1). 2 of the Art Restitution Act to be fulfilled and recommends to the Federal Minister for Housing, Arts and Culture, Media and Sport that a transfer of ownership should be made to the legal successors of Walter Benedict.

Vienna, 8 July 2025  
Univ.-Prof. Dr. Clemens JABLONER (Chairman)

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