

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.) INo.117/2009, at its meeting on 20 April 2012, the Advisory Board unanimously adopted the following

#### DECISION

It is recommended to the Federal Chancellor that the holdings listed in the enclosed dossier "Archiv de Vaux im Österreichischen Staatsarchiv / Abt. Haus-, Hof- und Staatsarchiv"

- Archive of the de Vaux family; 1010 index units in 29 boxes, 1 document (conferral of baronage on Thierry de Vaux, 1792), two photo albums and a bound book with obituaries, wedding announcements and articles about special events of the Viennese court compiled by Karl de Vaux

be transferred to the legal successors *causa mortis* of Dr. Leon de Vaux.

#### GROUND

The Advisory Board has established the following facts based on the existing dossier:

The former Imperial and Royal Legation Councillor Dr. Leon Baron de Vaux was born in Vienna on 7 May 1870 and presumably died in Lausanne on 27 June 1944. After his retirement on 3 October 1920, he lived in Vienna and Warsaw; another residence is documented in Chodorow, formerly Poland and respectively Galicia, now Ukraine, where he owned properties. According to historical registration documents, he was last registered in Vienna in July 1939.

According to a copy of a report from the Department for Public Enlightenment and Propaganda at the "Office of the Chief of the District of Warsaw" dated 22 April 1940, the archives in question were seized because they contained the anti-National Socialist views of Leon de Vaux, who was labelled a "*rabble-rouser and German-hater of the worst kind*".

On the instructions of the Director General of the State Archives and Director of the Reich Archives in Potsdam, the holdings were transferred to the Reich Archives in Vienna in 1943 and organised by the head of the German archive administration in the so-called Generalgouvernement.

The Advisory Board considered the following:

In accordance with Section 1. (1).2a of the Art Restitution Act, objects that were acquired through legal transactions or legal acts outside the territory of the Republic of Austria but are otherwise comparable with Section 1 of the Nullity Act 1946, can also be transferred to the original owners or their legal successors *causa mortis*. Further prerequisites are that these legal transactions or legal acts were carried out in a territory under the rule of the German Reich between 30 January 1933 and 8 May 1945. The explanations in the government bill cite the so-called Generalgouvernement, for example, as such a territory (238 BeilStenProtNR, XXIV. GP).

The seizure of the archival materials by the German authorities of the Generalgouvernement in 1940, which was obviously based on Leon de Vaux's political stance or the (actual or presumed) contents of the archival materials, is to be assessed as a void

legal act in accordance with Section 1 of the Nullity Act 1946 as understood by the extension in accordance with Section 1.(1). 2a of the Art Restitution Act.

The facts of Section 1. (1) .2a of the Art Restitution Act are, therefore, fulfilled, which is why the transfer of ownership was to be recommended to the Federal Chancellor.

Vienna, 20 April 2012

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

Members:

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Ilsebill BARTA

Univ.Do. Dr. Bertrand PERZ

Dir. Mag. Thomas JUST

Counsellor of the VwGH  
Dr. Franz Philipp SUTTER

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