

# “Musical Instruments, Provenance Evidence and Public Access”

## Conference on Provenance Research on Musical Instruments Historisches Museum Basel, 17-18 October 2024

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### Introduction

Those who acquire, preserve, loan, sell, or otherwise transfer valuable musical instruments are being held to evolving provenance due diligence standards as a result of unresolved losses during the Nazi era, antiquities looting, illegal import and export, Indigenous claims, and suspect acquisitions during the colonial era. Public access to provenance information is often essential to reconstructing the chain of ownership, yet there is often a lack of access to primary source records. This can undermine necessary research, create provenance gaps, and obscure the facts, resulting in potential reputational and economic harm in the case of a tainted ownership history. In addition, ethical standards have emerged that may call for a review of the circumstances under which an instrument was originally acquired. The context of acquisition may demonstrate coercion, duress, confiscation, theft, or other legally or ethically objectionable facts. This may result in restitution to private parties, institutions, Indigenous communities, and nations.

There is often a tension between the need for transparency and public access to provenance information and competing private interests in proprietary business information, privacy, and copyright protection under varying laws. In commercial contexts, such as auctions, historical documentation (including names of historical owners) is often redacted as a matter of default trade practice to protect the privacy of prior owners. While legitimate privacy interests may exist, withholding such information may be problematic, such as during the 1933-1945 period. Such trade practices raise the question of where a line in the sand should be drawn between the public's need to know and competing private interests.

To overcome the challenges of access to privately owned record collections, we advocate for collecting institutions to collaboratively and proactively acquire, collect, and preserve relevant historical business and other records from musical instrument collectors, dealers, makers, restorers, estates and other pertinent sources, in order to adequately support evolving provenance and other historical research. Time is of the essence as potentially relevant historical records are being discarded, lost, destroyed, or sold to private parties, where access can be restricted, such as in the recent sale of business records from the violin firms, W.E. Hill & Sons, Moennig & Son,<sup>3</sup> Wilhelm Hermann Hammig, and Emil Herrmann, and the recent fire in the Bösendorfer piano archives.<sup>4</sup>

We include a few examples in this paper, the first involves a unique bow ledger from the Rudolph Wurlitzer firm covering the years 1931-1950, the second discusses the Dayton C. Miller Flute Collection at the Library of Congress, and the last reflects on international provenance resources required to reconstruct the provenance of Wanda Landowska's Pleyel harpsichord today in the Library of Congress.

### The Rudolph Wurlitzer Bow Ledger 1931-1950, Library of Congress

The Strad magazine reported on 24 February 2023, “An unusual lot at a November 2022 auction caused a stir among bow researchers and enthusiasts – particularly when it was donated to a public institution to save it from private hands.”<sup>5</sup> International attention was focused on this unusual auction offering by Tarisio Fine Instruments and Bows in its “T2” auction for the violin trade. The ledger contains detailed transactional descriptions for over 1,000 bows, as well as musical instrument references, informing the topics of provenance, authenticity, valuation, condition, and other historical subjects. Such business records may be the only source of historical provenance information for a musical instrument. These records may also contribute significantly to an understanding of the network of players, dealers, and collectors, as well as cultural tastes and the geographic migration of instruments and their owners, dates of transfer, and additional historical research topics.

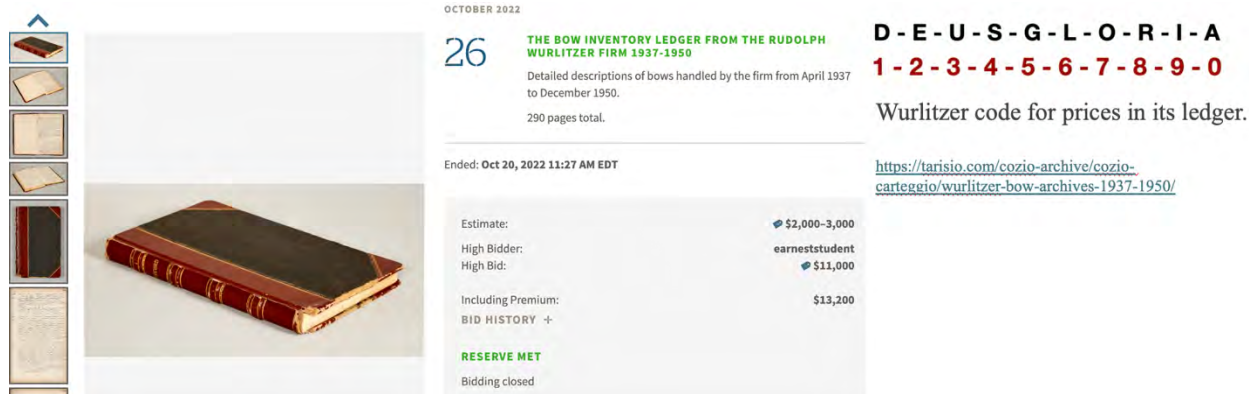


Fig. 1, Rudolf Wurlitzer Firm Ledger, 1931-1950  
 Tarisio Fine Instruments and Bows Auction, October 2022  
 Photo credit: Tarisio Fine Instruments and Bows<sup>6</sup>

To avoid a loss of this unique and important dealer business record for the years 1931-1950, efforts were made to find support to acquire this record and to ensure that it was donated to a public archive, where it could be available for research. Fortunately, the philanthropist, violinist, and violin collector, David L. Fulton, generously supported this acquisition effort with the intent of donating the ledger to a public institution.

When such records are privately owned by contemporary dealers, these records are often considered proprietary, providing a legitimate business benefit. As Mr. Fulton pointed out:

“With the information they can give about instrument provenance and condition, dealer records offer a valuable competitive advantage. Although there are fascinating historical documents among certain dealer archives that ought to be publicly accessible, I understand the desire to keep them private if there are aspects that might cast a negative light on the dealer or their business practice, or if making them public could have financial implications for instrument owners. For example, if you owned a ‘del Gesù’ and the opinion in the document was that the violin was a fake, you wouldn’t be happy.”<sup>7</sup>

Stated another way, Philip E. Margolis, the founder of Cozio.com, an online database of information for instruments of the violin family, noted: “Given that information is the currency of the market, it is natural that most dealers would be opposed to efforts to expand access to this information. To a large extent, a dealer’s livelihood depends on him having more information (or higher-quality information) than his competitors and customers.”<sup>8</sup>

Mr. Fulton generously donated the Wurlitzer bow ledger to the U.S. Library of Congress, under the curatorial stewardship of Carol Lynn Ward Bamford. This ledger contributes significantly to the Library’s existing collection of important Wurlitzer records and the long history of the Wurlitzer firm. In 2023 and 2024 a transcription of the handwritten ledger was completed, as well as a database that includes search fields, such as, bow type, maker, maker stamp and identifying detail, date of manufacture, physical description, provenance, year of acquisition, specialist, seller, pricing information, date of sale, and other details, as well as if the transaction was a sale, exchange, or consignment.<sup>9</sup> Wurlitzer used a secret code for values, "DEUSGLORIA," glory to God, consecutively assigned to the numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, and 0.

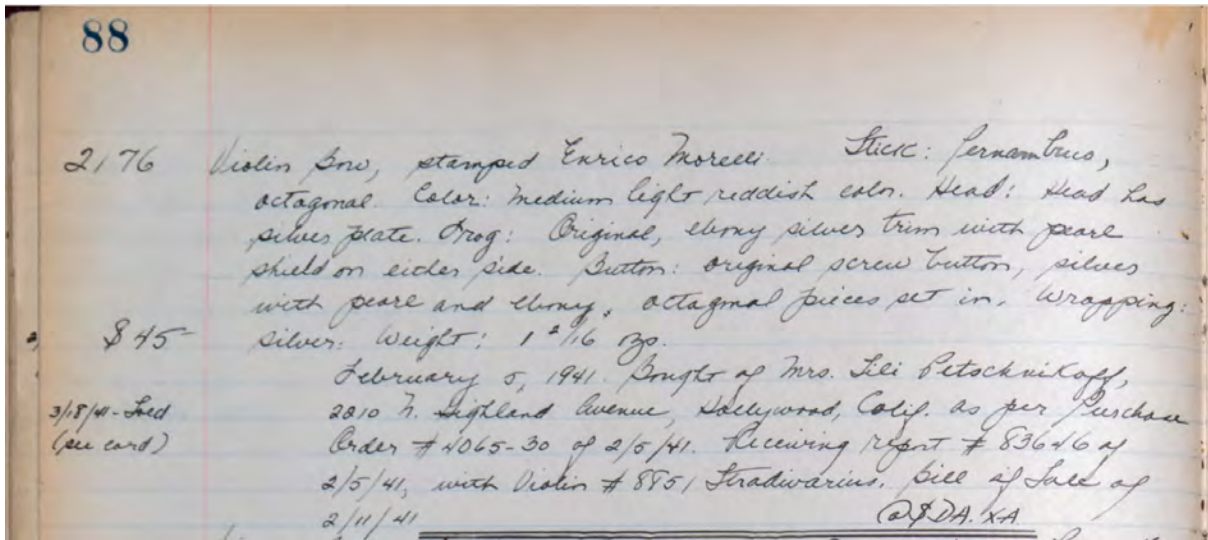


Fig. 2, Wurlitzer Bow ledger, Bow Entry # 2176, Page 88  
Photo credit: Library of Congress

One example from the Wurlitzer bow ledger demonstrates what this unique record has to offer for provenance and other historical research. The 1941 entry on page eighty-eight describes bow No. 2176, stamped Enrico Morelli and sold by the owner, Lili Petschnikoff (1874-1957), of Hollywood, California, for \$45 on 5 February 1941. This entry also mentions Wurlitzer's purchase from Mrs. Petschnikoff of a Stradivari violin identified as No. 8851 for the amount of: "@\$DA.xa," which according to the secret Wurlitzer code, appears to be \$10,000.



Fig. 3, Pre-1919 Photograph of Lili Petschnikoff  
Photo credit: Seaver Center for Western History Research, NHMLAC, P-078-8-519

Lili Petschnikoff is not well-known today as a violinist, nor is her place in the provenance of her Stradivari violin. Lili was an accomplished American violinist who studied in Berlin with Joseph Joachim. At twenty-two years of age in 1896, she married Alexander Petschnikoff (1873-1949), a Russian violinist.<sup>10</sup> Lili performed extensively both with and without her husband in Europe and the U.S. Lili owned her own Stradivari violin, purchased by her father and chosen by Joachim, which she played throughout her professional career.<sup>11</sup> Alexander also played on a Stradivari violin. Yet Lili is omitted from the violin literature as a prior owner of any of the "Petschnikoff" Stradivari violins, reportedly dated 1727,<sup>12</sup> circa 1727,<sup>13</sup> and 1729.<sup>14</sup>

The Wurlitzer bow ledger entry made it possible to learn about Lili's Stradivari and to confirm through further research that she owned the 1729 "Petschnikoff" Stradivari violin, that she had obtained a certificate of authenticity from W.E. Hill & Sons, London in 1940, after which she sold her Stradivari to Wurlitzer in February 1941. The next owner was Hyman Axinn (1894-1978),<sup>15</sup> followed by the renowned comedian and violinist Jack Benny (1894-1974), who purchased the violin from Wurlitzer on or about April 13, 1957. But Lili Petschnikoff is not associated with the published provenance of this violin.<sup>16</sup> The 1729 Stradivari owned by Lili is known today as the "Benny," for its prior owner, Jack Benny.<sup>17</sup> Benny bequeathed the violin to the Los Angeles Philharmonic in 1964 and it is today part of the Los Angeles soundscape.<sup>18</sup>



Fig. 4, Jack Benny playing duets with former President Harry S. Truman, 3 September 1959  
Photo credit: Cecil H. Schrepfer, Harry S. Truman Library

## The Dayton C. Miller Collection, Library of Congress



Fig. 5, The Dayton C. Miller Flute Collection, Cleveland, Ohio, 1928.  
Miller arranged and took this photograph when he had approximately 825 flutes.  
The Dayton C. Miller Flute Collection, Music Division, Library of Congress  
Photo credit: Dayton C. Miller

The Dayton C. Miller Flute Collection at the Library of Congress can be used to illustrate ways a collector might contribute to our topic of provenance research and, in turn, how institutions can be made aware of the importance of collector records when acquiring a musical instrument or collection.

Dayton C. Miller (1866-1941) intended his entire flute collection to stay together at an institution where it would be accessible to the public. His gift was made even more significant and valuable when he specified that his accession ledgers and correspondence related to the acquisitions accompany the collection. These records of his acquisitions contain not only provenance information but also stories told to him of musical instruments damaged in war, lost in war, lost in fire, stolen, and the histories of instruments newly created, antique, or copied. Examples from Miller's ledger bring to light biographical information on makers and owners; they elucidate musical instrument histories, their condition, valuation, authenticity; and they help identify lost or missing items.

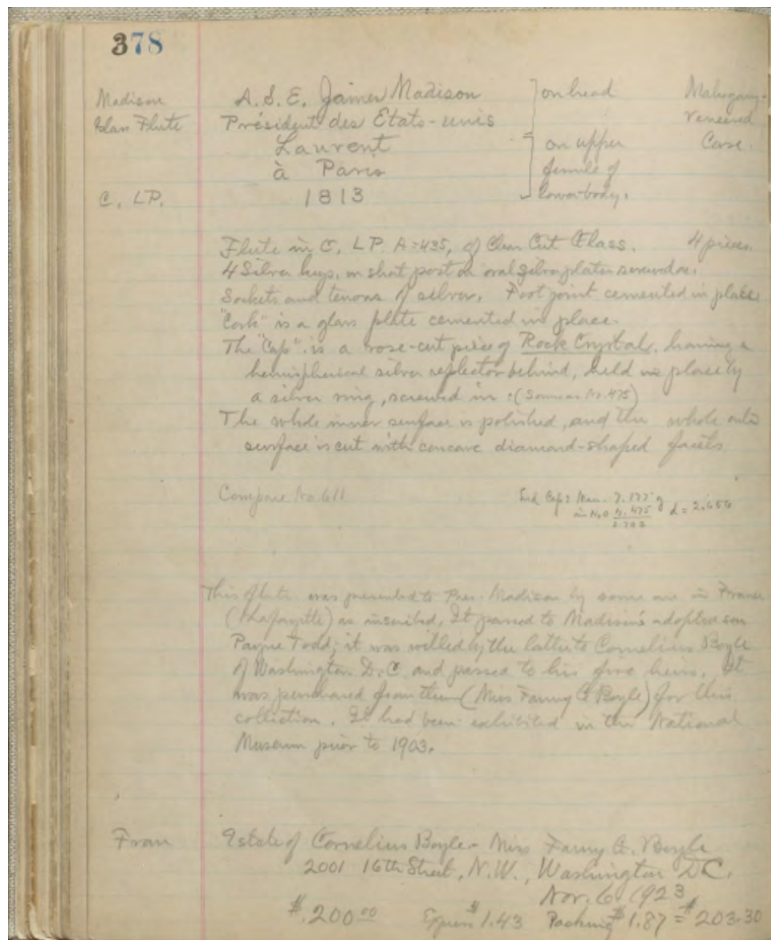


Fig. 6, Accession List of Flutes, page 378, for Miller flute DCM 378  
The Dayton C. Miller Flute Collection, Music Division, Library of Congress  
Miller's original entry for flute number 378, a crystal flute in C,  
by Claude Laurent of Paris, acquired by Miller in 1923  
Photo credit: Carol Lynn Ward-Bamford

In the 1990s a database was created with information from Miller's flute ledgers including details of physical description, condition, and source. With this information, the Dayton C. Miller website at the Library of Congress was launched. The goal, in line with the Library's mission, was to make the information available to researchers all over the world, as Miller imagined and hoped. Ultimately, Miller's remarkable accession ledgers also greatly enhance the value of this rare collection.



Fig. 7, Flute, by John Spear, DCM 242, in The Dayton C. Miller Flute Collection  
Music Division, Library of Congress<sup>19</sup>  
Photo credit: Library of Congress

Provenance records provide biographical information or clues on the makers and owners and can help shape the identity of native American makers and owners that might otherwise not be known. In 1922, Miller was able to obtain a Winnebago tribe flute made specifically for his collection. The flute was decorated with inlaid lead rings made by John Spear, the only flute maker living and from whom the art of lead ornament was learned long ago in Wisconsin. Miller obtained a second flute from Spear, through the ethnologist Frances Densmore, who told Miller that Spear was 97 years old when he made it, his last flute. This type of provenance information makes it possible for museum curators, collectors, Indigenous communities, and the public to be better aware of these untold histories that can contribute to the cultural memory of Native Americans.



Fig. 8, Flute, by Claude Laurent, DCM 378, Dayton C. Miller Flute Collection  
Music Division, Library of Congress.  
Photo credit: Library of Congress<sup>20</sup>

There are times when provenance information is misinformation. It might be misleading, whether intentional or not, and may even affect negotiation and sales price. Miller spent years in pursuit of a flute of crystal, by Claude Laurent, that was the property of US President James Madison. At the time of the sale in 1923, the sellers told Miller that the flute had been given to Madison by General Lafayette. Miller believed this to be true and this impressive provenance likely appreciated the value of the flute. It was his most expensive flute purchase to date. It was included in his accession ledger and became a well-known, often repeated story that was put in print. However, as was recently discovered, it is not historically accurate. Research in the Madison papers shows that Laurent sent it directly to Madison.



Fig. 9, Soprano Recorder, anonymous, DCM 1259, The Dayton C. Miller Flute Collection  
Music Division, Library of Congress  
Photo credit: Library of Congress<sup>21</sup>

Provenance records can prove essential in the search for missing or stolen musical instruments. Miller's accession ledger describes a rare soprano recorder by an unknown maker as follows: "Ivory, engraved all over, with a player on Grecian 'double flute' and charming animals – lion, deer, horse, birds, snake; on foot, two birds singing; on body, a spiral grapevine whole length; plus geometrical rings. A beautiful unique specimen in perfect condition, except lip is slightly nicked. Length total: 249mm., 9 13/16" from embouchure."

The recorder was stolen from the Miller Collection in 1981. Fortunately, the Library of Congress has Miller's accession list with detailed physical description, measurements, and condition report as the search continues for the recorder.



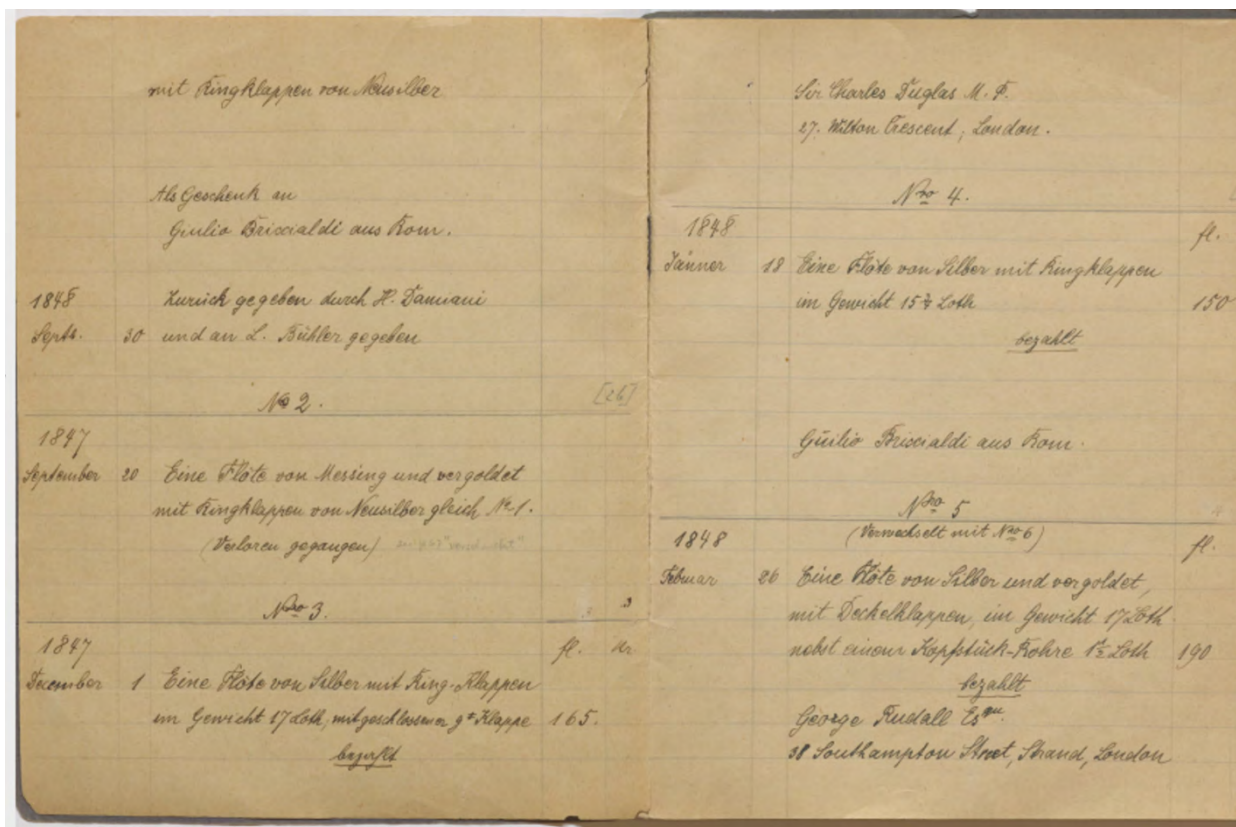


Fig. 10, Boehm sales record book. The Dayton C. Miller Flute Collection Music Division, Library of Congress. Gift of Karl Boehm to Dayton C. Miller, 1925  
Photo credit: Carol Lynn Ward-Bamford

And finally, a fascinating item in Miller's gift is related to Theobald Boehm, acoustician and inventor of the modern flute in 1847. His importance in the flute world cannot be understated. Boehm maintained a Record book of the manufacture his 1847 flutes, with details of each flute's materials, key styles, date of manufacture, and customer information. In 1925, the year Miller added Boehm flute no. 2 to his collection, Boehm's son Karl Boehm presented Miller with a transcription of the original Record book that was in the possession of the family. The Record book had been very carefully copied out by Karl Boehm's wife to look exactly like the original in size, format, and penmanship.

The original was later lost and remains missing, but the copy survives and is the only record of this aspect of Boehm's flute-making creativity and genius.

The Boehm record book copy has also helped clarify the history of one of Miller's flutes. Miller obtained a flute by Louis Lot (1807-1896), a celebrated flute maker in Paris. In his flute catalog Miller described the flute's silver body, gold embouchure, maker mark and serial number 163, but questioned some of the originality of the keywork. The ledgers from the workshop of Louis Lot have not been accessible until recently and only in part, thanks to the efforts of private flute researchers. What is now knowable and notable about Miller's flute is that with access to the Lot *and* Theobald Boehm logbooks, it is possible to date the Lot flute to 1857; to prove that its gold embouchure plate was made in the same style of his colleague Theobald Boehm during this time and is therefore original; and, further, to discover that it was the first flute that Lot sold with the gold embouchure.<sup>22</sup>

We look at correctness from today's lens. When viewing conduct of historical collectors, care should be taken not to hold them or Miller to current standards retroactively. These stories were all gleaned from Miller's accession ledgers to highlight the potential significance of provenance records to an institution and its patrons. Provenance can hold the keys to discovery and education about our past activities, sounds, tools, rituals. Our cultural heritage. By actively collecting

and preserving the tangible objects of human activity and striving to include documents and records of provenance in acquisitions, we can retain the intangible memory and heritage of these objects.

### **The Landowska Pleyel Harpsichord, Library of Congress**



Fig. 11, Landowska Pleyel Harpsichord – No. 80F463, 192.665, 51  
Photo credit: Library of Congress

Recent efforts regarding Wanda Landowska's Pleyel harpsichord No. 80F463, 192.665, 51, today in the Library of Congress, reflect the importance of preserving primary source records regarding provenance in public archives. The primary archives consulted included:

- The Einsatzstab Reichsleiter Rosenberg Sonderstab Musik confiscation records, which contain identifying instrument information, preserved in the U.S. National Archive and the Bundesarchiv.
- Pleyel's manufacturing and sales records, which were acquired, preserved, digitized, and made publicly accessible online by the Archive of the Musée de la musique, Paris. These records contain the date of manufacture, serial number, model and materials, date of sale, buyer, and price paid. The sales ledger reveals that the "Einsatzstab" had mistakenly confiscated the Pleyel harpsichord from Landowska when the true owner was Pleyel. Therefore, the German authorities were compelled to compensate Pleyel for the theft of its harpsichord. It was only after the war when Pleyel recovered its instrument from Germany that it eventually sold it to Landowska in New York in 1955.
- U.S. Army records document the discovery of the stolen Pleyel harpsichord in Bavaria, the instrument's accession into the inventory of the Allied-run Munich Central Collecting Point, and finally the instrument's repatriation shipment to France in 1946.
- Landowska's post-war claim file in the Archives of the Ministère de l'Europe et des Affaires Étrangères documents this Pleyel by description and serial number, along with an account of the theft.
- The estate records of Wanda Landowska and Denise Restout document Landowska's very substantial Nazi-era musical losses,<sup>23</sup> as well as the donation of Pleyel harpsichord No. 80F463, 192.665, 51, and other materials, to the Library of Congress.



*Sortie*

Numero de Sortie	Numero de Fabrication	Date de Fabrication	Designation des Modèles	Date des Ventes	Nos des Fiches	Noms	Villes	Prix Nets	Reçu par	Observations
192.651	80.558	19.32	Clavecin G <sup>d</sup> noir							
192.652	80.559	19.32	G <sup>d</sup> acajou	1 Oct 1940		Chela	Alb.	10.500		
192.653	80.602	19.32	Orteil R <sup>e</sup> noyer	11 Mars 1948		Carp	Paris	3.500		
192.654	80.601	19.32	Orteil noyer	2. 2. 52		Leve	Paris	2.500		
192.655	80.559	19.32	Clavecin G <sup>d</sup> acajou	15 Oct 1940		Haney	Paris	17.500		
192.656	80.559	19.32	G <sup>d</sup> acajou case	15 Oct 1940		W. Williams	Paris	9.999		
192.657	80.559	19.32	G <sup>d</sup> case	15 Oct 1940		Demut Louis	Alb.	3.500		
192.658	80.559	19.32	G <sup>d</sup> case	15 Oct 1940		Degere	Paris	3.999		
192.659	80.559	19.32	G <sup>d</sup> case	15 Oct 1940		Hausman	Paris	3.999		
192.660	80.559	19.32	Orteil R <sup>e</sup> noyer case	15 Oct 1940		Neiz	Paris	1.100		
192.661	80.559	19.32	Clavecin G <sup>d</sup> acajou case	15 Oct 1940		Leve	Paris	3.500		
192.662	80.559	19.32	G <sup>d</sup> case	15 Oct 1940		L. Wolf	Paris	3.500		
192.663	80.559	19.32	G <sup>d</sup> case	15 Oct 1940		Vogel	Paris	3.500		
192.665	80.463	9.9.32	Clavecin G <sup>d</sup> acajou pommelé	29 Oct 1940 14 Mar 1955		Einsatzstab Wanda Landowska	Hotel Commodore Blvd. Hausmann, Paris New York	30.000 285.250		autorités allemandes récupéré prêté à W. Landowska [German authorities recover lent to W. Landowska] New York \$ US 805
192.666	80.463	9.9.32	Clavecin G <sup>d</sup> acajou pommelé	29 Oct 1940 14 Mar 1955		Einsatzstab Wanda Landowska	Hotel Commodore Blvd. Hausmann, Paris New York	30.000 285.250		autorités allemandes récupéré prêté à W. Landowska [German authorities recover lent to W. Landowska] New York \$ US 805
192.667	80.463	9.9.32	Clavecin G <sup>d</sup> acajou pommelé	29 Oct 1940 14 Mar 1955		Einsatzstab Wanda Landowska	Hotel Commodore Blvd. Hausmann, Paris New York	30.000 285.250		autorités allemandes récupéré prêté à W. Landowska [German authorities recover lent to W. Landowska] New York \$ US 805

Fig. 12, Pleyl Fabrication Ledger, E.2009.5.23, page 53  
Photo credit: Archives du Musée de la musique, Paris



Exit Number	Fabrication Number	Date of arrival at the factory	Designation of Models	Date of Sale	Name	Location	Net Price	Observations
192665	80.463	9.9.32	Clavecin G <sup>d</sup> acajou pommelé [Harpisichord Grand figured Mahogany]	29 Oct. 1940 14 Mar. 1955	Einsatzstab Wanda Landowska	Hotel Commodore Blvd. Hausmann, Paris New York	30,000 285,250	autorités allemandes récupéré prêté à W. Landowska [German authorities recover lent to W. Landowska] New York \$ US 805

Fig. 13, Enlargement and transcription, Pleyl Fabrication Ledger, E.2009.5.23, page 53  
Photo credit: Archives du Musée de la musique, Paris

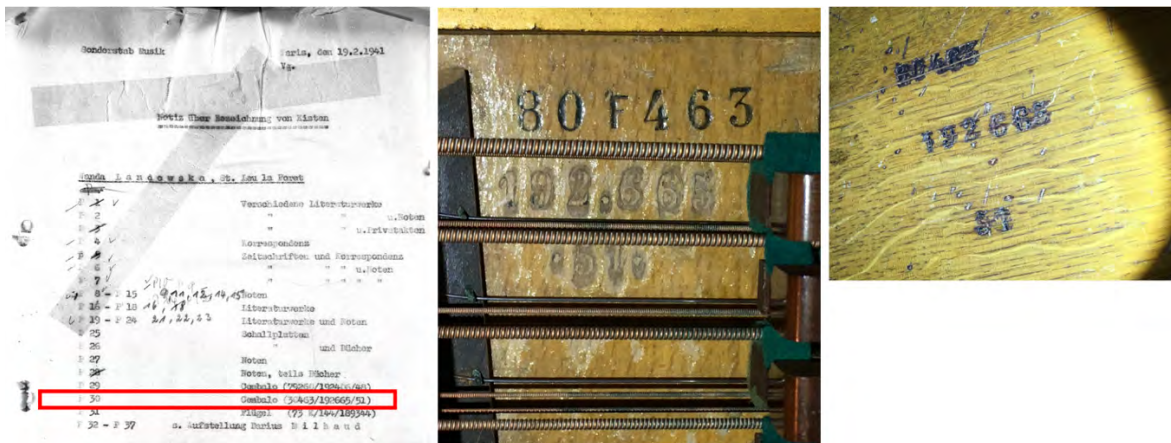


Fig. 14, Excerpt, Sonderstab Musik confiscation inventory for Wanda Landowska (Left); Landowska's Pleyl Harpsichord, Library of Congress, Coolidge Auditorium (center and right)  
Photo credit: Carla Shapreau

We prepared a multi-disciplinary provenance project at the Library of Congress on 25 May 2022, titled, “Restitution, Restoration and Repertoire: New Findings in the Wanda Landowska and Denise Restout Papers at the Library of Congress,” which brought curatorial, archival, historical, performance, and conservation threads together through a live and recorded public program.<sup>24</sup> While provenance research has become a standard component of museum collection management and curation for works of fine art, antiquities, and other cultural objects, including 2022 legislation in New York that requires signage for artwork displayed in museums with a Nazi-era looting in its past,<sup>25</sup> in contrast, provenance research for musical instruments is an emerging field of study.

### **Access to Information and the Tension Between Public and Private Interests**

The types of records we have been discussing may be subject to legal restrictions under copyright, privacy, and property ownership laws. Copyright protects expression and not information and only for a limited period of time, but there may be restrictions on copying, distribution, display, and other uses.<sup>26</sup> In some legal jurisdictions, such as the U.S., there is a “fair use” to copyrighted content, for example, for the purpose of criticism, comment, news reporting, teaching, scholarship, and research.<sup>27</sup> Similarly, the right to privacy in personal information in provenance records may result in access restrictions. However, the right to privacy is not absolute and when this right conflicts with the public interest, such as journalistic, scientific, or historical research purposes, the law may require a balancing of competing interests. In addition to copyright and privacy issues, a private owner of property, such as the ledgers we’ve discussed, generally has the right to exclude others from access. Therefore, historical records relevant to provenance research should be preserved in public institutions, when possible, for research purposes.

### **Conclusion**

For provenance research to be effective, nations and their collecting institutions, public and private, would benefit from proactively acquiring and preserving historical records that are pertinent to provenance research. These efforts also may serve to preserve national cultural heritage regarding the history of musical instrument making, restoring, dealing, and instrument expertise. The budget of collecting institutions should take into consideration the importance of acquiring and preserving such records, which may include reaching out to possible donors for both records and funds. In Switzerland, for example, the historical violin dealer records of the violin firms of Hug, Vidoudez, and Werro,<sup>28</sup> may shed light on important transactional histories that will inform provenance research, if accessible. A descendant of Swiss violin expert, Henry Werro, indicated in February 2022, “I believe in the importance of preserving these documents and making them available to the public.”<sup>29</sup> With this spirit of access to historical information for research purposes, hopefully progress will be made with greater public access to private record collections for the sake of knowledge and history.

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<sup>2</sup> Carol Lynn Ward-Bamford, Music Specialist and Curator of Musical Instruments, Library of Congress Music Division.

<sup>3</sup> The Strad 2010. The William Moennig & Son firm in Philadelphia closed in December 2009 after 100 years of business, selling some of the firm's business records, purchased by Nippon Violin Co., Ltd.

<sup>4</sup> Crombie 2023.

<sup>5</sup> Somerford 2023.

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<sup>6</sup> Tarisio 2022. With thanks to Tarisio Fine Instruments and Bows for use of its photographs.

<sup>7</sup> Tarisio 2022.

<sup>8</sup> Shapreau 2014. Tarisio Fine Instruments and Bows acquired Cozio in 2012 and incorporates Tarisio's own extensive photo archive of instruments and bows into the database, which it also curates and regularly updates.

<sup>9</sup> Special thanks to Stella Smith, Reference Technician, Library of Congress, for her transcription of the Wurlitzer bow ledger and its correlating database.

<sup>10</sup> Pederson 2020.

<sup>11</sup> Petschnikoff 1968. Lili refers to Berlin violin expert "Kessler" as "our violin maker." *Id.* p. 70. *See also*, Pederson 2020 and u.d

<sup>12</sup> *See Cozio Archive*, Tarisio I.D. No. 41357, the 1737 "Eugenio di Barbaro," <<https://tarisio.com/cozio-archive/property/?ID=41537>> and Thöne/Röhrmann 2016, Vol. VIII, pp. 108-115.

<sup>13</sup> *See Thöne/Röhrmann* (2010), the circa 1737 "Laub" and "Petschnikoff," Vol. IV, pp 162-169.

<sup>14</sup> *See Thöne/Röhrmann* (2010), the 1729 "Benny," Vol. IV, pp. 194-201; Goodkind 1972, pp. 630, 737, 741, and 771.

<sup>15</sup> Hyman Axinn [Axinnzoff], occupation: "lumber yard owner," World War II Registration Card, 7 April 1942 and 1940 U.S. Census; Axinn Declaration of Intention to Naturalize, 6 December 1915, occupation: "button hole maker," 1910 immigration from Vitebsk, Russia, ancestry.com.

<sup>16</sup> *See e.g.*, Thöne/Röhrmann (2010), the 1729 "Benny," Vol. IV, pp. 194-201 ("... Herbert K. Goodkind listed ...the Russian violinist Alexander Petschnikoff (1873-1948)...as being among the past owners of the instrument...so far it has been impossible to verify the dates of these ownerships...."), *citing* Goodkind 1972, p. 737. Goodkind included only the surname, "Petschnikoff," in his provenance for this violin.

<sup>17</sup> Jack Benny was born "Benjamin Kubelsky," he listed his occupation in 1923 as "vaudeville artist," U.S. Passport Application, ancestry.com.

<sup>18</sup> *See Thöne/Röhrmann* 2010, Vol. IV, pp. 194-201; Tarisio, I.D. No. 41038.

<sup>19</sup> *See Flute*, DCM 0242, Miller Flute Collection, <<https://www.loc.gov/resource/music.musdcmlflute-0242?r=-4.313,-0.146,9.626,5.57,0>>. For another flute by John Spear, see DCM 0811, Miller Flute Collection,

<<https://www.loc.gov/item/2023866118/>>. Densmore was able to secure another flute for him, one made for his collection. The flute was made by "Henry Johnson, a member of the Ute tribe, in the northeastern part of Utah. Their reservation is near Vernal, which is on most of the maps." Densmore wrote the flute was "from the area in the White River Canyon, near Whiterocks." She said that the flute maker made three before he had one that was satisfactory, and it was later inspected by several old men who said it was "a good flute." Johnson sent Miller a message through Densmore to say that the tone was much better if the flute was moistened, and that "American song tunes could not be played on it, but it could play Indian music." *See* DCM 0205, Miller Flute Collection, <<https://www.loc.gov/item/2023865531>>.

<sup>20</sup> *See Flute*, DCM 378, Miller Flute Collection, <<https://www.loc.gov/exhibitions/treasures-from-the-library-of-congress/about-this-exhibition/homeland/james-madisons-crystal-flute/>>.

<sup>21</sup> *See Recorder*, DCM 1259, Miller Flute Collection, <<https://www.loc.gov/item/2023866544/>>.

<sup>22</sup> *See Flute*, DCM 219, Miller Flute Collection, <<https://www.loc.gov/item/2023865545/>>. With gratitude to Gary Lewis for research and communication, September 2024.

<sup>23</sup> *See e.g.*, Shapreau 2020, pp. 429-449.

<sup>24</sup> Hartten, Shapreau, Sheehan 2022. Contributors to this public program included: Carol Lynn Ward-Bamford, Curator of Musical Instruments, Library of Congress; Christopher Hartten, Assistant Section Head, Acquisitions & Processing, Library of Congress; Carla Shapreau, Senior Fellow, Institute of European Studies and Curator, Department of Music, University of California, Berkeley; Bret Werb, Musicologist & Recorded Sound Collection Curator, United States Holocaust Memorial Museum; Thomas Sheehan as performer, Organist and Associate Director of Music, Washington National Cathedral; and Barbara & Thomas Wolf, Wolf Instruments, restoration and conservation, who maintain and have restored Wanda Landowska's Pleyel harpsichord at the Library of Congress. This program was generously supported, in part, by the Taube Philanthropies.

<sup>25</sup> New York Assembly Bill A3719A: *Identifying Art Stolen During the Holocaust*, provides that: "Every museum which has on display any identifiable works of art known to have been created before nineteen hundred forty-five and which changed hands due to theft, seizure, confiscation, forced sale or other involuntary means in Europe during the Nazi era (nineteen hundred thirty three--nineteen hundred forty-five) shall, to the extent practicable, prominently place a placard or other signage acknowledging such information along with such display." S. Assemb. 3719A, 2021 Leg., Reg. Sess. (N.Y. 2021), signed and chaptered 10 August 2022, <<https://www.nysenate.gov/legislation/bills/2021/A3719>>. Musical instruments do not appear to be covered by this statute.

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<sup>26</sup> U.S. Copyright Act, 17 U.S.C. Sec. 106. For a work to be eligible for copyright protection in the U.S. it must be original, fixed in a tangible medium of expression (now known or later developed), from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. U.S. Copyright Act, 17 U.S.C. Sec. 102.

<sup>27</sup> U.S. Copyright, 17 U.S.C. Sec. 107.

<sup>28</sup> Staatsarchiv des Kantons Bern, FA Werro Familienarchiv, 2022.

<sup>29</sup> Email communication from Werro family member to Carla Shapreau, 13 February 2022 and 26 February 2024.

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