

THE COMMISSION,

Meeting in plenary session on 10 September 2021;

Having regard to Decree No. 99-778 of 10 September 1999, as amended by Decree Nos. 2000-932 of 25 September 2000 and 2001-530 of 20 June 2001;

Having regard to Decree No. 2018-829 of 1 October 2018, addressing the establishment of a procedure for seeking out the owners, or their heirs, of cultural property spoliated during the Occupation, and particularly Article 3 of that Decree;

I. The facts

Four works inventoried by the Einsatzstab Reichsleiters Rosenberg (E.R.R.) were seized on 19 January 1944 by the Dienststelle Westen from a certain JURALIDES at 5 Rue Maubourg in Paris:

- JUR 1: "Mets, fruits et verres sur une table" by Pieter BINOIT, originally attributed to Floris van SCHOOTEN, 17th century, German school, oil on wood (56 x 77 cm),
- JUR 2: "Nature morte au jambon", by Floris van SCHOOTEN, 17th century, Dutch school, oil on wood (62 x 83 cm),
- JUR 3: "Agriculteur travaillant dans le verger" by Léonard JARRAUD, 19th century, oil on canvas (38.5 x 46 cm),
- JUR 4: "vue d'un port avec la ville en arrière- plan" by Willem van DE VELDE III, late 17th century oil on canvas (48.5 x 57 cm);

These works appear to have been found in Nikolsburg Castle in the Czech Republic where they escaped a fire. They were recorded at the Central Collecting Point in Munich and repatriated to France on 30 October 1946.

The research carried out by the Commission for Artistic Recovery (C.R.A.) on behalf of JURALIDES did not make it possible to return these paintings post-war. Therefore, on 25 October 1950, during a commission meeting to select works for artistic recovery, only two of the four paintings, henceforth called MNR 708 and 709, were entrusted to the Louvre Museum (Department of Paintings) by the Office for Private Property and Interests (O.B.I.P.).

II. The procedure

Under the provisions of Article 1-2 of Decree no. 99-778 of 10 September 1999, as amended, the Head of the Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 referred a restitution case to the CIVS on 7 September 2020 concerning two works that belonged to Maria ELISSEN, widow of Louis JAVAL. They were listed as MNR (National Museum Recovery), repatriated to France after World War II, then retained by the Commission for the Selection of Works of Artistic Recovery before being allocated in 1950 to the Louvre Museum (Paintings Department) by the Office for Private Property and Interests (O.B.I.P.):

- MNR 708, an oil on wood, Nature morte au jambon, by Floris van SHOOTEN (62 x 83 cm).
- MNR 709, an oil on wood, Mets, fruits et verres sur une table, by Pieter BINOIT (56 x 77 cm).

The following beneficiaries are combined in this referral, namely:

A/ Branch of Jeanne WEISS née JAVAL

1/ Descendants of her daughter, ... née ..., namely:

- her grandchildren, daughters and sons of her son ...:

- Ms A., born on ... in ..., residing at ...,*
- Ms B., born on ... in ..., residing at ...,*
- Mr C., born on ... in ..., residing at ...,*

- her daughter, Ms D., born on ... in ..., residing at ...,

- her son, Mr E., born on ... in ..., residing at ...,

- her son, Mr F., born on ... in ..., residing at ...,

- her daughter-in-law, Ms G., born on ... in ..., residing at ..., as the spouse entitled to succeed her son, ...,

- her grandchildren, daughter and son of the above, namely:

- Mr H., born on ... in ..., residing at ...,*
- Ms I., born on ... in ..., residing at ...,*

2/ Descendants of her daughter, ... née ..., namely:

- her son, Mr J., born on ... in ..., residing at ...,

- her daughter, Ms K., born on ... in ..., residing at ...,

- her grandchildren, successors to the rights of their father, ..., namely:

- Ms L., born on ... in ..., residing at ...,*
- Ms M., born on ... in ..., residing at ...,*
- Ms N., born on ... in ..., residing at ...,*

- her great-grandson, Mr O., born on ... in ..., residing at ..., successor to the rights of his mother, ... née ..., herself the daughter of ... mentioned above,

3/ Descendants of her son, ..., including:

- his daughter, Ms P., born on ... in ..., residing at ...,

- his daughter-in-law, Ms Q., born on ... in ..., residing at ..., as the spouse entitled to succeed his son, ...,

- his grandson, son of the above, Mr R., born on ... in ..., residing at ...,

- his daughter-in-law, Ms S., born on ... in ..., residing at ..., as the spouse entitled to succeed his son, ...,

- his grandchildren, son and daughter of the above, namely:

- Mr T., born on ... in ..., residing at ...,*
- Ms U., born on ... in ..., residing at ...,*

B/ Branch of Alice WEILLER née JAVAL

1/ Descendants of her daughter, ..., namely:

a) Descendants of her granddaughter, ..., namely:

- her son, Mr AA., born on ... in ..., residing at ...,

- her grandchildren, successors to the rights of their father, ..., namely:

- Mr AB., born on ... in ..., residing at ...,*
- Mr AC., born on ... in ..., residing at ...,*

both of whom have given their mother, ..., power of attorney to represent them.

b) Descendants of her granddaughter, ..., namely:

- her daughter, Ms AD., born on ... in ..., residing at ...,

- her daughter, Ms AE., born on ... in ..., residing at ...,

- her son, Mr AF., born on ... in ..., residing at ...,

- her son, Mr AG., born on ... in ..., residing at ...,

c) Descendants of her grandson, ..., namely:

- his daughter, Ms AH., born on ... in ..., residing at ...,

- his son, Mr AJ., born on ... in ..., residing at ...,
- his daughter, Ms AK., born on ... in ..., residing at ...,
- his daughter, Ms AL., born on ... in ..., residing at ...,
- d) Descendants of her grandson, ..., namely:
- Mr AM., born on ... in ..., residing at ...,
- Ms AN., born on ... in ..., residing at ...,
- Mr AO., born on ... in ..., residing at ...,

2/ Descendants of her son, ..., namely:

- a) Descendants of his granddaughter, ... née ..., namely:
- her daughter, Ms AP., born on ... in ..., residing at ...,
- her daughter, Ms AQ., born on ... in ..., residing at ...,
- b) Descendants of his grandson, ..., namely:
- his widow, Ms AR., born on ... in ..., residing at ..., as his spouse entitled to succeed,
- his daughter, Ms AS., born on ... in ..., residing at ...,
- his daughter, Ms AT., born on ... in ..., residing at ...,
- his daughter, Ms AU., born on ... in ..., residing at ...,
- his daughter, Ms AV., born on ... in ..., residing at ...,

All five are assisted by their counsel, Maître ..., of ..., located in ...,

The applicants are acting as beneficiaries of Maria JAVAL née ELISSEN (widow).

The following beneficiaries are absent and not represented in the proceedings:

- Ms BA., widow of ..., himself the son of ... mentioned above, residing at ...,
- Mr BB., son of ... née ... mentioned above, residing at ...,
- Ms BC., as universal legatee of ... wife of ..., himself the son of Alice WEILLER née JAVAL, residing at ...,
- Mr BD., son of ... née ..., herself the daughter of ..., himself the son of the aforementioned Jeanne WEISS née JAVAL, residing at ...,
- the daughters of ..., himself the son of ... mentioned above, namely:
 - Ms BE., born on ... in ..., residing at ...,
 - Ms BF., born on ... in ..., residing at ...,

III. The investigation of the case

The investigation of the application gave rise to the investigations presented in:

- the summary note and its appendices, dated 7 September 2020, of the Head of the Ministry of Culture's Mission for Research and Restitution of Cultural Property Spoliated between 1933 and 1945 (M2RS), sent to the Principal Rapporteur of the CIVS,
- the report of Ms LEGUELTEL, Rapporteur at the CIVS, communicated to the claimants, the M2RS, the Ministry for Europe and Foreign Affairs and the Ministry of Culture.

The claimants were informed of the hearing of 10 September 2021.

Ms A. appeared before the Commission.

The Commission heard the Head of the M2RS, the Judge-Rapporteur, the representatives of the Ministry for Europe and Foreign Affairs and the Ministry of Culture, and the Government Commissioner.

Ms A. made her observations known.

The Commission considers the following to be established:

Searches conducted in the various directories and indexes to try to find a "JURALIDES" family proved futile, as this name does not appear anywhere.

In addition, the address "5 Rue Maubourg" on the E.R.R. inventory appears to be incorrect. As there is no Rue Maubourg in Paris, the address "5 Rue Maubourg" undoubtedly corresponds to 5 Boulevard de la Tour-Maubourg. It was also felt that the name "JURALIDES" was probably poorly written, leading to a misreading of the word "Invalides", as this monument is close to the Boulevard de la Tour-Maubourg.

The search results on file indicate that at 5 Boulevard de la Tour-Maubourg, there was a private mansion belonging to Émile JAVAL and his wife Maria ELLISSEN. Émile JAVAL died in 1907 and Maria ELLISSEN, widow of Mr JAVAL, died there on 13 January 1933, leaving her daughter Mathilde JAVAL.

During the Occupation, the building was Aryanised and provided with a temporary administrator who granted a lease to the Deutsche Akademie. After the war, Mathilde JAVAL indicated in a letter sent on 28 November 1945 to the President of the Artwork Recovery Commission (C.R.A) that this private mansion had been emptied of its contents on 13 or 14 January 1944.

Mathilde JAVAL lived in the premises, which were jointly owned with her brother Louis-Adolphe JAVAL and her two sisters, Alice WEILER née JAVAL and Jeanne WEISS née JAVAL. Mathilde JAVAL died in 1947 leaving no descendants and appointed her grand-nephews and grand-nieces as universal legatees in a holographic will dated 28 April 1946 recorded before a notary. Nevertheless, it was the JAVAL family as a whole who sold the mansion by mutual agreement on 16 December 1948 to the Société civile du 5 boulevard de la Tour-Maubourg.

The information provided by the M2RS shows that the two MNR are attached to the collection of artworks held by the JAVAL family before World War II in the private mansion located at 5 Boulevard de la Tour-Maubourg, PARIS (7th arrondissement).

Indeed, the presence of Dutch paintings in this private mansion is mentioned in a note dated 27 January 1933 from the curator of the Paintings Department at the Louvre to the Director of the National Museums, relating the planned visit to this address with Louis-Adolphe JAVAL, son of Maria ELLISSEN and Émile JAVAL.

In addition, the dates that the contents were taken indicated by Mathilde JAVAL and that of the E.R.R. inventory are close.

*Finally, one of the other paintings in the E.R.R. inventory, JUR 3, *Agriculteur travaillant dans le verger* by Léonard JARRAUD, was returned at her request on 15 July 1950 to Paul-Louis WEILLER, grandson of Mrs Maria JAVAL née ELLISSEN (widow) and son of Alice WEILER née JAVAL, who died during deportation, and Lazare WEILLER. The latter was close to this artist.*

IV. The Commission's opinion

The two works, designated MNR 708 and MNR 709, were among the works stolen by the E.R.R. during World War II.

In the absence of evidence to the contrary, the Commission considers that both these works belonged to the JAVAL family and that they were spoliated under the anti-Semitic laws in force in France during the Occupation.

Consequently, in view of the evidence on file and the opinion expressed by the competent administrative authorities, an oil on wood, "Nature morte au jambon" by Floris van SHOOTEN, listed

in the Louvre's inventory under number MNR 708 and an oil on wood, "Mets, fruits et verres sur une table" by Pieter BINOIT, listed in the Louvre's inventory under number MNR 709, should be returned to the jointly-interested JAVAL parties.

THE COMMISSION IS OF THE OPINION,

1° - That Ms A., Mr AB., Mr AC., Mr AA., Ms AD., Ms AE., Mr AF., Mr AG., Ms AH., Mr AJ., Ms AK., Ms AL., Mr AM., Ms AN., Mr AO., Ms AP., Ms AQ., Ms AR., Ms AS., Ms AT., Ms AU., Ms AV., Ms P., Mr R., Ms Q., Ms S., Mr T., Ms U., Mr J., Mr O., Ms L., Ms M., Ms N., Ms K., Ms B., Mr C., Ms D., Mr E., Mr H., Ms I., Ms G. and Mr F. be recognised as beneficiaries of victims of spoliation arising from anti-Semitic legislation during the Occupation;

2° - That an oil on wood, "Nature morte au jambon" by Floris van SHOOTEN, listed in the Louvre's inventory under number MNR 708 and an oil on wood, "Mets, fruits et verres sur une table" by Pieter BINOIT, listed in the Louvre's inventory under number MNR 709, should be returned.

Reminds Ms A., Mr AB., Mr AC., Mr AA., Ms AD., Ms AE., Mr AF., Mr AG., Ms AH., Mr AJ., Ms AK., Ms AL., Mr AM., Ms AN., Mr AO., Ms AP., Ms AQ., Ms AR., Ms AS., Ms AT., Ms AU., Ms AV., Ms P., Mr R., Ms Q., Ms S., Mr T., Ms U., Mr J., Mr O., Ms L., Ms M., Ms N., Ms K., Ms B., Mr C., Ms D., Mr E., Mr H., Ms I., Ms G. and Mr F. to make it their personal business to resolve any disputes concerning the ownership of the artworks that may be returned to them by the French State in accordance with this recommendation.

REMINDS the parties that this recommendation will be notified:

- to the claimants,
- to Maître

REMINDS the parties that this recommendation will be transmitted to the Prime Minister's office in accordance with Article 1-1 of Decree No. 99-778 of 10 September 1999, as amended,

And, for information purposes:

- to the Director-General for Heritage, Ministry of Culture, 182 Rue Saint-Honoré, 75033 PARIS cedex 01,
- to the Director of the Diplomatic Archives, Ministry for Europe and Foreign Affairs, 3 Rue Suzanne Masson, 93126 LA COURNEUVE cedex.

During the hearing, the Ministry for Europe and Foreign Affairs was represented by Ms CLINET and the Ministry of Culture by Ms CHASTANIER.

During the deliberation, the Commission was composed of Mr JEANNOUTOT - Mr BERNARD - Ms DREIFUSS-NETTER - Mr TOUTÉE - Mr BADY - Ms PERIN - Mr RUZIÉ - Ms GRYNBERG - Ms SIGAL - Ms ROTERMUND-REYNARD - Mr RIBEYRE - Ms ANDRIEU - Mr PERROT.

Paris, 15 November 2021

The Chargé de Mission,
Hearing Secretary

Emmanuel Dumas

The Chairman,

Michel Jeannoutot