

## **The PRINCE LICHNOWSKY Newsletter**

The 1st (and last?) Issue. . . .20 September 1991

Our Motto: *All the news that fits the Prince!*

### Now you see it, now you don't

Regarding the *Hofkammer* ledger entry of 12 November 1791, recording the receipt of the Lower Austrian Court's decision in favor of Prince Karl Lichnowsky in his suit against Wolfgang Amade Mozart for non-payment of debt, two aspects stand out:

--one is its abrupt appearance for the first time almost 200 years after the fact;

--the other is its equally abrupt disappearance in 1791.

The two are obviously linked. If there had been even a hint of Lichnowsky's suit and the court's decision in the extensive documentation relating to Mozart in the days, weeks, and months after 12 November 1791, legal and imperial court archives would have been combed in this connection long ago and we would not have had to wait till 1990 for the *Hofkammer* ledger entry to emerge.

An initial reaction to this situation was to raise the question whether it was possible that, for some reason, the court decision against Mozart never became known to him and Constanze, for in the 51 years remaining to her after Mozart died, Constanze seems never to have mentioned it in her own substantial correspondence, nor did it find its way into the Mozart biography prepared by Nissen with her collaboration. It is, of course, possible that Constanze did know about the outcome of the Lichnowsky suit, but regarded the matter as closed and one she did not wish to raise or discuss.

But the degree to which the Lichnowsky suit and the court judgment against Mozart disappeared after 12 November 1791 can be gauged in another way, one quite independent of Constanze and her feelings in the matter.

The very same *Hofkammer* which was apprised of the court decision in November (a decision that included implementation by withholding the half of Mozart's salary, for which the *Hofkammer* was administratively responsible) was asked by *Obersthofmeister* Prince Starhemberg some fifteen weeks later, on 17 February 1792, for its views on Constanze Mozart's petition to the Emperor for a pension. The official correspondence came to involve consideration of Constanze's financial situation following Mozart's death, the amount of Mozart's salary as *Kammer Kompositor*, and the availability of funds to pay the proposed pension.

Under the circumstances, this would seem like an appropriate bureaucratic context for at least some mention of the recent judgment of the Lower Austrian Court, whether it was ultimately held to be germane to the issue of a pension for Constanze or not. In fact, no such mention was made. Even in the *Hofkammer*,

the administrative organ which had been informed by the Lower Austrian Court of its decision and was responsible for its implementation, the Lichnowsky case seems simply to have sunk from sight.

The paperwork among the imperial court officials involved in Constanze's petition has been substantially preserved. Using the record provided by Otto Erich Deutsch in *Mozart: Die Dokumente seines Lebens* (Bärenreiter Kassel, 1961), I have extracted a chronology of the correspondence leading to Emperor Francis II's approval of a compassionate pension for Constanze on 13 March 1792. (The gists in English reflect my readings of the German texts.) Notice in particular paragraphs 8 and 10 below, in which Prince Starhemberg asks the Hofkammer for its views and gets a detailed reply from the director of financial affairs.

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#### A Pension for the Widow Mozart: A Chronology

1. *Shortly after midnight, Monday, 5 December 1791, Wolfgang Mozart dies.*
2. Six days later, on Sunday 11 December, "Konstantia Mozart née Weber surviving widow of the late Wolfgang Amadeus Mozart imperial Chamber Composer" signs a petition to Emperor Leopold II, citing her needy situation and asking his help. The petition is written in an unknown hand, "probably a friend of the family" (according to the commentary; would this have been Baron van Swieten?). In the petition, which probably was also drafted in part by the person doing the writing, Constanze acknowledges that she enjoys no right to a pension because Mozart had not served the minimum ten years in the post necessary to qualify for one; she also notes that Mozart was not a member of the society founded to look after musicians' widows and orphans; nevertheless, she believes Mozart's service to the court justifies her petition and asks the mercy of the Emperor in providing for her and her two young children.
3. Even before Constanze can prepare and sign her petition, others are moving to take advantage of the fact that the position of *k.k. Kammer Kompositor* is now empty. Two people put themselves forward -- Emanuel Aloys Förster in a petition to the Emperor dated around 8 December, and Joseph Preindl in a petition signed 12 December. In the subsequent bureaucratic correspondence, these two subjects -- a pension for Constanze and the filling of Mozart's now vacant position -- become intertwined right to the very end.
4. All three petitions go first to Count Ugarte, who is in charge of music matters for the court (and at this moment, director of the *Hoftheater* as well). On Friday, 30 December 1791, Count Ugarte sends a memorandum to Prince Starhemberg in his capacity as *Erster Obersthofmeister*, forwarding the three petitions and suggesting that the Emperor, as an act of compassion, bestow a pension of 300 Gulden (200 for Constanze, 50 for each of the sons) on Mozart's widow. He points out that Mozart's position had been created just for him by Joseph II "so that such an unusual genius in the realm of music was not driven to find work and make his living abroad," and that, with Mozart's death, it was no

longer needed. Accordingly the petitions of Förster and Preindl could be turned down.

5. On the following Monday, 2 January 1792, Prince Starhemberg advises Count Ugarte that, before the matter can be further considered, evidence of Constanze's needy state and of the fact that she is not eligible for a pension from the Society of Musicians must be documented. A note to this effect, dated 5 January, is written on the outside of Constanze's petition.
6. Just over two weeks later, on Friday, 20 January 1792, the Secretary of the Society of Musicians, Joseph Scheidl, signs an affidavit that Mozart was not a member of the Society and that his widow is therefore not entitled, now or in the future, to a pension from the Society.
7. Five weeks after that, on Saturday, 25 February, Count Ugarte forwards Mozart's estate inventory (as evidence of Constanze's needy circumstances) and the affidavit from the Society of Musicians to Prince Starhemberg, and urges once more a compassionate pension for Mozart's widow.
8. The following Monday, 27 February, Prince Starhemberg addresses a note to the *Hofkammer*, the court's administrative entity, requesting it, in light of Count Ugarte's support for a pension for Constanze, to give him its views on the subject for further decision and to return the documents attached.
9. *On Wednesday, 1 March 1792, Emperor Leopold II dies suddenly of amoebic dysentery. He is succeeded by his eldest son, Emperor Francis II, then 24 years old.*
10. On Sunday, 5 March, the director of the court's financial office, Count Chotek, writes to Prince Starhemberg in response to his request of 27 February. Chotek notes the special circumstances of Mozart's appointment by Joseph II and agrees that it would not look good to let the widow of such a gifted person starve; he also notes that it is not necessary to fill the now vacant post and that therefore the already budgeted sum of 800 Gulden is now free; his recommendation would be to grant Constanze a pension amounting to one third of Mozart's salary (in other words, 266 Gulden 40 kreuzer) effective as of 1 January 1792, with nothing specifically allotted to the children as such.
11. With the memorandum from Chotek in hand, Prince Starhemberg now has the completed staff work he needs for the Emperor: Constanze's petition and documents (plus the petitions of Förster and Preindl); Ugarte's argumentation in favor of Constanze's petition; and the budget director's concurrence, together with a suggested modality for the pension. One week later, on Sunday, 12 March 1792, Prince Starhemberg goes to the new Emperor with a formal written proposal that Francis II grant a compassionate pension to Constanze in the amount of 266 fl 40 xr annually, that this not be regarded as setting a precedent, and that the two applications for the position of *Kammer Kompositor* be turned down. The Emperor approves the recommendations and signs the proposal the

same day. His decision and the amount of the pension are also noted in the imperial chancery on this date. The next day, on 13 March 1792, the Emperor's decision is noted in writing on Constanze's petition.

12. Starhemberg's office completes the staff work on 13 March by notifying the *Hofkammer* of the Emperor's decision to grant Constanze a pension of 266 fl 40 xr as of 1 January 1792 and, at the same time, informing Count Ugarte of this and of the fact that the petitions for filling Mozart's vacant position have been refused.

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I am aware that many persons better situated to research the question than I am are working on it. I am indebted to two recipients of the Brauneis translation for their thoughts on the matter. One suggests the court-imposed judgment was paid off anonymously (van Swieten again? or the Masons?) after Mozart's death, thus accounting for the debt not appearing in the Suspense Order listing Mozart's estate. The other suggests the possibility that Mozart himself had paid off the debt to Lichnowsky, perhaps even before the judgment had been handed down although after the suit had been filed; Mozart may have been able to do so with income from music publications and hitherto unsuspected concert performances in his last couple years.

In any event, it is clear from the correspondence itemized above that among Prince Starhemberg and the Counts Ugarte and Chotek, there never was any question of involving the Widow Mozart's petition for a pension with the Lower Austrian Court's award of 1,435 Gulden 32 Kreuzer to Prince Lichnowsky against the now deceased Mozart.

Why is that? If the court's decision of only some two or three months before had had any bearing on the pension request at the time of their deliberations, they were the ones responsible for taking it into consideration. Obviously, the legal decision was no longer regarded as relevant. Why not? What information are we missing that would explain the complete absence of the court's judgment in favor of Prince Lichnowsky from the Mozart record after 12 November 1791?

The Editor of The (hopefully short-lived) Prince Lichnowsky Newsletter submits the above in the hope that it will contribute to an eventual understanding of the matter. Needless to say, he will appreciate receiving any and all views, thoughts, comments, and theories of others seized with the case of Lichnowsky vs. Mozart.

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