

[*BD: The next document should be No. 1274, followed then by No. 1263.]

[Vienna, 8th November, 1799]

Between the undersigned, the esteemed widow Mozart and Herr Johann *André* in Offenbach am Mayn, the following contract has been concluded today for them and their heirs, namely that

- [5] 1. the esteemed widow Mozart makes over to Herr *André* such works by her blessedly departed husband as are in her keeping and marked with my, *André's*, seal and which consist of 15 packets, along with the musical items specified in the appendix under letter *A*, for the price of Three Thousand One Hundred and Fifty Gulden⁴ in Viennese Courant.
- [10] 2. Herr *André* commits himself to paying half of the above sum at the beginning of the month of February, 1800, and to order the rest to be paid in cash here in Vienna 6 weeks later; whereas the sealed musical items mentioned are to be handed to Herr Paul Wranizky⁵ in this place before 9th January, in 1800, in return for his, Wranizky's, receipt and [15] in return for the delivery of a binding payment order issued by me, André, according to the content above and in the form determined in the appendix under letter *B*.
3. the esteemed widow Mozart promises that all those of her husband's scores whose procurement depends on her, but without involving her in expenditure, shall subsequently be delivered exclusively and alone to Herr *André* in consequence of this contract, free of charge, but at his expense. [20]
4. Herr *André* promises to deliver to the esteemed widow Mozart or to her heirs, postage-paid to Vienna, Berlin or Hamburg, four copies of each of these works as soon as it is offered to the public; [25] if, however, Herr *André* should hand over one work or another over to another music company to be published, he is required to obtain for the esteemed widow two copies of those Mozart works published by another company, free of charge and postage-paid as above.
5. the esteemed widow Mozart is nevertheless at liberty to withdraw from the clauses agreed above until at the latest 9th January, 1800, but under the express condition that she should hand in to Herr Wranizky by the said 9th January at the latest a communication to me, André, concerning the confirmation or dissolution of this contract on her part; [35] in the event of her failing to make this declaration, the contract shall be deemed to be approved on⁶ her part.
6. On the other hand, particularly as far as the musical items specified under letter *A* are concerned, in the event that the esteemed widow Mozart does not make over all the others to Herr *André*, the following procedure has been agreed: [40]

¹ BD: Enclosures A and B: family André, Offenbach. Constanze's original lost. Copy DMG.

² BD: Nissen's handwriting. Nissen: cf. note No. 1224.

³ BD VI, pp. 495-498 relates numerous details of André's handling of the contract and the manuscripts. Having just succeeded his father as head of the firm, Johann Anton André came to Vienna in autumn, 1799, where he drew up this contract with Constanze. Constanze attempted to use the 2 months abeyance to negotiate new terms with Breitkopf & Härtel, but without success: in the coming months, they exchanged critical words with each other in the press. On 8th January, 1800, Constanze gave André her final acceptance, but here, too, all did not run smoothly: Constanze went to court in February, 1800, to enforce André's fulfilment of the contract.

⁴ = florins.

⁵ BD: Paul Wranitzky (1756-1808), composer, music director, musician, Freemason. A friend of Haydn and Beethoven, and almost certainly of Mozart.

⁶ BD: Paper damaged.

7. The esteemed widow Mozart gives all the musical items listed under letter *A* into the possession of Herr *André* for the price of Six Hundred Guldens in Viennese *Courant*, half of which will be paid to her or her heirs today on the exchange of this contract and the rest in 6 weeks from today here in Vienna. [45]

8. In the event that only this last clause is acted on by both parties, Herr *André* is obliged to return the musical items listed under letter *A* to the esteemed widow Mozart before 1st September, 1800, at his own expense, postage-paid, to Vienna, Berlin or Hamburg; [50] until that time he may use them in any way he wishes.

9. Herr *André* also promises to deliver to the esteemed widow Mozart or her heirs five copies of each work from the musical items listed under letter *A* immediately on their being published, free of charge, in Vienna, Berlin or Hamburg.

[55] 10. Should Herr *André* find himself not in a position to return to the esteemed widow Mozart or her heirs the original manuscripts listed under letter *A* by 1st September, 1800, which period shall not be prolonged beyond the middle of September at the latest, he promises to remit immediately an agreed payment of the same Six Hundred Guldens in Viennese *Courant*. [60] In witness whereof two consonant copies of the proceeding contract have been signed and sealed by both parties in the presence of the honoured witnesses requested to attend. Concluded in Vienna this 8th day of November, 1799.

[65] Constance Mozart

Joh: André.

[seal]

[seal]

[seal]

DHG von Pilgramm⁷

Imperial and Royal Court Agent
as witness

[70]

[seal]

Nissen

Secretary to the Royal Danish Embassy,
as witness

APPENDICES A AND B:

Appendix to the contract between the esteemed widow
Mozart and Herr Johann André of
8th Nov., 1799.

[75]

Lett. *A*.⁸

Original manuscripts.

Clavier concerto No. 3. A major⁹

- for 2 *claviers* No. 21. E^b major.¹⁰
- No. 5 E^b major.
- No. 2. C minor.
- No. 6. C major
- No. 29 C. major
- No. 17. B^b major

⁷ BD: David Heinrich Gottfried von Pilgram(m) (c. 1743-1829), Imperial court agent, legational adviser, Freemason..

⁸ BD VI, pp. 498-501, identifies the works listed and André's corresponding publications.

⁹ BD: The six piano concertos are KV 488, 482, 491, 467, 503, 595. Constanze advertised this group in the *Grazer Zeitung* on 28th August, 1800. Cf. No. 1309/8.

¹⁰ BD: KV 365 (316a).

r[85] *Violin Rondeau* No. 44. C major¹¹

*Quintet*¹² No. 24. C. minor.
– No. 27. E^b major
– No. 26. D major
– No. 25 C major.

[90] *Quartet*¹³ No. 6. D minor. Bound together with *Quintet* B^b major.¹⁴

– No. 36 B^b major
– No. 35. F major
– No. 34. D major
– No. 17. C. major
[95] – No. 33 C major
– No. 32. A major
– No. 31. E^b major
– No. 30. B^b major
– No. 29 D minor.
[100] – No. 28 G major
– No. 37. D major
– No. 38 C minor¹⁵

Clavier sonata (not entirely original) C major¹⁶

moreover 211 engraved copies of Mozart *Clavier Concerto* No. 1.

[105] in C major, to be obtained from Breitkopf and Härtel.

*Verte*¹⁷

Let. B.

Form of the payment order according to the contract.

In return for the delivery to Herr Paul Wranizky of the Mozart musical items sealed by me in 15 packs, [110] for which a receipt is to be issued, I bind myself to pay to the esteemed widow Mozart or her heirs Two Thousand Five Hundred and Fifty Guldens in Viennese currency in such a manner that at the beginning of February, 1800, the sum of One Thousand Five Hundred Guldens, but the rest in the middle of the month of March, 1800, shall be paid in cash here in Vienna. [115]

¹¹ BD: KV 373, written for Brunetti, for many years violinist at court in Salzburg. Constanze likewise advertised this in the *Grazer Zeitung* on 28th August, 1800.

¹² BD: The five string quintets (including that in line 90) are KV 406 (516b), 614, 593, 515, 516. In 1788, Mozart failed to raise a subscription for KV 406 (516b), 515 and 516, with which he hoped to settle a debt to Johann Michael Puchberg cf. No. 1077/20-23).

¹³ BD: KV 589, 590, 499, 465, 464, 428 (421b), 485, 421 (417b), 387, 575.

¹⁴ BD: Presumably the string quintet KV 516 in G minor.

¹⁵ BD: Adagio and Fugue for 2 violins, viola and bass (cf. note on No. 1078/15). Mozart's autograph division of the bass line into "Violoncelli" and "Contra Basso" towards the end show he had an orchestra in mind. The work is an arrangement of the Fugue for 2 keyboards KV 426.

¹⁶ BD: Possibly KV 403, completed by Maximilian Stadler (cf. Nos. 1226/25-26; 1228/8 ff.; 1231/36-40; 1234/45-47; 1245/3-5; 1248/45-46; 1258/82 ff.

¹⁷ = turn the page.