

In accordance with Section 3 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections (Art Restitution Act), Federal Law Gazette, BGBl. I No. 181/1998 as amended by BGBl. I No. 117/2009, at its meeting on 30 March 2022, the Art Restitution Advisory Board unanimously adopted the following

### DECISION

It is recommended to the Federal Minister of Art, Culture, Civil Service and Sport that the object listed in the Commission for Provenance Research dossier “Oscar Bondy” (02/22)

- I. bottle-shaped vase with dragon, inv. no. HI 35722, KE 8937

be transferred from the MAK – Museum of Applied Arts to the legal successors *causa mortis* of Oscar Bondy but that the

- II. sideboard, HI 32110, H 2006, and two frames, each with four tiles, SOKE 706

should **not** be transferred from the MAK.

### FOUNDATIONS

The Art Restitution Advisory Board already considered objects from the Oscar Bondy collection in the Kunsthistorisches Museum, Museum of Military History / Military History Institute and Salzburg Museum at its meetings on 27 October 1999, 30 November 2012 and, most recently 5 November 2021. The Board now had to consider the above-mentioned Commission for Provenance Research dossier on objects in the MAK – Museum of Applied Arts. It established the following facts of relevance to the decision:

The industrialist Oscar (also Oskar) Bondy, born on 19 October 1870 in Vienna as the son of Philipp and Pauline Bondy, had a significant art collection that he kept in his apartment on Kolowratring, from 1928 Schuberting 3. It consisted of paintings, sculptures and, above all handicraft items and applied art objects and was well known in professional circles. Oscar Bondy lent objects for various exhibitions, for example the stove-making exhibition in the Austrian Museum of Art and Industry, now the MAK, at the turn of the year 1934/35. During the conference of the International Council of Museums from 5 to 12 September 1937, at which private collections were also on show, thirty international museum professionals visited Oscar Bondy’s apartment to see his collection.

At the time of the annexation of Austria to the Nazi German Reich, Oscar Bondy was in Czechoslovakia, where he owned sugar factories. As a Jew threatened with persecution, he did not return to Austria but fled initially to Switzerland. In May 1941 he boarded an aircraft in Lisbon with his wife Elisabeth, née Soinig (1890–1974) for New York, where he died in exile on 3 December 1944.

On 18 March 1938, just a few days after the annexation, Herbert Seiberl, an employee of the Central Monument Protection Office, had two SA sentries posted at the Schuberting apartment so as to secure the Bondy collection. Various museums subsequently sought allocation of artworks from the collection, which were “reserved for the Führer”. Richard Ernst, director of the Austrian Museum of Art and Industry, submitted a request to the Central Monument Protection Office on 30 March 1938 to secure 100 objects “from important groups in the Bondy collection” for the museum’s cultural holdings. When he was requested to reduce the number of objects, which the Central Monument Protection Office considered

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excessive, Ernst sent a revised list on 9 June 1938 from which twenty-nine objects had been deleted. He wrote:

*Apart from the demanded cuts, a further reduction in the requested objects is not recommended. We assume that when the works were divided up during the inspection by the temporary administrators, not only the goblet from St Peter's Abbey but also all of the items acquired by Bondy were placed on the secured list. The dishonest methods employed by Oskar Bondy during the abbey sales and in other cases where public interest should have had priority make it inadvisable to continue to give any further special consideration.*

Ernst was referring the fact that in 1933 Oskar Bondy had acquired eighteen objects from St Peter's Abbey in Salzburg, which it had been required to sell owing to financial difficulties and which the Austrian Museum of Art and Industry had also been interested in.

After the mayor of Vienna, Hermann Neubacher, ordered the securing on 1 July 1938 on behalf of the Central Monument Protection Office of 165 objects from the Oscar Bondy collection, a meeting took place on 4 July 1938 in that regard attended by Fritz Dworschak, Erich Strohmer and Johannes Wilde representing the Kunsthistorisches Museum, Richard Ernst, Ignaz Schlosser and Viktor Griessmaier representing the State Museum of Applied Arts, Herbert Seiberl and Josef Zykan representing the Central Monument Protection Office, Robert Haas and Bruno Fleischmann representing the National Library and Albertina, Arthur Haberlandt representing the Museum of Folk Life and Folk Art, Oskar Katann representing the Städtische Sammlungen Wien, Viktor Zollner representing the Städtische Versicherung, Alfred Indra as Oscar Bondy's lawyer, and Alfred Heilsberg representing the Vienna city council. The secured objects were transferred to the Central Depot for Seized Collections in the Kunsthistorisches Museum, except for three objects that were too heavy to move – the Salzburg stove by the master H. R., the Aussee stove, and a glass painting of an angel of annunciation. After the objects had been removed, the apartment was unsealed. Bondy's art collection was secured by the mayor of Vienna on behalf of the Central Monument Protection Office in three batches on 1 July 1938, 22 March 1939 and 3 April 1939. News of the securing of Bondy's collection must have spread during this time, because other cities and museums also began to make claims. On 9 March 1939, for example, Ernst wrote to the Central Monument Protection Office that the Germanisches Nationalmuseum in Nuremberg was interested in ceramics from the Bondy and Redlich collections stored in the Central Depot. So as to secure the claims of the State Museum of Applied Arts he therefore asked that the state oversight be extended to those items in Bondy's collection that had not yet been secured.

The Property Transaction Office replied on 29 March 1939 pointing out that

*the Jew Oskar Bondy [...] has not registered any assets here. In order to take action against him, if necessary, I therefore ask you for information as to the estimated value of the art connection or whether you know where Bondy has emigrated to and where his assets are to be found.*

Bondy, who after the end of the Habsburg Monarchy had taken Czechoslovak citizenship, refused to submit an asset declaration as he did not regard himself as being bound by the provisions of the Regulation on the Registration of Assets by Jews of 26 April 1938. When Czechoslovakia was dismantled and the Reich Protectorate of Bohemia and Moravia was established on 16 March 1939, he was now a "member of the Protectorate" and subject to the laws of the German Reich. The Property Transaction Office reported him to the public prosecutor's office at Vienna provincial court because he had not registered his assets and submitted an asset declaration on his behalf. The Vienna provincial court decided on 30 August 1939

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*that the art objects belonging to the accused stored in the apartment on Schuberting 3 in the 1st district of Vienna and in the Hofburg that had been secured by the Central Monument Protection Office were to be seized in accordance with Section 8 of the Regulation of 26 April 1938 and Sections 98/2 and 142 of the Code of Criminal Procedure and the accused was to be denied all access to them.*

By order of the Vienna provincial court of 1 December 1939, the more than 1,600 seized objects were then confiscated without compensation in favour of the German Reich. The majority of the objects were stored at the Central Monument Protection Office depot in the Orangery in the Lower Belvedere. After the seized objects had been taken over by the Central Monument Protection Office, they were catalogued in the Sicherstellungskatei [file of secured objects]: 1,605 Bondy inventory numbers were created together with a further unnumbered 18 file cards.

Director Richard Ernst continued in his efforts to obtain objects from the expropriated collection for his museum. On 21 January 1942, for example, he complained to Reichsstatthalter Baldur von Schirach:

*It is scandalous that in the cases of Rothschild and Bondy, after over a year's work by the entire museum on an inventory of the applied art objects in the seized and secured collections, to have to apply repeatedly for allocation of at least remnants from the collections that – in terms of quantity and significance – have been most generously selected for distribution elsewhere. To date, only one point of view has prevailed in the selection by the authorized representatives: nothing for the Museum of Applied Arts.*

Ultimately, the State Museum of Applied Arts in Vienna was officially allocated seven objects from the expropriated Bondy collection. On 7 June 1941, it took possession of two pieces of embroidery, and then on 21 July 1943 in what was called the “second major Führer allocation”, it obtained a further five objects:

Bondy no.	Object	Inventory number	Year
1588	Coptic embroidery	HI 29.548, T 9029	1941
1395	Swiss embroidery	HI 29549, T 9030	1941
1364	chair, c. 1720	HI 30241, H 1940a	1943
1462	stool, Italy	HI 30275, H 1940	1943
1491	fire screen, 18th cent.	HI 30276, H 1941	1943
1494	leather case with leather carving and tooling, 15th cent.	HI 30277, H 1942	1943
unnumbered	round Renaissance table	HI 30278, H 1943	1943

Apart from this official allocation, however, the Museum also obtained further objects from Bondy's expropriated collection until 1945. On 16 November 1944 it acquired a porcelain vase (one of a pair of vases, Bondy no. 106) and a porcelain lid (Bondy no. 152) from the Institute for Monument Preservation without written allocation. The two objects were not inventoried at the time of receipt.

After the war, Oscar Bondy's widow Elisabeth, now writing her name Elizabeth no doubt as a sign of her attachment to her new home in the USA, returned for a time to Austria and attempted to have her husband's collection restituted. In July 1945, Vienna local court appointed the lawyer Friedrich Köhler as curator *in absentia* for Oscar Bondy to secure the former art collection and other assets such a real estate properties. After Köhler had written to the State Museum of Applied Arts, director Ernst replied on 31 July 1945 with a list of objects that the museum had obtained from the Bondy collection from the Institute for

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Monument Preservation. The list contained the seven objects mentioned above – the two textiles from 1941 and the five pieces of furniture from 1943 – but not the non-inventoried porcelain objects in 1944. Shortly afterwards, on 3 August 1945, in accordance with the Repatriation Act of 10 May 1945 (StGBI. No. 11/1945), Ernst sent six lists with objects acquired by the Museum of Applied Arts from seized collections to the State Office for Popular Enlightenment, Schools, Education and Cultural Affairs. Once again, and in the notification pursuant to the Asset Expropriation Registration Regulation of October 1946, the two porcelain objects were not mentioned.

On 4 June 1947, Otto Demus, president of the Federal Chancellery, informed the Austrian Museum of Applied Arts (MAK), as it had been renamed:

*By its decision of 27 May 1947, Zl. 125.544-8/47, the Federal Ministry for Securing Property and Economic Planning released the entire art collection seized from Oscar Bondy and ordered that it be restituted by agreement with the Federal Monuments Authority within a month of service of the decision.*

*The lawyer Friedrich Köhler, Vienna I, Burgring 1, the authorized agent for Oscar Bondy's sole heir, will contact the director of the Museum directly to arrange the modalities for the transfer and transport of the art objects from the said collection stored there. The Federal Monuments Authority requests notification of the return with a precise list of the objects and their Bondy numbers so that the museum can be removed from the registers.*

On 2 January 1948 the seven objects received by the Museum in 1941 and 1943 and mentioned repeatedly by it were restituted and physically handed over. In summer 1949, Ignaz Schlosser, deputy director of the MAK, identified one of the two non-inventoried porcelain objects. On 2 August 1949, Richard Ernst informed Köhler:

*The Federal Monuments Authority handed to deputy director Schlosser the lid of an unnumbered porcelain vessel with no indication of its origins. Through an illustration in the June 1949 issue of Connoisseur, Schlosser suspected that the lid could be part of a vase remaining in the museum with the same flower décor, latticework and decorations [...]; Leopold Blumka was able to identify it as being part of a Rechaud porcelain set from the Oskar Bondy collection acquired by him. Subject to your agreement, the porcelain lid will be returned to Leopold Blumka.*

It is not correct that the object was acquired without indication of its origins and without a number. The Museum knew very well that they were objects from the Bondy collection. On 8 August 1949, the porcelain lid was restituted and, as agreed, transferred to the art dealer Leopold Blumka (1897–1973), who had also been persecuted by the Nazis and emigrated to New York, where he offered numerous objects, included ones from the restituted collections of Oscar Bondy and Albert Pollak, on the US art market. The Du Paquier porcelain vase, which was not mentioned in the correspondence, remained in the MAK.

The dragon vase with acanthus leaves in relief was inventoried in January 1952 as an “anonymous gift”. Its description was basically identical to one of the dragon vases from the Bondy collection documented in the file of secured objects under number 106. Four days after receiving the vase on 20 November 1944, director Ernst wrote to the Institute for Monument Preservation: “The small porcelain vase, Bondy no. 106, has had the neck repaired.” The dragon vase inventoried in 1952 by the Austrian Museum of Applied Arts under the number HI 35722, KE 8937 has slightly yellowish-grey areas in the porcelain on the

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neck indicating a repair and is thus almost certainly the vase obtained from the expropriated Bondy collection in 1944 inventoried under the number 106 and still held by the MAK today.

In the Bondy collection there was also a somewhat smaller pair of dragon vases painted with Asiatic landscapes, listed in the file of secured objects with the Bondy number 153. The Austrian Museum of Art and Industry, as it was at the time, had already requested allocation of the two pairs of vases in March 1938. After the annexation, the four dragon vases were dispersed, however. While the vase with acanthus leaves was given to the Museum of Applied Arts in November 1944, the other half of the pair was found in the Federal Monuments Authority depot at Wollzeile 1 in Vienna's 1st district in 1946 and returned to Oscar Bondy's widow on 12 December 1947. The smaller pair of vases painted with Asiatic landscape motifs was reserved for the "Sonderauftrag Linz", stored in 1944 in Salzbergwerk Altaussee, transported from there on 2 July 1945 to the Central Collecting Point in Munich and finally returned to Elizabeth Bondy on 17 February 1948. The three restituted vases were purchased on the art market for the collection of Hans Syz (1884–1991), whose sons gave them in 1995 to the Metropolitan Museum of Art in New York, where they are still today.

Three further objects from the former Bondy collection are still in the MAK, but they were purchased after their restitution. On 31 December 1949, it acquired from the art dealer Blasius Fornach (1894–1975) a sideboard with the Bondy number 1381, inventoried as HI 32110, H 2006. It was reserved in July 1940 for the "Sonderauftrag Linz" and stored until 1944 as KKu 635 in the Kremsmünster Reich art depot and then in Salzbergwerk Altaussee. It was restituted in 1947/48. On 6 March 1963, Fornach donated to the MAK two frames, each with four floor tiles, also from the Bondy collection. As documented in the file of secured objects under Bondy number 1228, Oscar Bondy owned a total of twenty-four tiles, which were allocated in July 1940 to the Gaumuseum Niederdonau and on 18 June 1947 restituted to Elizabeth Bondy from the Niederösterreichisches Landesmuseum, as it had become. The MAK did not inventory the two frames with their tiles but listed them in the "special ceramics inventory" as SOKE 706.

A Gothic bench purchased by Blasius Fornach is also no longer owned by the Austrian Museum of Applied Arts. It was listed on 28 December 1950 under inventory number HI 32466, H 2007, but exchanged in 1957 with the Viennese art dealer Wolfgang Hofstätter. Richard Ernst indicated in a letter to the Federal Ministry of Education on 16 December 1949 that the bench had been part of the Bondy collection, but no documentation has been found for it.

#### The Advisory Board considered the following:

According to Section 1.(1).2 of the Art Restitution Act, objects that legally became the property of the State but that had been previously the object of a legal transaction or legal act under Section 1 of the 1946 Annulment Act, or comparable legislation, may be transferred to their original owners or legal successors *causa mortis*.

After the annexation of Austria to the Nazi German Reich, Oscar Bondy was persecuted as a Jew. The objects from his collection were secured in three batches by decisions of the mayor of Vienna on behalf of the Central Monument Protection Office on 1 July 1938, 22 March 1939 and 3 April 1939. All secured objects were subsequently confiscated by order of Vienna provincial court of 1 December 1939 in favour of the German Reich.

**Ad I.** While eight of the listed objects were restituted and handed over on 2 January 1948 and 8 August 1949, the dragon vase was inventoried in 1952 as an "anonymous gift" under number HI 35722, KE 8937

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and is still in the MAK. Regardless of whether the incorrect inventorization in 1952 was due to ignorance or whether the intention was to conceal the object's origins, the condition of Section 1.(1).2 of the Art Restitution Act is met and the recommendation is made to the Federal Minister of Art and Culture, Civil Service and Sport that the bottle-shaped vase with dragon be returned to the legal successors *causa mortis* of Oscar Bondy.

**Ad II.** The MAK – Museum of Applied Arts acquired a sideboard on 31 December 1949 from the art dealer Blasius Fornach, inventoried as HI 32110, H 2006, which had been restituted in 1947/48 to Oscar Bondy's widow. The two frames, each with four floor tiles, donated by Fornach and inventoried in the "special ceramics inventory" as SOKE 706, were originally part of the Oscar Bondy collection but had been restituted on 18 June 1947. The Board thus concludes that in this case the condition of Section 1.(1).2 of the Art Restitution Act is not met and therefore recommends that these objects should not be restituted.

Vienna, 30 March 2022

Univ. Prof. Dr. Clemens Jabloner (chairman)

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