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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 29 November 2022, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for Art, Culture, Public Service and Sport to transfer the following two watercolours/costume designs by Giovanni Battista Minghi, namely

Inv.No. HZ HG 6173
Sposa Persiana

as well as

Inv.No. HZ HG 6154
Deità Selvaggia

from the Theatermuseum (KHM-Museumsverband) to the legal successors *causa mortis* of Martha Brown-Neumann.

FOUNDATIONS

The Advisory Board considered the above-mentioned dossier. A significant contribution to this was made by a submission containing new information from Martha Brown-Neumann's great-granddaughter to the Theatre Museum in April 2022. This resulted in the following facts relevant to the decision:

In 1900, Martha Ratzersdorfer, born in Vienna on 17 October 1878, married Julius Neumann, an entrepreneur born in Varaždin, in what was then the Kingdom of Croatia and Slavonia in 1864. The couple belonged to the Viennese Jewish community. It was the second marriage of Julius Neumann, whose father Moriz had founded a tailor's business in 1845, which eventually specialised in the factory production of men's clothing. In 1883, Moriz Neumann opened the branch in Griechengasse in Vienna's first district, which was managed by his son Philipp. The following year, the company M. Neumann O.H.G. was entered in the Vienna Commercial Register. After Moriz Neumann's death in 1895, Julius joined the company as a partner alongside his brothers Philipp and Josef. Shortly afterwards, the M. Neumann men's clothing store opened in the residential and commercial building planned by Otto Wagner at 19 Kärntnerstraße - where the Steffl department store is located today. In addition to other branches, among others, in Budapest, Trieste, Fiume, Timisoara, Belgrade and Sofia, there was also a second branch in Vienna at 35 Mariahilferstraße. In reaction to changing consumer demands, among other things, a subsidiary company, M. Neumann's Söhne & Co, was founded with its headquarters at 8 Rauhensteingasse. At the same time, around the year 1910, Julius and his older brother Josef - Philipp had already died in 1899 - each acquired half of the property at 19 Kärntnerstraße, where the main branch of the family business was located. As with the other properties at 6 and 8 Rauhensteingasse, it was to be part of their private and not the company's assets. Martha and Julius Neumann, who were always registered in Vienna's first district and lived at 22 Johannesgasse from 1915 onwards, had four children: Stefan Philipp (1901-1976), Peter Moriz (1903-1974), Katharina Ida (Käthe) (1908-1994) and Franziska (Franzi) (1910-2008). Kurt Neumann, Julius' son from his first marriage to Helene Knepler (1871-1894), died in the First World War in 1914.

In his will, drawn up on 19 June 1918, Julius Neumann named his wife and four children as heirs in equal shares to all of his movable and immovable assets. After he died on 11 March 1923, his widow

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married his brother Josef Neumann in July of the following year. Since the legitimacy of this marriage was denied by the Israelite religious community in Vienna, it was a so-called emergency civil marriage. Julius' half of the three properties passed proportionately to his widow and children, with Martha giving her share to her daughter Katharina for her wedding to André Charles Ernest George. The company was then managed by Josef Neumann as senior partner and Julius' sons Stefan and Peter Neumann as partners; Martha was a silent partner. After Josef's death on 7 December 1934, the remaining half of the three properties passed by inheritance to Martha Neumann, who sold them to her children Stefan, Peter and Franziska, making the four siblings the sole owners. After Austria was "annexed" to the National Socialist German Reich, the Neumann family was persecuted as Jewish. Martha Neumann officially reported to Abbazia, Italy, in May 1938, but fled to Budapest, where she married the correspondent William Brown (1870–?) and thus became a British citizen. Via Ascona in Switzerland, where her daughter Katharina George lived, Martha Brown finally reached Barcelona, where she boarded the *SS Ciudad de Barcelona* and arrived in New York on 20 August 1941. There she met her two sons Peter and Stefan, who had also fled Vienna. Her daughter Franziska, now married as Franziska Böck, left Vienna for Budapest in 1939 and survived the war there. Her daughter Antonia stayed in Vienna with her father Otto Böck, who was considered "Aryan" according to National Socialist diction, and moved to the USA with her mother only after the end of the war. Martha Brown-Neumann died in New York on 31 December 1962. The Neumann family's real estate had already passed into the trusteeship of the lawyer Bernhard Zallinger in March 1938, with the exception of the 20 percent in shares owned by Katharina George, who had been a Swiss citizen since her marriage. In November 1938, the tax authorities initially registered liens on the shares in the properties on Kärntnerstrasse and Rauhensteingasse held by Franziska Böck, Stefan and Peter Neumann for the claim of the *Reich Flight Tax* or the *Jewish Property Levy* plus additional costs, or rather, these assets were confiscated by the German Reich. With the confiscation order of the Gestapo Control Centre in Vienna dated 21 March 1941, all of Franziska Böck's assets were confiscated, and subsequently her, Stefan and Peter Neumann's property rights to the property shares and to their assets expired on the basis of the *Eleventh Ordinance Reich Citizenship Act* (RGBl. I, 1941, 722ff) in favour the German Empire. The *M. Neumann Company* on Kärntnerstrasse was continued by provisional administrator Hermann Berger until May 1939, followed by Otto Töpler from Munich, until Bernhard Zallinger once again took over the trusteeship. In August 1943, the company *Modenhaus Kärntnerstraße Ges.mBH* (owners Anton Hübl KG and Thea Cossio) wanted to acquire the *M. Neumann Company* and the remaining real estate. However, even though a down payment of RM 400,000 had been made, the purchase contract never became effective because the necessary approval from the *Reich Finance Ministry* in Berlin was pending until April 1945. The branch on Mariahilferstrasse was closed by Zallinger in April 1944 and the business premises were taken over by the new owner *Litega – Linoleum, Carpets, Gardinen AG*. The subsidiary *M. Neumann's Söhne & Co*, located in Rauhensteingasse, was forcibly sold, in the presence of Stefan and Peter Neumann, to the company *Haudeck & Grabl* at 1 Bergsteiggasse 1 in Vienna's 17th district on 1 June 1938,; the production facility continued as the *Viennese Uniform and Sports Clothing Factory Ha-Gra, Haudek & Grabl*. However, since the rental agreement for the premises in Rauhensteingasse was not extended by the Nazi administration on 31 March 1939, the location and the entire production and business facility were relocated to 50 Gurkgasse in Vienna's 14th district.

After the end of the war, Otto Knezu was appointed by the Ministry of Industry, Commerce, Trade and Transport as well as by the US military government in Vienna as the public administrator of the main and subsidiary company as well as the properties at 19 Kärntnerstrasse, 6 and 8 Rauhensteingasse and the apartment building at 89 Mariahilferstrasse, which had previously been sold as company assets by the acting manager Otto Töpler. However, the commercial building on Kärntnerstrasse was almost completely burned down as a result of several artillery hits in April 1945, so the building was demolished and replaced by a new building planned by Carl Appel in 1949. Knezu was of the opinion

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that the company *Modenhaus Kärntnerstraße Ges.mbH* had never become the owner of the company *M. Neumann OHG* due to the lack of approval from the *Reich Ministry of Finance* in Berlin: "However, the *M. Neumann Company* has neither been deleted in the company register nor in the land register." In October 1946, in accordance with the First Restitution Act, and while representing Franziska, meanwhile divorced from Otto Böck and now remarried as Franziska von Weber, as well as Stefan and Peter Neumann, lawyer Paul Kaltenecker applied for the return of the properties on Kärntnerstrasse and Rauhensteingasse which had been forfeited to the German Reich on the basis of the *Eleventh Ordinance to the Reich Citizenship Act*. These were deferred with a decision from the State Financial Directorate for Vienna, Lower Austria and Burgenland dated 30 July 1947. A year later, *M. Neumann OHG*, including the property at 89 Mariahilferstrasse, was returned to the former shareholders Stefan and Peter Neumann and to Martha Brown-Neumann. In July 1948, there a settlement was achieved between the *Viennese Uniform and Sports Clothing Factory Ha-Gra* and Stefan and Peter Neumann. In this settlement, *Ha-Gra* committed itself to returning machines and furnishings and to paying ATS 20,000 to the shareholders of the *M. Neumann Company* to compensate for "all other claims arising from the confiscation of assets in question".

In addition to his entrepreneurial activities, Julius Neumann had a love for music, literature and fine arts throughout his life. In January 1924, shortly after his death, his widow Martha registered his collection or parts of it for public viewing at the Federal Monuments Authority. She was reacting to the current housing requirement and property levy legislation, since displaying the works of art resulted in being exempted from a decimation of living space by the housing office of the city of Vienna as well as from a monetary levy which was calculated according to the value of the objects. The associated notarial act listed 17 paintings, mostly by Dutch artists, as well as two portraits of Josef Kriehuber, a picture by Joshua Reynolds and a view by Canaletto; no hand drawings are mentioned, also not the two works in question here. It is not exactly documented when Julius Neumann acquired these works, but it is likely that they were purchased from the book and art antiques dealer Ignaz Schwarz in April 1918, when a collection of four watercolours by Giovanni Battista Minghi was offered as lot 210, which was described as an "excellent collection of hand drawings and oil paintings by old and new masters from the estate of Dr. Modern and from a Viennese private collection". Martha Neumann included these watercolours in her property declaration dated 15 July 1938, which contains a detailed documentation and an assessment of the furnishings and art objects in the apartment on Johannesgasse by the expert appraiser Eugen Primavesi. It is a multi-page list of exquisite furnishings and fittings valued at RM 9,095. Primavesi valued the works of art at RM 5,270 on a separate, twelve-item appraisal list, including "Giovanni Battista Minghi, Four Theatre Figures, Signed Watercolours" with an estimated value of RM 200. The furnishings and art objects were subsequently stored by Spedition E. Bäuml (haulage forwarding agent/company), which, like Martha Neumann's apartment, was located on Johannesgasse; there is no documentation of further transport or of an export request being submitted to the monument authority. One and a half years later, in December 1939, some of the works of art were offered for auction in the Vienna branch of the Munich art auction house Adolf Weinmüller located at 14 Rotenturmstrasse. It is unclear who brought them there - Martha Brown-Neumann and her children were no longer in Vienna at the time. It is possible that the shipping company had the paintings sold independently to cover outstanding storage costs. The remaining inventory of art and furnishings at the E. Bäuml forwarding company, which had been "Aryanised" by Alfons Bartz, comprising seven loading meters and six colli, was confiscated by the Gestapo on 30 October 1940 and subsequently disposed of (verwertet) by the Gestapo Administrative Office for Jewish Removal Goods (VUGESTA). From the "Mitteilungen des Dorotheums"(Notices from the Dorotheum), which advertised the auctions that were taking place almost daily at that time, as well as the information provided by the auction house to the monument authority after 1945, it can be seen that VUGESTA brought objects which were seized goods to the Dorotheum, where they were

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auctioned off for RM 13,196.06 in the first half of 1942; another RM 444.60 was probably raised from private sales. As of 6 January 1943, net proceeds of RM 10,363.40, minus storage and transport costs, were reported by VUGESTA. However, the majority of the confiscated goods can no longer be identified and remains missing.

After the end of the war, Martha Brown-Neumann set out to find for her art objects. The Allied Commission for Austria (British Element) forwarded the inquiry to the Ministry for Asset Protection and Economic Planning, to the Municipal District Office of the City of Vienna (MA 8) and to the Federal Monuments Authority, whereupon the Dorotheum informed the ministry in April 1948 that "three items (952/63-65) Gio. Battisti Minghi, figure study and two costume studies, watercolours, 28x17 cm, in brown frames" had been purchased by the antiquarian V. A. Heck, located at 12 Kärntnerring in Vienna's 1st district, in 1942. By July 1948, the ministry was able to find two of the three watercolours without frames in the aforementioned antique store. The ministry was unable to seize the objects as there was no legal basis for such action. Although the management of V. A. Heck at the time would have agreed to return the pictures in accordance with Section 13 of the Third Restitution Act, this would have first required registration in accordance with the Asset Confiscation Registration Ordinance, according to information provided by the Federal Monuments Authority to Martha Brown-Neumann. Apparently, no further steps were taken in this matter at that time. The two costume figurines in question remained in the V. A. Heck antique store and were sold to the theatre collection that was then part of the Austrian National Library, today's Theatermuseum, in September 1950. The third figurine, which already couldn't be found at V. A. Heck in 1948, was not part of this purchase. Its whereabouts are unknown, as is that of the fourth watercolour once mentioned in Martha Neumann's property declaration.

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 had previously been 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*. The Neumann family was persecuted as Jewish by the Nazi regime. Katharina George moved to Switzerland before Austria was "annexed" to the National Socialist German Reich, Franziska Böck survived in Budapest, Stefan and Peter Neumann as well as Martha Brown-Neumann managed to escape to the USA.

Julius Neumann, who also collected art, left his entire fortune to his wife and children in 1923. After the "Anschluss", Martha Neumann listed, among other things, four theatre figurines by Giovanni Battista Minghi in her property declaration dated 15 July 1938. The Advisory Board therefore considers it a given that the objects were in their possession at this time at the latest. Efforts made by Martha Brown-Neumann after 1945 to get the art collection back failed. Although in 1948 two figurines were found by the Ministry for Asset Protection and Economic Planning at the antique store V. A. Heck, no restitution or handover to Martha Brown-Neumann took place. Rather, V. A. Heck subsequently sold the two watercolours in question to what is now the "Theatermuseum" in 1950. Since the clearly documented seizure of Martha Brown-Neumann's removal property by the Gestapo on 30 March 1940 and the subsequent auction in favour of the Gestapo's Administrative Office for Jewish Removal Goods meet the requirements of Section 1.(1).2 of the Art Restitution Act, the Advisory Board recommends that the two watercolours be transferred to the legal successors of Martha Brown-Neumann *causa mortis*.

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Vienna, 29 November 2022

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