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In accordance with Section 3 of the Federal Act on the Restitution of Art Objects and Other Movable Cultural Property from Austrian Federal Museums and Collections and from Other Federal Property (Art Restitution Act-KRG) as amended by Federal Law Gazette (BGBl.) I No. 158/2023, at its meeting on 12 May 2026, the Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Housing, Arts, Culture, Media and Sport that the works listed in the dossier of the Commission for Provenance Research 16/2025, “Paul Jakob Eisner & Louise Eisner, née Aloisia Fink, later married Odescalchi”, from the following museums:

I. Austrian Gallery Belvedere:

John Quincy Adams
Louise Eisner, later Princess Odescalchi, 1926
Oil on canvas, 158 x 141 cm
IN 5554

II. Kunsthistorisches Museum:

Francesco Raibolini, known as Francia (school) (c. 1448–1517)
Madonna
Oil on wood, 50.5 x 39 cm
IN GG_9553

III. Albertina:

Rudolf von Alt
Interior of Rosenberg Castle
Watercolour, 34 x 46 cm
IN 34559

GROUNDINGS

The Art Restitution Advisory Board has received the above-mentioned dossier from the Commission for Provenance Research. The impetus for the current research came from a research project launched in 2020 at the Brandenburg State Archives in Potsdam, and a

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subsequent enquiry from a member of Paul Eisner's family to the Austrian Gallery Belvedere in 2023; consequently, the works in question were (once again) investigated by the Commission for Provenance Research. According to this extensive research, the following facts relevant to the decision emerge.

Paul Jakob Eisner was born the son of Olga Eisner, née Tarlau (1858–1910), and Heinrich Eisner (1850–1918) in Berlin on 30 June 1886. In the birth register, the parents' religion is listed as 'Jewish'. He had two younger siblings, Rudolf Otto (1888–1946) and Berta (1891–1965), later married Sabersky and sole heiress after Paul Eisner. Their father, Heinrich Eisner, had founded the steel empire 'Albert Hahn Röhrenwerke und Hahn'sche Werke A.G.' together with Albert Hahn, which comprised more than thirty steelworks and distribution centres. Paul Eisner himself was chairman of the Association of the German Pipe Manufacturers within the Federation of German Industries. Following his father's death, he became a co-owner and director of Hahn'sche Werke and one of its leading shareholders.

On 12 December 1922, 'factory owner Paul Jakob Eisner' married Aloisia (Louise) Etrich, née Fink, at the registry office in Berlin Schöneberg. She was born in Vienna on 20 January 1887, the daughter of Franz Fink (b. 1846) and his wife Adelheid, née Wondratschek (b. 1849), and was baptised at the Roman Catholic parish church of Neulerchenfeld in Vienna's 16th district on 11 February 1887. In 1907, she was adopted by Alois Karl Stefan von Bartolomei (b. 1852) and subsequently took the double surname Fink-Bartolomei. In 1908, she married the aircraft designer and pilot Ignaz/Igo Etrich (1879–1967), with whom she was registered at Wohllebengasse 1/9 in Vienna's 4th district. The marriage was dissolved in Jičín in Czechoslovakia in 1922; at that time, both were Czechoslovak citizens. As Louise's new husband, Paul Eisner registered as a 'subtenant' at the flat in Wohllebengasse and remained registered there until September 1934. The portrait of Louise Eisner in question was painted in 1926 by John Quincy Adams, one of the leading portraitists of Viennese society at the time. No details are known regarding the circumstances of its creation, such as who commissioned it or how the artist was paid.

The couple appear to have lived largely apart, with Paul spending most of his time in Berlin and Louise in Vienna, and in Kitzbühel from 1934. The 1922 edition of the Vienna address book lists the branch of the pipe rolling mill with the entry: 'Office: Vienna I, Singerstraße 27; Dr Georg Heinrich Hahn & Paul Eisner, Eng. in Berlin'. The marriage of Paul and Louise Eisner remained childless and, according to later accounts from both sides, is thought to have been dysfunctional for years; the divorce was finalised by a judgement of the Berlin Regional Court on 28 May 1938. According to the recollections of Paul's long-standing housekeeper Caroline Langkammerer in the 1960s, it was agreed during the divorce proceedings that Louise would receive, in addition to the portrait in question depicting her, the following items, amongst others: Louise Eisner's living room and bedroom furnishings, various tableware sets, parts of a silver

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cutlery set and a Steinway grand piano; however, it can be verified that the latter was not taken by Louise Eisner.

At the time of the divorce, Paul Eisner was neither in Berlin nor in Vienna. He had left Berlin at an unknown date and subsequently lived initially in Prague, where one of the administrative offices of the Albert Hahn Röhrenwalzwerk company was located. When the German Wehrmacht invaded what was known as the 'remainder of Czechoslovakia' on 15 March 1939 and occupied Prague, he was on a business trip in France; it was no longer possible for him to return to Prague. He sent the declaration of assets he had completed in Paris on 29 July 1938 to the Berlin Chief of Police by registered post on 30 July 1938. Under 'IV. Other assets g) Items made of precious metals, jewellery and luxury items, works of art and collections', an amount of RM 10,000 appears without further details. Under 'IV. b) Capital claims', a 'German Reich deposit' amounting to RM 50,000 is listed. This was a deposit retained by the Vienna Gestapo for the release of Louise Eisner from Gestapo custody. The Viennese lawyer Julius Jeannée reported on this to the Chief Finance Commissioner in Berlin in January 1942:

"At the time, an investigation into foreign currency holdings was pending against Mrs. Luise [sic] Eisner at the Vienna Gestapo; she was taken into custody to ensure the investigation could proceed, and a sum of RM 62,000, as well as the deposit of jewellery belonging to Mrs. Eisner, was demanded as bail for her release from custody. This bail was provided in the amount of RM 12,000 by Mrs. Luise [sic] Eisner herself, and in the amount of RM 50,000 by Paul Isr. Eisner.

Once the foreign exchange investigation was completed and it was established that there was no incriminating evidence against Luise [sic] Eisner, the jewellery was returned to her and the sum of RM 12,000 which she had paid was also refunded to her."

In early 1939, Paul Eisner arranged for his Berlin flat to be cleared out. Between February and early April 1939, his belongings were packed and handed over to the forwarding agency Gustav Knauer. Eisner had entrusted this task to Caroline Langkammerer, amongst others:

"It was a very extensive task and during the aforementioned period I worked from 7 o'clock in the morning until the evening. I had to instruct the packers on how Mr. Eisner wanted everything packed, as the items were presumably to be sent abroad as soon as permission had been granted. I had to draw up lists of all the items in the flat, and I had to write down exactly what was packed in every box and crate. I then produced multiple copies of these lists and inventories on the typewriter and sent them to Mr. Eisner, who was in Paris at the time. I was not yet aware of any expatriation at that time, and the assets and property had not yet been seized."

According to a report by the Berlin State Police Headquarters dated 8 December 1939, the household effects stored by Paul Eisner at the forwarding agency, together with several

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(emigrant-restricted) accounts, a securities account and three suitcases containing silverware, were seized from the main vault of the Deutsche Bank in Berlin. Following the notice of expatriation published in the 'Deutscher Reichsanzeiger' on 26 June 1940, Paul Eisner's assets were declared forfeited to the German Reich by notice of the Reich Minister of the Interior dated 23 October 1940. This was followed by the auction of the seized removal goods:

"At 9.30 a.m. on Tuesday 1 and Wednesday 2 April 1941, the following items will be auctioned off to the highest bidder at Kottbusser Ufer 39/40 (Erdmannshof): 2 bedrooms, a kitchen, various cupboards, upholstered furniture, armchairs, several antique cupboards, Baroque chairs, 1 Steinway grand piano, rugs, oil paintings, bronzes, 1 lot of books, lighting fixtures, glassware, porcelain, household goods and much more will be publicly auctioned to the highest bidder. Viewing on Monday, 31 March 1941 from 12 noon to 3 pm."

A total of 408 lots were sold at the auction, raising RM 34,190.50, of which RM 31,414.63 was transferred to the Reich Ministry of Finance, according to the statement of accounts dated 2 April 1941. The mention of the Steinway proves that the grand piano had not, as the housekeeper later claimed, gone to Louise, but was among Eisner's removal goods.

Four 'high-quality' paintings by Oswald Achenbach, José Gallegos, Ludwig Adam Kunz and Hans Thoma had been excluded from the auction. A separate valuation report was drawn up for these by Ludwig Schmidt-Bangel, who had previously assessed the removal goods. The works by Achenbach, Gallegos and Kunz were sold at the auction 'Paintings by Old and Modern Masters from Various Collections' at Hans W. Lange in Berlin on 19 May 1941, fetching RM 24,510; Thomas's 'Gefilde der Seligen' went to the Reich Chancellery in Berlin for RM 30,000.

It is thought that, following the German occupation of Paris in June 1940, Paul Eisner managed to flee to Buenos Aires, Argentina, where he lived until his return to Europe. After settling in Vaduz, Liechtenstein, in 1953, he died on 29 July 1965 in a Swiss clinic. Louise, who had reverted to the name Fink-Bartolomei following the divorce, married Ladislaus/Laszlo Prince Odescalchi de Szerémam at the registry office in Kitzbühel in February 1949.

On 28 June 1950, whilst still in Buenos Aires, Paul Eisner submitted an initial claim to the Reparations Offices in Berlin. The assets claimed were stated as: "Furniture and valuable furnishings, such as genuine carpets, paintings, silverware, etc., from a 12-room flat at Berlin NW 40, Gr. Querallee 2". The Reparations Offices wrote to him in October 1953:

"In your restitution case concerning your furniture and furnishings, the Reparations Office [...] has attempted to ascertain which of the successful bidders who, according to the auction list available here, purchased items, are still traceable. [...] It remains to

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be seen how the parties mentioned will respond to the restitution claim. With regard to the items auctioned by Mr. Lange, the purchasers can no longer be identified. [...]"

The files contain a note regarding a response from a married couple who had purchased items at auction at the time, as well as contact made by Paul Eisner in 1955; however, no further proceedings are documented.

On 15 November 1955, Eisner filed a claim against the German Reich, including claims for restitution-based damages for "household goods: complete home furnishings" and the associated "lifts". According to a list drawn up by the Berlin Reparations Offices on 12 October 1960, the reparations proceedings, including those concerning the household furnishings, were pending. In 1964, Eisner stated that he had initiated "the divorce on the grounds of my alleged fault, so as not to endanger my wife because of the mixed marriage".

As of 30 May 1958, Louise Odescalchi had also submitted claims for compensation for household goods and securities/shares: "This list contains items that belonged to my divorced husband, but also those that constituted my personal property." Explicitly listed is the oil painting "After the Baptism" by José Gallegos, "from the valuation by Ludwig Schmidt-Bangel, Berlin, dated 26 March 1941". Subsequently, the restitution offices requested supplementary justification for the claims:

"Since her marriage to Mr. Paul Eisner had already been dissolved in 1938, her client, as an Aryan, could surely have taken action against the seizure of her personal property."

Just a few months before her death in March 1962, Louise argued before the reparations authorities why she, as a "politically persecuted person", was entitled to compensation.

"Because of the assistance I provided when my ex-husband Paul Eisner fled to Paris, I too was politically persecuted, even though I was not Jewish. It is solely due to the fact that I was politically persecuted that I was unable to prevent the auction of my property in time. Even if the expropriation of my valuable household goods apparently took place only by mistake, it is nevertheless the persecution of Jews at that time that is solely to blame for this."

According to an affidavit by the former asset manager of Louise's husband Laszlo Odescalchi in 1972, following Paul Eisner's return from Argentina

"Mr. Paul Eisner's relations with Prince Odescalchi and with Princess Odescalchi were certainly of a friendly nature. [...] All manner of property-related matters were frequently discussed at occasional gatherings, in which I also took part from time to time, if not on a regular basis. These included restitution claims [...] In many discussions, it was

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agreed that these were assets originally derived from Paul Eisner's estate, and that these claims should be pursued by him."

A restitution case brought by Paul Eisner, which was continued by his legal successors after his death in 1965, concluded on 18 February 1969 with a settlement "to compensate all restitution claims arising from the loss of the household furnishings, including the works of art and paintings, expropriation from the injured party Paul Eisner in Berlin." Neither the portrait of Louise Eisner, nor the representational watercolour by Rudolf von Alt, nor the portrait of the Madonna were the subject of any restitution or compensation proceedings in the Federal Republic of Germany after 1945, and were therefore not part of this settlement.

These works came into the ownership of the Federal Government in 1963. Louise Odescalchi, who died in Vienna on 13 March 1962, had named the City of Vienna as sole heir in her will dated 19 February 1962, with the three works bequeathed to the Austrian Gallery. Accordingly, they were transferred to the Austrian Gallery "from the estate of Mrs. Luise Odescalchi, Kitzbühel". Subsequently, the Madonna painting by Francesco Raibolini, known as Francia (school), was transferred to the Picture Gallery of the Kunsthistorisches Museum on 12 January 1963, whilst the watercolour "Interior of Rosenberg Castle" by Rudolf von Alt was transferred to the Albertina's Graphic Collection on 24 January. The last record of this work prior to its mention in Odescalchi's will dates from 1925, when it was sold at the Dorotheum under lot 139 at the 359th art auction on 28 and 29 January; neither the consignor nor the buyer, nor the date of acquisition by Louise Odescalchi, is known. The earlier provenance of the Madonna portrait is also unclear. An older label on the reverse refers to an appraisal by the Munich art historian Franz von Reber (1834–1919). This suggests a connection to Munich, which, however, could not be further substantiated.

The John Quincy Adams portrait of Louise initially remained in the Austrian Gallery under catalogue number 5554, but was loaned to her widower, Laszlo Odescalchi, for the duration of his life at his request. Following his death on 30 December 1967, it was returned from Kitzbühel to the Austrian Gallery in June 1968. It was first identified by provenance researchers in the will of Louise Odescalchi dated February 1962.

In a letter dated 7 February 1963 to the City of Vienna, Municipal Department 65, Paul Eisner's lawyer Norbert Bettelheim lodged an objection to the inclusion of the portrait and the image of the Madonna in the estate of Louise Odescalchi and the associated bequest to the Austrian Gallery, as these were in fact the property of Paul Eisner.

"In fact, due to the National Socialist seizure of power in Germany, Mr. Eisner had his wife, the testator, arrange for various items of furniture from his Berlin flat to be

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transported to Kitzbühel, as well as for valuable jewellery, which he had acquired to facilitate the Nazis' money transfers, to be brought to Austria.”

In this context, Caroline Langkammerer stated in her affidavit during one of the restitution proceedings in September 1967:

“Although I am already 92 years old, I can still exactly remember the events that took place at the time of the divorce proceedings between Mr. Paul Eisner and his wife Louise Eisner Ettrich [sic!] (or something similar) in around 1938. [...] Even under the rule of the National Socialists, a so-called agreement had been reached between Mr. Paul Eisner and Mrs. Louise Eisner, and on the basis of this agreement, Mrs. Louise Eisner was permitted to take the items listed below to Kitzbühel, to the house ‘Berghof’ built by Mr. Paul Eisner [...]

a large painting of Mrs. Louise Eisner, painted by a well-known artist whose name I no longer recall. Mr. Eisner had commissioned this painting from the artist. [...] I myself was present during this division of property and supervised the transport of these items, which, on the basis of the agreement between the spouses reached under National Socialist rule, were to be handed over to the then Mrs. Louise Eisner.”

This constitutes the sole source regarding the alleged decision concerning the portrait in question in the context of the 1938 divorce.

Following Eisner’s urgent request in early April 1963, the City of Vienna immediately refused to hand over the works and, with regard to the two disputed paintings, pointed out that they had been bequeathed to the Austrian Gallery and that the City of Vienna therefore no longer had any right of disposal over them. No subsequent entries by Paul Eisner can be found in the archives of the Austrian Gallery Belvedere. With regard to the jewellery that Eisner had also claimed – which, for security reasons, he had left on loan with his ex-wife in Kitzbühel until further notice in 1953– an out-of-court settlement was reached between the City of Vienna and the legal successors of the Eisner-Sabersky family in November 1969. The settlement was reached

“on the grounds that the City of Vienna was unable to unequivocally clarify the ownership rights to four items of jewellery and that conducting a protracted legal dispute was not in the City of Vienna’s interest. [...]

On the contrary, in view of the clear and unambiguous wording of Mrs. Louise Odescalchi’s will, the City of Vienna remains firmly convinced that all assets transferred by Mrs. Louise Odescalchi to the City of Vienna were the personal and exclusive sole property of Mrs. Odescalchi.”

Regarding the relationship between Paul and Louise, the City of Vienna noted in 1973 that “Mrs. Louise Odescalchi remained on good terms with her former husband, Mr. Paul Eisner,

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even in the final years before her death, and no property-related claims were made against her.”

The Advisory Board considered the following:

According to Section 1(1).2 of the Art Restitution Act, objects owned by the Federal Government which were the subject of a legal transaction or legal act under Section 1 of the Nullity Act 1946 may be transferred to the original owners or their legal successors *causa mortis*. Section 1(1).2a of the Art Restitution Act extends this provision to objects that, although they passed lawfully into the ownership of the Federal Government, were the subject of a legal transaction or legal act under Section 1 of the Nullity Act 1946 (or are comparable to such) in a territory of the German Reich outside the territory of the present-day Republic of Austria between 30 January 1933 and 8 May 1945.

Paul Eisner was persecuted as a Jew in Germany. He fled first to Czechoslovakia and, following the German occupation of Prague, to Paris. From there, he managed to flee to Argentina in 1940, where he lived until his return to Europe in 1953.

As the Advisory Board has already noted on several occasions with reference to the relevant case law of the restitution commissions, relevant legal transactions carried out by persons who are to be classified as victims of persecution are, in principle, to be regarded as void under Section 1 of the Nullity Act 1946. The Advisory Board has made exceptions to this principle only in very limited circumstances. In its recommendation of 10 June 2011, concerning Karl Mayländer, and subsequently, inter alia, in the recommendations of 16 March 2018, concerning Carl Heumann, of 19 April 2019, concerning the Wittgenstein family and of 30 March 2022, concerning Adolf Proksch, the Advisory Board assessed the scope of Section 1(1).2 and 2a of the Art Restitution Act, the Advisory Board examined ‘whether such a legal transaction as an individual case is merely externally connected with the persecution and whether this connection is, however, overshadowed by other (in principle unobjectionable) motives. [...] From the perspective of the Third Restitution Act, restitution could therefore be refused only by proving that the transfer of assets would also have taken place independently of the National Socialists’ seizure of power”.

It should be noted that the works in question didn’t come into the ownership of the Republic of Austria until 1963, in accordance with the last will and testament of Paul Eisner’s divorced wife, Louise Odescalchi. Shortly before this, Eisner had lodged an objection to the inclusion of the portrait by John Quincy Adams and the Madonna painting in the estate. It was argued that he had had these objects, amongst others, moved from his Berlin flat to Kitzbühel “due to the National Socialist seizure of power in Germany”. As with the decision of 24 June 2009 regarding the Hermann Eissler collection, it is of crucial importance for the present

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recommendation which of the persons in question—in this case Paul Eisner or Louise Eisner, later Odescalchi—was the owner of the two works. (No objection on the part of Eisner is recorded regarding the watercolour in the Albertina.)

In the case of Louise's portrait, the Advisory Board does not rule out the possibility that Paul Eisner commissioned John Quincy Adams, one of the leading portraitists of Viennese society in his day, to paint the portrait of his wife and subsequently paid him for it. However, there is no evidence whatsoever to support this, nor is it possible to ascertain whether and when a transfer of assets (gift) took place; it is possible that the portrait had already been intended for Louise as early as 1926. Furthermore, after 1945, Paul did not make any claims regarding ownership of the portrait or other works against her. Presumably to bolster his challenge to her will, Paul Eisner stated in 1964 that he had initiated the divorce "on the grounds of my alleged fault" in order "not to endanger my wife because of the mixed marriage". In 1967, his former housekeeper Caroline Langkammerer stated that the division of the property and the agreement between the spouses had been reached in 1938 'due to [...] the rule of National Socialism'. However, this affidavit is the only available source concerning the division of property in connection with the divorce. There are no records whatsoever regarding the Madonna portrait in the KHM. Nevertheless, Langkammerer's statements regarding the agreement and division of assets between the Eisners appear dubious in themselves – not only because they are the perceptions of Paul Eisner himself, who was now of advanced age and testified in his own interest three decades later, but also because, despite her claim to be able to 'still remember the events in detail', her statements do not stand up to scrutiny where this was possible. According to her recollections, the Steinway grand piano is said to have gone to Louise Eisner; however, contemporary sources document that the piano was seized as part of Paul Eisner's assets and auctioned off for the benefit of the German Reich in 1942. However, if one were nevertheless to assume that Paul Eisner was in fact the owner of the portrait by Adams and the painting of the Madonna, it would be necessary to examine whether the agreement between the couple, or the transfer of ownership to Louise, was in this particular case merely superficially linked to the persecution, and whether this link was in fact overshadowed by other (in principle unobjectionable) motives.

As noted, in the past the Advisory Board has accepted this only in exceptional cases – for example, where spouses acted jointly to safeguard their art collection from expropriation – see the cited recommendation regarding Hermann Eissler. In the present case, the Advisory Board does not overlook the fact that Paul and Louise Eisner's marriage had long been dysfunctional and that they divorced in 1938; however, as in the Eissler case, a transfer of ownership (if such a transfer took place) would have to be regarded as a 'rescue transaction'. In this case, too, the persecuted owner would have transferred objects to his 'Aryan' wife prior to the divorce, on the occasion of his flight from Berlin to Czechoslovakia. Louise would subsequently have

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taken the objects transferred to her for safekeeping to Kitzbühel, where she had been living since 1934. The works would therefore not have been seized or auctioned off as part of Paul Eisner's household effects for the benefit of the German Reich but would have remained with Louise (in safety) until they were passed on to the Austrian Gallery by will some 25 years later. Apart from Langkammerer's statement, the only other evidence is Paul Eisner's own account that the portrait by Adams, at any rate, belonged to him and that, due to his persecution by the Nazis, it had been kept by Louise in Kitzbühel; however, their claims weren't made until decades later, after Louise's death, and were not raised in any of the previous (reparations) proceedings. Consequently, these two sources are not sufficient to refute Louise Odescalchi's ownership of the works in question, which is why no void legal transaction within the meaning of Section 1 of the Nullity Act 1946 can be established.

It is therefore not advisable for the Federal Minister to transfer ownership to the legal successors *causa mortis* of Paul Eisner in accordance with the Art Restitution Act.

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Vienna, 12 May 2026

Univ.-Prof. Dr. Clemens JABLONER (Chairman)

Members:

Brigadier

Stefan KIRCHEBNER, MA

Associate Professor

Dr. Birgit KIRCHMAYR

Associate Professor

Dr. Sabine PLAKOLM-FORSTHUBER

Senior Public Prosecutor

Mag. Eva REICHEL

Counsellor of the Administrative Court

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