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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 30 March 2022, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Defence to transfer the 572 works of the dossier of the Commission for Provenance Research 17/2022, "Saul Juer", from the Museum of Military History/Military History Institute to the legal successors *causa mortis* of Saul Juer, as listed in the annex to this decision

GROUNDINGS

The Advisory Board has considered the above-mentioned dossier of the Commission for Provenance Research and established the following facts of relevance to the decision:

Saul Juer was born in Dobrzany, Galicia on 2 June 1877 as the son of Osias Itzig Juer and his wife Gitel, née Finkelstein. The family lived in Vienna from 1885 at the latest, where they first appear in the sources with the marriage of the parents in the City Temple. Osias Juer's meat trading company, which was located in the central market hall in the third district of Vienna, was registered in the trade register from 1886. After his son Saul having been a co-partner of the meat trading company from December 1902, he took over the company as sole owner in October 1906.

On 24 March 1904, Saul Juer married Helene Kanner, born in Lemberg on 27 January 1883. The couple had two daughters: Susanne, who was born in Vienna in 1905 and Hedwig, who was born in Baden near Vienna in 1907. The family's changed residences several times within the third district; from November 1913 they were finally registered at Esteplatz 5/13, where Saul and Helene Juer were to live until 20 July 1938.

Immediately after the "Anschluss" of Austria to the National Socialist German Reich in March 1938, Saul Juer, as the Jewish owner of a market stall, was exposed to persecution by the Nazi regime. As Fritz Keller elaborated in his study on the Vienna Market Office 1938-1945 within the framework of the Historical Commission, the Vienna City Administration initiated the revocation of the permits for the (fixed) market stalls of companies considered Jewish in the two Viennese central market halls as late as March; a continuation of the operation of the total of 137 Jewish stalls would "endanger public peace and order at the markets". The fact that these stand revocation proceedings were completed so quickly - by mid-May 1938 - was due to the fact that market stands in Vienna were allocated on the basis of a precarious decision and the stand permits could be revoked at any time without giving reasons, which, however, had rarely been practiced before the Anschluss. Thus, in March 1938, Saul Juer's permit for his sales booth was also revoked, causing the end of his company's business activities, which according to his own statements ended on 2 April 1938. At the same time, suppliers who had received advances and customers were no longer paying their debts,

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which meant that he was unable to pay his own liabilities. He was therefore forced to dissolve his company, which was run as a limited liability company, in June 1938; the deletion of the company was entered in the Commercial Register on 7 May 1940. The fact that Saul Juer had been collecting art and cultural objects for decades can be derived above all from his declaration of assets, in addition to his membership in the Verein der Freunde asiatischer Kunst und Kultur in Wien (Association of Friends of Asian Art and Culture in Vienna). In the declaration he listed under other assets "pictures, ceramics, Judaica, drawings, engravings, collected over the course of 30 years" worth RM 15,000, but emphasized that he wanted to have the actual value determined by auction. He intended to have them auctioned off in the fall of 1938 in order to be able to meet the financial demands of his creditors. Whether such an auction actually took place, however, could not be determined.

Probably as a result of the deterioration of their financial situation due to the persecution, Saul and Helene Juer moved to Mariahilferstraße 3 in Vienna's 6th district to live with their daughter Hedwig in the summer of 1938. After Osias Juer's death in January 1938, Hedwig, together with her sister Susanne Glauber and other family members, had become co-owners of the apartment building. Around the time of the move, on 8 August 1938, Saul Juer approached the then Heeresmuseum (Army Museum) by postcard to offer the objects from his collection with a military connection for sale, or rather, he invited the museum to view them before he put them up for auction. Subsequently, Rudolf Pühringer, who headed the 2nd department responsible for the museum's art collection, instructed his employee and later successor Bruno Wikingen to look through the offered pieces. The fact that this did not happen initially could be due to the fact that the Heeresmuseum (Army Museum), as an institution of the Wehrmacht, was prohibited from doing business with companies owned by persons considered Jewish in May 1938. Nevertheless, in several cases, the museum acquired items from persons who were known to be Jewish. The ban could be an explanation for the fact that the objects offered were subsequently purchased through an art dealer rather than directly from Saul Juer, to whose file Wikingen had added the handwritten note "Jude!". Accordingly, in the acquisition file Pühringer recorded that he had agreed with Juer by telephone that the pieces could be examined by the antique dealer Blasius Fornach. The Heeresmuseum (Army Museum) had maintained regular business relations with Fornach, who ran an antiquarian bookshop at Krugerstraße 18 in Vienna's 1st district and who, from March to July 1938, ran the later "aryanized" auction house S. Kende, since 1934. Thus, on 12 October 1938, Wikingen examined 517 copperplate engravings, lithographs, drawings and watercolours at Fornach's shop and assessed them as being in very good condition and - probably with regard to the prints - for the most part not yet in the collections of the Heeresmuseum (Army Museum). After proposing to purchase the sheets for RM 150 and a series of soldier figures made of earthenware for RM 50, the actual purchase did not take place until about a year later. The purchase price finally amounted to RM 420 for what then amounted to 502 sheets, a volume of 29 so-called Mandlbögen, two books, 18 faience figures and five oil paintings, of which RM 130 were paid for two oil paintings by Hans Anton Karlinsky alone. Most of the purchased objects were added to the inventory of paintings between 25 November and 4 December 1939, under the numbers BI20808 to BI21294; in January 1940, the 29 Mandl sheets were added under BI21564 and

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the work "Official dresses of the deputies of the French people" was recorded under the number 19686 in the inventory of books. The payment of the agreed RM 420 was carried out on 11 January 1940.

In addition, the Heeresmuseum (Army Museum) acquired two more pieces by Saul Juer. An offer for the sale of "1 oil portrait, military official of general rank, circa 1790, unsigned" is listed in the 1941 account register. Although the museum entered portrait BI27192 in the inventory of paintings from 15 December 1944 only as "found" and without any reference to this offer, it can be considered certain that it was the painting which had been offered by Juer in 1941 and that it had remained in the Heeresmuseum (Army Museum) without being purchased and was erroneously entered in the inventory as a depot find more than three years later. The publication "Geschichte Ungarns und Siebenbürgens" (History of Hungary and Transylvania) published by Adam Ehrenreich in 1843, illustrated with 17 lithographs by Peter Johann Nepomuk Geiger, is also to be considered as an acquisition from Saul Juer. This publication from the former property of Archduke Ludwig Viktor with the inventory number AG/43023/1 is listed on an invoice for the purchase from Juer but was then probably mistakenly not inventoried together with the other acquisitions.

Although the Heeresmuseum thus acquired a large number of works from the Juer collection, these can nevertheless only have represented a part of this collection; in his declaration of assets Saul Juer had not mentioned any military reference with regard to his entire collection, but had explicitly listed Judaica, for example. Also, the mentioned self-assessment of the value of his collection amounted to RM 15,000, while he sold objects to the Heeresmuseum (Army Museum) for only RM 420. In addition to the acquisition of the objects listed by the Heeresmuseum (Army Museum), Saul Juer evidently sold several paintings and ceramics to the art dealer Friedrich Welz, as well as gold and silver objects to the Dorotheum in November 1939, in accordance with § 14 of the Ordinance on the Use of Jewish Property of 3 December 1938 (RGBl I 1938, p. 1709ff). The whereabouts of the remaining items in the collection are not yet known.

Helene Juer died in the apartment in Mariahilferstraße on 4 December 1941. About eight weeks later, on 13 February 1942, Saul Juer had to move to a collective apartment located at Rembrandtstrasse 13/7 in Vienna's 2nd district. On 14 July 1942, he was sent to the Nazi ghetto Theresienstadt and from there, almost two years later, on 15 May 1942, to the concentration and extermination camp Auschwitz. From this point on, there is no further information about his fate. It is certain that he did not survive the end of the war. By decision of the Vienna Regional Court for Civil Matters of 6 July 1949, Saul Juer was declared dead.

Unlike their parents, Hedwig Juer and Susanne Glauber managed to escape abroad. Susanne Glauber left Austria already on 15 March 1938, to go to her place of residence in Karlsbad, and in September fled on to Nice in southern France, and from there via Marokko to the USA, where she continued to live in New York after 1945. Hedwig had remained with her parents in Vienna a little longer, until she fled to London in August 1939, where she continued to reside after 1945. Her removal goods, amounting to two cubic metres in a furniture truck, five boxes and two packages, were confiscated by the Gestapo on 6 November 1940 and disposed of by VUGESTA at the beginning of 1942. On the basis of the

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Eleventh Decree to the Reich Citizenship Law of 25 November 1941 (RGBl I 1941, p. 722ff), her assets were declared forfeited in favour of the German Reich in April 1942, and those of her sister Susanne in December 1943. In both cases, this primarily affected their respective shares in the apartment building on Mariahilferstrasse.

After the end of the war, in 1947, the two daughters received their co-ownership shares back, but their applications for the restitution of the seized rental income, filed in 1958, were rejected by the Financial Directorate for Vienna, Lower Austria and Burgenland. The application for payment of her father's bank deposits with the Österreichische Länderbank and the Österreichische Postsparkassenamt, filed in 1962 with the Fund for Compensation of Property Losses of Politically Persecuted Persons, was rejected because the seized bank deposits were below the minimum value of 500 schillings. There are no known applications for the restitution of the Saul Juers art collection.

Between 1938 and 1941, the Vienna Heeresmuseum (Army Museum) acquired a total of 573 objects from Saul Juer, 564 of which can currently be found in the museum's collections. While in the case of one oil painting with inventory number 1939/15/BI21274 there is clear evidence from inventory book entries that it was lost due to looting at the salvage site, at least in the case of two of the eight otherwise untraceable works (inventory numbers 1939/17/BI21119 and 1939/17/BI21120) a future recovery can be assumed as probable. This leaves six objects about whose fate no information is available, and which must therefore be assumed to no longer be in the museum's collections.

The Advisory Board has considered:

Pursuant to § 1 (1) item 2 of the Art Restitution Act, objects from the property of the Federation which were the subject of a legal transaction or a legal act pursuant to § 1 of the Nullity Act 1946 (or are comparable thereto) may be transferred to the original owners or their legal successors by reason of death.

Saul Juer was persecuted as a Jew by the Nazi regime. As early as March 1938, his permit for his stall in the wholesale market hall in Vienna's third district was revoked, with which he lost his livelihood. On 13 February 1942, he had to move into a collective apartment, from where he was deported a few weeks later, first to the Nazi ghetto Theresienstadt on 14 July 1942, and from there to the concentration and extermination camp Auschwitz on 15 May 1944, where he probably died violently at an unknown time. By decision of the Vienna Regional Court for Civil Matters of 6 July 1949, Saul Juer was declared dead. No applications for the restitution of his art collection were filed.

In the period from the Nazi persecution-related loss of his income until a few months before his forced resettlement and deportation, Saul Juer sold numerous objects from his diverse collection, including 573 pieces to the then Heeresmuseum (Army Museum), one of which was lost as a result of looting in the course of the war-related removal at the place of recovery. The acquisitions of the 572 objects listed in the enclosure are therefore to be evaluated as null and void legal transactions in accordance with para. 1 of the Nullity Act; this is also valid irrespective of the question of whether the purchase price received was

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appropriate or whether Saul Juer initiated the legal transactions himself. Since these objects are now the property of the Federal Republic of Austria, the conditions of Section 1.(1).2 of the Art Restitution Act are met, which is why the Federal Minister of Defence is to be recommended to transfer ownership of 564 objects in accordance with the ruling. This would also apply to the eight (currently) untraceable objects mentioned above, if they were to be found in the course of further research in the holdings of the Museum of Military History/Military History Institute.

Vienna, 29 November 2022

Univ. Prof. Dr. Clemens JABLONER (Chairman)

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