

At its meeting on 27 September 2024, the Art Restitution Advisory Board in accordance with Section 3 of the Federal Law 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, adopted the following

DECISION

It is recommended to the Federal Minister of Arts, Culture, Civil Service and Sports that the drawings from the Albertina listed in the dossier of the Commission for Provenance Research 07/2024, "Wilhelm König"

I.

- Carl Friedrich von Rumohr
Italian Landscape with Mountain Town
Inv. no. 28088
- Johann Christian Klengel
Young Woman and Old Woman
Inv. no. 29290
- Antonio Gionima (attributed)
Circe transforms Ulysses' companions into animals
Inv. no. 30285

should be transferred to the legal successors *causa mortis* of Wilhelm König ;

While

II.

- Rudolf Friedrich Wasmann
Young Woman at the Distaff
Inv. No. 28293
- Gustav Klimt
Hygieia with broad headdress
Inv. No. 31459
- Giovanni Battista Castello, gen. Il Bergamasco
Men carrying a corpse to the left
Inv. no. 31464
- Johann Evangelist Scheffer von Leonhartshoff
Self-portrait
Inv. no. 32566
- Anonymous
Allegory of the Turkish victories with portrait of
Emperor Joseph I.
Inv. no. 44434
- After Giuseppe Ribera, gen. L'Espagnolet
The Martyrdom of St. Bartholomew
Inv. no. 46639

should not be transferred.

GROUNDS

The Advisory Board has received the above-mentioned dossier from the Commission for Provenance Research. This results in the following facts relevant to the decision:

Wilhelm Karl König was born in Vienna on 23 January 1880, the only child of Josef (Joseph) König, principal violinist and concertmaster of the Vienna Court Opera Orchestra, and his wife Helene, née Pollak. His father died in the year of his birth; Wilhelm grew up alone with his mother. His guardianship was taken over by Emil Steinbach, Austrian Minister of Finance from 1891-1893 and President of the Supreme Court from 1904-1907, a relative on his mother's side.

After an early position at the Vienna headquarters of the Austrian Credit-Association, Wilhelm König joined the Anglo-Austrian Bank headed by Adolf Hermann Landesberger in 1909. After Landesberger's death in 1912, König was promoted to deputy director with a seat and vote on the General Council and sole head of the stock exchange office at the Vienna headquarters. On 14 November 1912, he married Adolf Landesberger's daughter Marianne, born in Vienna on 22 August 1893. It was probably in connection with the marriage that Marianne left the Jewish Community of Vienna (IKG) shortly beforehand and converted to Catholicism. Her godmother was Wilhelm's mother Helene König, who had already converted to Catholicism in 1910; Wilhelm had already left the IKG in February 1907, and in November of the same year he was also baptized a Roman Catholic. From 1917, Marianne and Wilhelm lived together with Helene König at Garnisongasse 6/12 in Vienna's ninth district; Wilhelm also owned a country house in Döbling, Vienna's 19th district. The marriage remained childless.

In March 1921, Wilhelm König took over as General Director of Neue Wiener Bankgesellschaft, which was managed by Stephan Mautner. When the latter acquired shares in Potsdamer Kreditbank in November 1922, König was appointed to its Supervisory Board; he was also Vice President of Mobilbank A.G. Budapest. Under the impact of the economic crisis, he moved to the Federal Ministry of Finance in 1926, where he worked as a supervisory body of the League of Nations for Vöslauer Kammgarn-A.G.'s relief credit until 1937; he continued to work as an expert for the Creditanstalt until 1938 and was a court-certified expert for banking and stock exchange matters. His professional years were also characterised by his journalistic work on financial policy. In addition to numerous articles in leading daily newspapers such as the "Neue Freie Presse", the "Neues Wiener Tagblatt" and the "Reichspost", independent publications such as "Barzahlung und Banktrennung" (1907), "Der Staatsbankrott von 1811" (1911) and "Zur Theorie der Steuer" (1918) also met with great interest, according to Marcell Klang's handbook "Die geistige Elite Österreichs" (1936).

The earliest evidence of Wilhelm König's art collection can be found in the archives of the Federal Monuments Authority, with his declaration to make his collection accessible to the public. This was a reaction to the one-off large property levy issued in July 1920 (Federal Law Gazette 371/1920). In the notarial deed drawn up for this purpose at the beginning of 1922, Wilhelm König stated:

"I am the owner of the apartment in Vienna[’s] 9[th district], Garnisongasse 6. This apartment houses a collection of about two thousand five hundred hand drawings and watercolors from the fifteenth century to the present, as well as about two hundred oil paintings and sketches by various masters and styles, as well as some sculptures. My collection has been frequently visited for years by artists and art scholars who cannot find material anywhere else."

He had also amassed a sizeable library of allegedly 5,000 volumes. Wilhelm König stamped his works with a collector's stamp: "WSK" surrounded by a circle, with the larger letter S between his - smaller - initials standing for "Sammlung" (Sammlung = Collection). With the identification code 2653b, the stamp was included in the supplementary volume on ownership references to artistic prints and works on paper by the Dutch art historian Frits Lugt in 1956. His brief description of a large collection of drawings mainly from the 19th century and some prints, including an etching by Rembrandt, probably dates back to 1923, when Lugt visited König in Vienna and examined his collection.

In January 1925, Wilhelm König put 882 lots from his collection of hand drawings, which by then comprised almost 3,000 sheets, up for auction at the Berlin antiquarian bookshop Paul Graupe; these were drawings from the 17th to 20th centuries, including works by renowned artists such as Rudolf von Alt, Lovis Corinth, Anton Faistauer, Ludwig Heinrich Jungnickel, Gustav Klimt, Oskar Kokoshka, Josef Kriehuber, Hans Makart, Adolf Menzel, Adrian Ludwig Richter, Egon Schiele, Carl Spitzweg and Ferdinand Georg Waldmüller. The foreword to the auction catalogue was written by Alfred Stix, who was the director of the Albertina at that time and had already supported König in his notarial matters. He also expressed no objections to the Monument Authority regarding the export to Germany, "all the less so as the aforementioned gentleman had donated three valuable [now unidentifiable, note] sheets to the collection".

The reasons for auctioning such a large number were probably due to the poor economic situation, which also had an impact on the auction itself; just 170 lots were auctioned. In the following year, König (once again) offered 372 lots at the 372nd Dorotheum art auction in Vienna on 18 and 19 October 1926. In addition to 161 oil paintings and 43 watercolours, pastels, hand drawings and miniatures, there was also furniture, ceramics, porcelain and works in gold and silver. Most of the 43 drawings were sold or were auctioned off at other Dorotheum auctions in the following months. As a result of these auctions, Wilhelm König's collection of drawings was decreased by just over 200 pieces.

Wilhelm König also sold numerous works to the Hungarian-born collector Johann Török, who lived in the USA. As the 1927 inventory catalogue of Török's collection compiled by the Albertina curator Heinrich Leporini

shows, hundreds of sheets had the provenance of the König collection. Török, who had been in Vienna in early 1925, is likely to have acquired a large part of them directly from Wilhelm König. The foreword to the inventory catalogue states:

"A fortunate acquisition finally brought him [Török] into possession of the König Collection in Vienna, which was the result of more than twenty years of dedicated collecting activity and which, to the regret of its former owner, now also had to cross the Great Water as a result of unfavourable circumstances."

Hardly acquired, Török had almost 1,000 works auctioned off at the American Art Galleries in New York in November 1928; in 1933, another 300 items were offered. An analysis of the Török catalogues from 1927, 1928 and 1933 revealed that almost 600 drawings from the König Collection had been transferred to the Török Collection. This meant that the König Collection, which had still comprised almost 3,000 drawings at the beginning of 1925, had been reduced by around 800 sheets as a result of the two auctions and the sale to Török.

On 19 March 1938, just a few days after the "Anschluss" of Austria to the National Socialist German Reich, the König couple left Vienna, as Marianne König testified to the Berlin District Court in April 1960:

"Mr. Wilhelm König and I left Vienna on 19.III.1938 in a hurry, with little luggage, were thoroughly examined for an hour and a half by 5 National Socialist officials at the Swiss border, so we could not carry any valuables or sums of money with us, in this way we were able to cross the Swiss border. That same night, our apartment in Vienna['s] 9[th district], Garnisongasse 6, first floor, door 12 (a listed building) was sealed by the Gestapo. Likewise, our country house in Vienna['s] 19[th district]".

The escape to Zürich took place by overnight express train "with a small amount of hand luggage and my husband's work, 1 suitcase with books, brochures and economic manuscripts", according to Marianne in a sworn statement dated 7 October 1960. In August 1938, Wilhelm and Marianne König left Switzerland for France, and in August 1939, they continued on to Sweden, where they settled in Stockholm. Wilhelm worked there as an employee of the daily newspaper Svenska Dagbladet, as well as elsewhere.

Due to their early flight, there are no asset declarations for either of them, the submission of which was mandatory for persons considered Jewish according to the law of 26 April 1938. The housing inventory that remained in Vienna was auctioned off under consignment numbers 44.542 and 44.543 at various Dorotheum auctions in Vienna between August 1938 and September 1939. The items - according to the Dorotheum's consignment list, numerous paintings and sculptures as well as furniture, utensils, crockery and clothing - were consigned to the auction house on 22 August 1938 by the office of the Nazi deputy mayor and later city councillor Thomas Kozich with the note "Forced sale due to flight from the Reich by Wilhelm König, Vienna IX [9th district], Garnisongasse 6/12".

On 15 and 16 September 1938, König's library was auctioned off under the consignment number 409.508 - with the exception of 147 books handed over to the Gestapo and those holdings (old journals, address books, etc.) that were destroyed due to their low value. At the auction, a "Konv[olut] Graphik" [graphics bundle] is listed with the low starting price of RM 2.50. The sales at the Dorotheum generated a net amount of approximately RM 2,700. The auction proceeds were used to pay the "Reich Flight Tax" as well as outstanding claims to the apartment and country house. The weekend house on Kahlenberg, including the vineyard, was put up for auction in June 1939, with the winning bid going to Leopold Pippich, who stated in 1946, in accordance with the Asset Expropriation Registration Regulation, that he was not aware "that it was Jewish property" at the time of purchase.

In 1949, the König couple returned to Vienna and settled at Lichtenfelsgasse 5 in Vienna's 1st district. Wilhelm, who was now working as a consultant for Creditanstalt-Bankverein and Bankenverband, initially tried to have the property in the 19th district returned to him; at least some of the inventory (works of art and furniture) was returned to him. In response to his inquiry on 26 October 1949, the Dorotheum informed him, including exact dates and consignment numbers, that "tangible assets in your name [...] were consigned here by the office of Deputy Mayor Kozich [...] and [...] publicly auctioned". It was also pointed out that "the purchase orders, on which the names of buyers are noted", were available for inspection and copying; however, only a few written purchase orders and thus only a handful of names of buyers had been preserved. On the list of objects compiled by the Dorotheum in 1949, Marianne König noted by hand the loss of "hundreds of hand drawings not included in the Dorotheum list". No further transactions are documented. In 1951, Wilhelm König was granted a victim's identity card in accordance with the Victims' Welfare Act (Federal Law Gazette (BGBl.) No. 183/1947).

After Wilhelm died on 7 May 1955, Marianne König sought compensation from the Austrian and German authorities: While the restitution offices in Berlin rejected her applications due to a lack of jurisdiction, she was paid compensation in Austria in accordance with the War and Consequential Property Damage Act (KVSG) (Federal Law Gazette (BGBl.) No. 127/1958) for the "Place of damage: Vienna 9th district, Garnisongasse 6/1/12" and by Collection Agency B. She concluded a restitution settlement for the house in Döbling, including the inventory and art objects that had remained there in part. Her application for hardship fund compensation in accordance with Section 11 KVSG was rejected, as was her application to the Settlement Fund.

From June 1960, Marianne König was authorized to export those works of art and pieces of furniture from the country house that she had received back from the restitution settlement concluded in 1949 to Switzerland. However, she was not to export the works - at the end of 1964 she offered

some pieces for sale to the Austrian Gallery, which, like the Albertina, refrained from purchasing them. In December 1970, Marianne König claimed several works of art pursuant to the Determination of Ownership of Works of Art and Cultural Assets (Act Federal Law Gazette No. 294/1969), which had been published in the special supplement of the official gazette "Amtsblatt zur Wiener Zeitung" of 2 September 1969. In November 1972 and March 1973, she was informed "that several claims had been made by different people for the same art and cultural property whose publication you are requesting. For this reason, it is not possible for it to be surrendered". Most of the items she claimed were auctioned off at the Mauerbach Auction at the MAK - Austrian Museum of Applied Arts in Vienna in October 1996. Almost twenty years earlier, on 2 February 1978, Marianne König had died in Bad Goisern.

To date, nine works from the former Wilhelm König Collection have been identified in the Albertina's holdings, all of which bear the collector's stamp. The sheets come from various sources and years of acquisition between 1938 and 2012 - whereby, as explained, the Albertina did not acquire any of the works directly from Marianne König in the 1960s. For six of the nine objects, there is direct or indirect evidence that they had already been removed from Wilhelm König's collection as a result of the sales he made in the 1920s: The "Self-Portrait" by Johann Scheffer von Leonhartshoff (inv. no. 32566) and the drawing by Rudolf Friedrich Wasmann "Young Woman at the Distaff" (inv. no. 28293) were sold at the Graupe auction. While the Albertina acquired the self-portrait from the Salzburg art dealer Hans Fetscherin only in 1956, the work by Wasmann came to the museum as early as 1939 via the art antiquarian C. G. Boerner, with direct previous ownership by Carl and Irmgard Heumann, as the Advisory Board determined in its meeting on 16 March 2018. The representational drawing by Gustav Klimt "Hygieia with broad headdress" (inv. no. 31459) had also already been auctioned by Graupe in 1925. The fact that the Albertina acquired it together with the sheet by Giovanni Battista Castello, gen. Il Bergamasco "Men carrying a corpse to the left" (inv. no. 31464) at the 520th auction of the Dorotheum in Vienna in May 1953 suggests that both objects were consigned to the auction together or had already been removed from the König collection in the 1920s. The chalk drawing after Giuseppe Ribera "Martyrdom of St. Bartholomew" (inv. no. 46639) was transferred from the König Collection to that of Arthur Feldmann at an unknown date and was taken from him in March 1939. Following its restitution from the Moravian Gallery in Brno to Feldmann's heirs in 2003, they donated the work to the Albertina in 2012. The sheet "Allegory of the Turkish Victories with Portrait of Emperor Joseph I" (inv. no. 44434) could not be found in the auctions of either the König Collection or the Török Collection. Due to the

"A. Stix" on the back, which probably became the property of the then director of the König Collection in the 1920s, the sheet was acquired by the Society of Friends of the Albertina in 2002.

The other three works, which bear Wilhelm König's collector's stamp, were acquired by the Albertina between 1938 and 1944. The settlement for the "Italian Landscape with Mountain Town" (inv. no. 28088) by Carl Friedrich von Rumohr, acquired at the Neue Galerie, was made via the Reich Governor's Office in Vienna at the beginning of 1939. For Johann Christian Klengel's "Young Woman and old Woman" (inv. no. 29290) and the work attributed to Antonio Gionima "Circe transforms the companions of Ulysses' into animals" (inv. no. 30285), there is no information on how or where they were acquired, with the exception of the respective year of acquisition, 1942 and 1944. There is also no evidence or indication that they were removed from the König Collection in the 1920s or before 1938.

The Advisory Board considered the following:

According to Section 1. (1). 2 of the Art Restitution Act, objects owned by the federal government that were previously the object of a legal transaction or legal act under Section 1 of the Nullity Act 1946 can be transferred to the original owners or their legal successors by virtue of death. According to Section 1 of the Nullity Act 1946, "legal transactions and other legal acts against payment or free of charge during the German occupation of Austria are null and void if they were carried out in the course of its political or economic penetration by the German Reich in order to deprive natural or legal persons of assets or property rights to which they were entitled on 13 March 1938."

All of the nine works in question bear Wilhelm König's collector's stamp and were therefore once part of his art collection. However, as the works came into the Albertina's holdings in different ways in the period between 1938 and 2012, the acquisitions must be assessed in a differentiated manner:

Ad. I. As the Advisory Board has already stated on several occasions with reference to the relevant case law of the Restitution Commissions, relevant legal transactions by persons belonging to the group of persecuted persons are generally to be judged as null and void in accordance with Section 1 of the Nullity Act 1946 - Wilhelm König belongs to this group. For the works inv. no. 28088: Carl Friedrich von Rumohr,

"Italian Landscape with Mountain Town", inv. no. 29290: Johann Christian Klengel, "Young Woman and Old Woman", and inv. no. 30285: Antonio Gionima (attributed), "Circe transforms the companions of Ulysses' into animals", there is no evidence that they had already been removed from the König Collection before the "Anschluss" of Austria to the National Socialist German Reich. As there is neither evidence nor indications to suggest this for these three works, it can be assumed with a probability bordering on certainty that these sheets were among the works removed from the König couple's apartment by the Gestapo in 1938 and were intended for sale to the Dorotheum.

The Advisory Board considers that the criteria of Section 1. (1) . 2 of the Art Restitution Act have been met in the case of these three objects. The Federal Minister of Art, Culture, Civil Service and Sport should therefore be recommended to transfer these three works to the legal successors of Wilhelm König.

Ad. II. For three of the objects (inv. no. 28293: Pencil drawing by Rudolf Friedrich Wasmann, "Young Woman at the Distaff "; inv. no. 31459: Drawing by Gustav Klimt, "Hygieia with broad headdress "; inv. no. 32566: "Self-Portrait by Johann Scheffer von Leonhartshoff") the provenance research was able to prove that they had already been removed from the König Collection through sales at the Graupe auction in Berlin in 1925. This is also the case for the work inv. no. 31464: Giovanni Battista Castello, gen. Il Bergamasco, "Men carrying a corpse to the left". As shown, the sheet was acquired by the Albertina together with the Klimt drawing at the same Dorotheum auction in May 1953, so a sale before 1938 is therefore obvious. The chalk drawing inv. no. 46639: After Giuseppe Ribera, gen. L'Espagnolet, "The Martyrdom of St. Bartholomew", came to the Albertina as a gift from the legal successors to Arthur Feldmann in 2012. As the work was seized from him in March 1939 and restituted in 2003, the Advisory Board sees no reason to assume an earlier seizure after the "Anschluss" in 1938 (from the property of Wilhelm König). Finally, the sheet inv. no. 44434: "Allegory of the Turkish Victories with Portrait of Emperor Joseph I", acquired by the Society of Friends of the Albertina in 2002, bears the inscription "A. Stix". The Advisory Board considers it a given that the work became the property of the then director of the Albertina, Alfred Stix, in the 1920s - when he wrote the foreword to the catalogue for the 1925 Graupe auction as part of his work on the König Collection.

A transfer of ownership of the works listed under II. to the legal successors of Wilhelm König is therefore not recommended.

Vienna, 27 September 2024

Prof. Dr. Clemens JABLONER (Chairman)

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