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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 Art, Culture, Civil Service and Sport that the chalk drawing listed in the Commission for Provenance Research dossier “Adalbert Parlagi” (03/2022)

Franz Seraph von Lenbach
Richard Wagner
Inv. no. 38637

be transferred from the Albertina to the legal successors *causa mortis* of Adalbert Parlagi.

FOUNDATIONS

In February 2021 the Commission for Looted Art in Europe asked the Commission for Provenance Research to determine whether the drawing of Richard Wagner by Franz von Lenbach currently in the Albertina, inventory number 38637, was identical with one owned by Adalbert Parlagi and expropriated in relation to Parlagi’s persecution by the Nazis. The Commission for Provenance Research followed up this request and presented the above-mentioned dossier. The Advisory Board has considered the dossier and established the following facts of relevance to the decision.

Adalbert Bela Parlagi was born on 16 July 1895 in Budapest and was registered in Vienna from 1913. In December 1919 he married Hilda, née Hock, born on 2 April 1895 in Prague, with whom he had two children: Hedwig Elisabeth, born on 16 April 1923, and Franz Richard, born on 5 October 1926. In October 1923 Adalbert and Hilda Parlagi left the Jewish Community, and the two children were baptized as Protestants. In May 1936 the family moved from the 9th to the 3rd district of Vienna, where they lived at Modenapark 10/6, even after the annexation of Austria to the Nazi German Reich, until their flight at the end of 1938. They were considered Jewish in the meaning of the First Regulation to the Reich Citizenship Act of 14 November 1935 (RGBl. I 1935, pp. 1333–34), which entered into force through the Regulation on the Introduction of the Nuremberg Race Laws in the Province of Austria of 20 May 1938 (RGBl. I 1938, pp. 594–95). In December 1938 the family managed to emigrate to London, where Adalbert Parlagi had worked previously as a financial adviser at Prudential Assurance Co. and also had a residence.

In preparation for their departure, their entire household furnishings, including an art collection, were stored with the transport company Josef Zdenko Dworak in Vienna-Währing. In his asset declaration of 27 July 1938, Adalbert Parlagi had listed pictures worth RM 1,800, valuable carpets and a porcelain and silver collection. The list of removal goods given to Spedition Dworak on 7 December 1938 contained no further details of the artworks, except for “1 package of pictures”. The removal goods never arrived in London, however. Adalbert Parlagi, who no longer returned to Vienna after the war, wrote to Spedition Dworak on 6 February 1946, which, according to the notification to the Federal Ministry for Securing Property and Economic Planning of 15 April 1946, gave the following information:

In reply to your esteemed letter of 20 ult. I hereby notify you that your furniture was seized by the Gestapo on 8 April 1941 and moved to the Dorotheum, where it was sold.

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The letter from the Gestapo to Josef Dworak in the Austrian State Archive also confirms that the household furnishings were seized on 5 November 1940 and sold at the Dorotheum the following year.

In June 1947, Adalbert Parlagi informed the Federal Monuments Authority of the seizure, mentioning four art objects in his picture collection, including the 1881 chalk drawing of Richard Wagner under consideration: "Lenbach, Richard Wagner portrait (chalk), approx. 50 × 70 cm".

At the request of the Federal Monuments Authority, the Dorotheum then submitted a transcript of Parlagi's possessions which it had received for auction under consignment number 290 along with the names of the buyers. The director and scriptwriter Ernst Marischka (1893–1963) was listed as having purchased the portrait of Richard Wagner for RM 2,600.

On the basis of the detailed information provided by the auction house, it can be established that Adalbert Parlagi's art objects and household furnishings were sold over a period of several months. In addition to the 466th art auction from 17 to 20 June 1941, at which the portrait under consideration was sold, objects owned by Parlagi were sold at the following three auctions:

156th major auction, Dorotheum Vienna, 8/9 May 1941

157th major auction, Dorotheum Vienna, 26/27 June 1941

471st art auction, Dorotheum Vienna, 24–27 February 1942

Although some purchasers can be definitively identified on the basis of the information provided at the time, they were not immediately contacted by the Federal Monuments Authority after the notification by the Dorotheum in 1947. Adalbert Parlagi was advised initially "to authorize a representative in Vienna to pursue the matter, who after establishing the whereabouts of the objects could if necessary demand their return in accordance with the provisions of the restitution acts". It was only after the repeated urging by the lawyer Wilhelm Popper, who was acting for Parlagi, that the Federal Monuments Authority continued to investigate the matter, but the information about the whereabouts of the pictures was not very useful. For example, the art auction house Adolf Weinmüller in Vienna, identified as having purchased drawings by Claude Monet and Paul Signac from Parlagi's collection, stated to the Federal Monuments Authority:

"Regarding the pictures mentioned by you by O. Signas [sic] and Claude Monet, the documents were lost during the fighting in Vienna and I have no recollections of these two pictures."

Some years later, Adalbert Parlagi attempted again to regain possession of the Lenbach drawing. A letter by Ernst Marischka to the Federal Monuments Authority of 10 February 1959 referring to earlier correspondence indicates that he was in direct contact with Parlagi:

1. I find it strange that Mr Parlagi should write to the Federal Monuments Authority requesting further investigation as to who purchased the picture by Franz von Lenbach belonging to him, after he contacted me around three years ago, upon which I invited him to my apartment and showed him the picture. In other words he well knows that I own the picture.
2. Although I am not legally obliged to return a picture that I acquired legitimately, I told Mr Parlagi, who said he was particularly attached to the picture, that I would sell it to him at the market price. I had it estimated by Mr Herbst in the Dorotheum and informed Mr Parlagi of the price, which he deemed to be too high.

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3. Mr Parlagi can name the price he is willing to pay for the picture. I will then decide whether I wish to part with it.

It is not known whether further negotiations took place between Marischka and Parlagi and what form they might have taken. At any event, the Lenbach picture remained with Marischka and was taken to the Dorotheum in 1975, twelve years after his death, by his widow Lilly Marischka (1900–1978). At the 607th art auction (11 to 14 March 1975) it was sold for ATS 11,000. There are no details regarding the purchaser. The Albertina acquired the drawing in 1982 for ATS 37,800 from Galerie Urbach in Vienna.

Apart from the attempts described to regain possession of individual objects, Adalbert Parlagi also applied for compensation for the entire lost assets. In November 1946 he wrote to the Federal Ministry for Securing Property and Economic Planning claiming compensation for the removal goods seized and then sold in 1940 for around RM 52,000. The amount was transferred to the account of the Gestapo Office for the Disposal of the Property of Jewish Emigrants (Vugesta) at Bankhaus Kretschker & Co. The municipal department for the 3rd district informed Parlagi, however, “that the report as aggrieved party is not considered an assertion of your claim for restitution of the expropriated assets”. In October 1951 Anna Kratky, a distant relative of Adalbert Parlagi, made a claim to the Provincial Tax Office for Vienna on his behalf under the First Restitution Act (BGBl. No. 156/1946) for restitution of the seized assets. In reply to an inquiry by the provincial tax office, Kretschker & Co stated in early December 1951 that it was

unfortunately not in a position [...] to determine whether the said amounts were deposited. We received the proceeds of auctions from the Dorotheum for the Vugesta account normally in the form of lump sums with no indication of the names of the purchasers of the auctioned furniture. The amounts transferred by the Dorotheum were therefore credited to the Vugesta account without further information.

The application was refused on 4 March 1952 on the grounds that it did not consider the condition of the First Restitution Act – “restitution of expropriated assets managed by the federal state or provinces” – to have been met.

In view of the fact that the list of purchasers provided by the Dorotheum also contained persons from Germany, so that it was possible that the artworks had been transported to Germany, in April 1956 Adalbert Parlagi’s lawyer asked the Federal Ministry of Finance as representative of the Republic of Austria to assert his restitution claims with the Federal Office for Foreign Restitution in Bad Homburg. The claim was rejected on 21 October 1959. Although the Federal Office in Germany was satisfied that a watercolour by Rudolf Alt previously owned by Adalbert Parlagi had been transported to Germany,

the restitution proceedings were discontinued pursuant to Section 2.2 [BGBl. 1955 II, p. 405 (Fifth Part: Foreign restitution pp. 432ff.)], since the investigation by the Federal Office as to the whereabouts of the picture was unsuccessful and there is no prospect that further research will reveal where it is.

It also stated that it was not possible to determine whether the claimed cultural objects had been transferred to Germany. A claim by Parlagi in 1958 to the restitution offices in Berlin for compensation under Section 5 of the 1957 German Federal Restitution Act (BGBl. I p. 734) was rejected on 20 January 1960 on the following grounds:

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It is irrelevant whether any of the auctioned objects – such as the pictures, as asserted by the claimant – were later transported to the said territories. They were not transported to these territories by the German Reich or equivalent legal entity in connection with an expropriation, as Section 5 of the Federal Restitution Act effectively requires. The expropriation and sale of the objects ended with the auction.

Finally, the application for compensation made on behalf of Adalbert Parlagi and his wife in Austria in December 1958 for material loss – “removal, loss or destruction of household objects” – pursuant to the War and Persecution Compensation Act was granted and compensation of ATS 12,960 determined. As Hilda Parlagi had previously received payments from the Relief Fund for Political Persecutees, this amount was deducted and the sum of ATS 10,960 was paid out. Adalbert Parlagi withdrew the claim made in May 1962 through collection agencies A and B in September 1963, less than four years before his wife’s death on 11 January 1967 in Madrid. Adalbert Parlagi died on 16 December 1981 in Malaga.

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*.

The Parlagi family were persecuted by the Nazi regime as Jews and emigrated in December 1938 to London. The removal goods stored with the transport company Zdenko Dworak, including the chalk portrait of Richard Wagner by Franz Lenbach under consideration, were seized in 1940 by the Gestapo. The portrait was acquired by Ernst Marischka for RM 2,600 at the 466th art auction at the Dorotheum. After Marischka’s death, his widow sold the portrait in 1976, again at a Dorotheum auction. In 1982 it was purchased by the Albertina from Galerie Urbach in Vienna. In view of the proven seizure by the Gestapo and subsequent auction in favour of the Gestapo Office for the Disposal of the Property of Jewish Emigrants, the condition of Section 1.(1).2 of the Art Restitution Act is met. The Advisory Board therefore recommends that the drawing be transferred to the legal successors *causa mortis* of Adalbert Parlagi.

Vienna, 30 March 2022

Univ. Prof. Dr. Clemens Jabloner (chairman)

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