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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 2 March 2012, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Education, Arts and Culture that the work listed in the Commission for Provenance Research dossier "Dr. Armin Reichmann"

Anton Romako (1832–1889)
Lying dog,
Watercolour, 23.2 x 32 cm
Albertina, Inv. No. 29226

should be transferred to the legal successors *causa mortis* of Dr. Armin Reichmann (1878–1942).

FOUNDATIONS

The Advisory Board establishes the following facts based on the dossier at hand: The journalist Dr. Armin Reichmann was born in Vienna on 7 December 1878. After finishing his law studies at the University of Vienna in 1906, he worked as an editor for various newspapers until 1938. His first wife was Rosa Mühlendorf, and his second wife was Auguste Kranz. After the death of Auguste Kranz in 1919, he re-married Rosa Mühlendorf.

His children Kurt and Erich were already abroad at the time of the "Anschluss", while his daughter Erika managed to escape to England in March 1939 – apparently with financial support from her parents. The attempts of Armin Reichmann and Rosa Reichmann, née Mühlendorf, to escape failed. As late as April 1940 they still tried to obtain funds for ship tickets. On 2 June 1942, Armin Reichmann and Rosa Reichmann were deported from Vienna and murdered in Maly Trostinec on 6 or 7 June 1942.

In his list of assets from 27 April 1938, Armin Reichmann listed under the item IV g) various works of art with a total value of RM 619; among the works of art, he also mentioned the work "*Romako (watercolour): Dog (signed)*" with the value of RM 10. Furthermore, he listed carpets worth RM 1,000 and various books worth RM 100 under this item (these three items therefore add up to a value of RM 1,719). In a notification dated 10 December 1938, Armin Reichmann informed the Property Transaction Office that he had to resort to selling his assets in order to cover his living expenses as a result of his dismissal without notice. Documents of the Jewish Community concerning Armin Reichmann's efforts to escape show that, as of 26 March 1940, he owned assets worth approximately RM 2,000, which included – albeit only summarily – "*pictures and carpets*" in the amount of RM 1,719,

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unchanged (taking the item for the various books into account) from the declaration of assets from 1938. A "*valuation report*" from 15 April 1941 lists only two oil paintings as works of art in addition to various furnishings.

The watercolour in question here was acquired in 1941 by the Albertina from the art dealer Friedrich Welz, who took over the Galerie Würthle in Vienna in April 1938 in addition to his Salzburg gallery. There are no further details on this acquisition in the Albertina's records, and an inquiry to the present Galerie Welz was also inconclusive.

In the (supplemented) Anton Romako catalog raisonné compiled by Fritz Novotny (1965), the painting in question is listed under number 335 with a reference to an exhibition at the gallery Miethke in 1905. The provenance before the Albertina is only mentioned as "*Vienna, Galerie Welz*". In Cornelia Reiter's Anton Romako catalog raisonné (2010), the watercolour in question is listed with the same information under the number 532; however, there is also a very similar, also signed (with deviating dimensions: 18 x 23.3 cm) watercolour under the number 533. In regard to the provenance of this watercolour (No. 533), whose current, presumably private owner is not known Wilhelm Legler, Carl Moll and an estate auction at Wawra in 1911 are indicated. In a supplement it is noted that this watercolour "*is {/}likely identical to the watercolour of a dog formerly in the Rosa & Armin Reichmann Collection*".

However, the dossier – and the Advisory Board – do not confirm this information in the catalog raisonné, as the acquisition of the painting by Carl Moll (1861–1945) listed in the catalog raisonné and a subsequent ownership by Wilhelm Legler (1902–1960), who was the son of Carl Moll's stepdaughter Margarethe Schindler, rule out an ownership of this watercolour by Armin Reichmann.

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 Nullity Act 1946, or comparable legislation, may be transferred. According to Section 1 of the Nullity Act 1946 legal transactions against payment or free of charge and other legal acts during the German occupation of Austria are null and void if they were undertaken in the course of its political or economic penetration by the German Reich in order to deprive property. The Advisory Board considers the facts of seizure to be fulfilled in particular in the case of legal transactions of those who were part of the circle of political persecutees, with reference to the jurisdiction of the Restitution Commissions; regardless of whether the purchase price received was appropriate or the legal transaction was initiated by the persecutee himself (recommendation of 6 December 2011 regarding Oskar Reichel).

The Albertina acquired the watercolour in question from the art dealer Friedrich Welz in 1941; Armin Reichmann's list of assets proves that in 1938 he was the owner of a signed watercolour depicting a

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dog by Anton Romako. Furthermore, it is documented that Armin Reichmann was still trying to obtain money for his escape in 1940, and the valuation report of 15 April 1941 no longer mentions the watercolour, but only two oil paintings. Since the amount of RM 1,719 in the list of assets from 26 March 1940, which listed works of art, carpets and books, remained unchanged compared to the property declaration of 1938, it can be assumed that Armin Reichmann sold the drawing between 26 March 1940 and 15 April 1941.

Although it has not been possible to provide direct evidence that Armin Reichmann sold his watercolour to Friedrich Welz, all indications, including the chronology of the documented events, suggest that the watercolour acquired by the Albertina in 1941 is the one that Armin Reichmann listed in his declaration of assets in 1938.

Following the Advisory Board's aforementioned interpretation of the Art Restitution Act, the question of whether Armin Reichmann, who belonged to the circle of persecuted persons, sold the watercolour to Friedrich Welz (or at best, to a foreman of Friedrich Welz) on his own initiative and what price he received for it, can be left open. The connection with his persecution and the intended escape is in any case evident.

Hence, the Advisory Board concludes that the watercolour in question was seized from Armin Reichmann and that the facts of Section 1.(1).2 of the Art Restitution Act are fulfilled. The Federal Minister for Education, Arts and Culture was therefore to recommend the transfer of ownership to his legal successor *causa mortis*.

Vienna, 2 March 2012

Univ. Prof. Dr. Dr. h.c. Clemens Jabloner (chairman)

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