

[unofficial translation]

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 15 June 2018, Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for the EU, Arts, Culture, and Media that the sheet listed in the Commission for Provenance Research dossier "Louis Rothschild Collection" (04/2018), specifically

- August Xaver von Pettenkofen
Shovelling Peasant Girl, Watercolour
Inv. no. 34804

should be transferred from the Graphic Collection Albertina to the successors by inheritance of Louis Rothschild.

FOUNDATIONS

The Art Restitution Advisory Board has the aforementioned dossier from the Commission for Provenance Research, based on which the following facts are relevant to the decision:

The Art Restitution Board has already dealt with several instances of seizures from the former property of Louis Rothschild in various sessions. Most recently, on 11 September 2009, the return of an object from the MAK - Austrian Museum of Applied Arts / Contemporary Art to the legal successors of Louis Rothschild was recommended.

The watercolour by August Xaver von Pettenkofen in question here was assigned to the Albertina in 1963 in the course of the clearing of the depots of the Federal Monuments Office. The objects stored there were the remainder of the collection intended for the art museum in Linz planned by Adolf Hitler and which had been transferred to the Republic of Austria as forfeited property in 1952. The previous owner of the sheet was not known at that time.

The Louis Rothschild collection was transferred to the newly established Central Depot in the Neue Burg in mid-August 1938 as a result of persecution and was documented in a card index ("Zentraldepotkartei" = Central Depot Index).

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Starting in the autumn of 1946, Louis Rothschild's lawyers sought the restitution of the collection, the sheet in question was among the artworks which were to be donated to the Republic of Austria "as compensation for the export permit granted". However, this dedication was not carried out because the sheet could no longer be located. In 1948, it was recorded in a report to the Federal Ministry for Securing Property and Economic Planning under artworks of unclear ownership in Alt Aussee. In 1963, it was assigned to the Albertina without the previous owner's knowledge, as mentioned earlier.

As a result of the edition of the Central Depot Index by the Commission for Provenance Research, it has been determined that the sheet originates from Louis Rothschild's hunting lodge in Steinbach and is registered under the number "850" and with the information "Pettenkofen. Farm worker. Watercolour. Estate stamp." The identity is clearly documented through an illustration.

The Advisory Board considered the following:

The sheet was seized by the NS regime as part of the Louis Rothschild collection and subsequently became the property of the Republic of Austria. An apparently intended dedication of the sheet in exchange for the granting of export permits, which would have to be assessed in accordance with Section 1. (1). 1 of the Art Restitution Act, was omitted because the whereabouts of the sheet were apparently no longer known from 1946 onwards.

Since the seizure of the sheet is in any case a null and void legal act in accordance with Section 1 of the Nullity Act 1946, the Advisory Board sees the conditions of Section 1. (1). 2 of the Art Restitution Act as fulfilled. Therefore, the recommendation is for the Federal Minister to transfer the sheet to the legal successors of Louis Rothschild.

Vienna, 15 June 2018

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

Members:

Ministerialrätin
Dr. Ilsebill BARTA

Rektorin
Mag. Eva BLIMLINGER

Univ.-Prof. Dr. Artur ROSENAUER

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Hofrat d. VwGH
Dr. Franz Philipp SUTTER

Generalanwalt i.R.
Dr. Peter ZETTER

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