

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 29 June 2021, the Art Restitution Advisory Board adopted the following

## **DECISION**

It is recommended to the Federal Minister of Defence that the works listed in the annex to this decision from the Commission for Provenance Research dossier 11/2020 “Dr Siegfried Fuchs” be transferred from the Museum of Military History/Military History Institute to the legal successors *causa mortis* of Siegfried Fuchs.

## **FOUNDATIONS**

In its decisions of 29 June 2005, 28 June 2006, 20 April 2012 and 15 October 2015, the Board recommended the transfer of objects owned by the State and the Association of Folk Art to the legal successors of Siegfried Fuchs. These recommendations concerned items in the collections of the Austrian National Library, the MAK – (then Austrian) Museum of Applied Arts/(Contemporary Art), the Kunsthistorisches Museum and the Museum of Folk Life and Folk Art in Vienna. The Board now has to consider the above-mentioned dossier from the Commission for Provenance Research on objects in the Museum of Military History/Military History Institute and establishes the following relevant facts.

Siegfried Fuchs was born in Vienna on 26 December 1883 as the son of Mathilde and Rudolf Fuchs. He remained single and childless and lived from February 1910 to December 1940 at Praterstraße 50 in Vienna’s 2nd district. After completing his doctorate in law, he worked as a self-employed lawyer with an office at Mülker Bastei 3.

Following the annexation of Austria to the Nazi German Reich in March 1938, Fuchs was persecuted as a Jew. Pursuant to the Regulation on the Registration of the Assets of Jews of 26 April 1938, he was forced to declare his assets to the Property Transaction Office. In his asset declaration of 15 July 1938 he listed a collection compiled over forty years of diverse “books, pictures, engravings, watercolours, boxes, walking sticks, porcelain, etc.”, which he had either been given or purchased for small sums and which he valued altogether at 10,500 reichsmarks.

As the Board already established in the above-mentioned recommendations, Fuchs was removed under the Fifth Regulation on the Reich Citizenship Law from the register of lawyers, which was

tantamount to a work prohibition. He moved his offices in September 1938 to his apartment but barely earned any revenue from it. To cover his living costs, discriminatory levies (in particularly the Jewish Asset Levy, accounting for 20 per cent of his assets) and his planned flight, he was therefore obliged to sell parts of his collection and furniture from his office. Until 12 November 1938 he sold objects worth RM 2,000. He then asked the Property Transaction Office to be allowed to pay future instalments with objects from his collection if he could not raise sufficient cash. By mid-1939 the content of his collection had already shrunk considerably because of multiple sales. The amendment to the asset declaration submitted by Fuchs on 28 July 1939 documented a reduction in value of the collection to RM 4,550, less than half of the value given twelve months previously. The Vienna Municipal Collections, which had acquired print items, autographs, buttons and art objects from Fuchs between March and September 1939 applied to the Central Monument Protection Office on 15 September 1939 for the securing and storage of the collection in its own depot, but the monuments authority saw no reason for it. It stated that in view of the relatively minor significance of the collection and the fact that the owner had himself offered to sell it to the Municipal Collections, there was no danger of it being removed.

As mentioned, Fuchs stated to the Property Transaction Office in December 1938 that he needed to sell part of his collection to finance his departure. It was not until 1940, however, that he applied for permission to export the remainder of his collection, which was granted by the Central Monument Protection Office on 14 June 1940. Permission was refused only for three leather-bound first editions of a work by Hans Sachs and twenty-six “original invoices” by various artists. According to a monuments authority memo, the remainder was approved for export after the sale to interested institutes – for example, of twenty-five design sheets for ground glasses to the State Arts and Crafts Museum in Vienna.

The export authorization was initially valid until 14 September 1940 but was subsequently extended until 14 December 1940. During this time, further sales were carried out, for example to the National Library and the Vienna City Library, the Vienna Municipal Collections and – with regard to the objects under consideration – to the Museum of Military History. They may be considered as closely linked with Fuchs’s flight to Shanghai, as indicated by the D account (Konto-D) file of the Devisenberatungsstelle (foreign exchange advisory office) in the Vienna Jewish Community. As a condition for issuance of a residence permit, the Shanghai Municipal Council of the International Settlements had determined in October 1939 that permits would be issued only to refugees who had paid at least 400 US dollars into an account of the Committee for the Assistance of European Refugees in Shanghai before arrival. Fuchs must have managed to do this. He left Vienna in early December 1940 for Shanghai and died there a year after the war on 25 July 1946. There is no record of attempts by him or his heirs to recover assets expropriated during the Nazi period.

In October 1940, two months before Fuchs's flight, the Museum of Military History acquired seventy-four objects from him, including above all prints, but also sheet music, books, maps, four oil paintings, an autograph and around three hundred visiting cards. The corresponding file in the museum's registry notes that the objects were "offered through (the) Central Monument Protection Office", which informed the museum by phone that photos of military personages could be seen at the home of Siegfried Fuchs, who was about to "emigrate". Director Alfred Mell noted the instruction to the head of Department 3 of the museum, Géza Kövess von Kövesshaza, on 21 August 1940 to inspect the objects. This was done on 20 September 1940 after telephone contact with Fuchs. Kövess discovered beforehand, however, that the objects were not photographs but various categories of objects. Together with director Mell he visited Fuchs again on 23 September 1940. On this occasion, they are thought to have taken the objects of interest to them.

There were eighteen objects of interest to Department 1 of the Museum of Military History and forty-nine to Department 2. The department heads approved the purchase of all but eight of the objects. Director Mell subsequently confirmed the selection and added a further fifteen objects. He offered to pay RM 500 for the seventy-four objects, RM 160 less than Fuchs had demanded.

The decision must have been made before 23 October 1940, because this day was earmarked for the return of the non-selected objects to Fuchs and the entry of the objects from Department 1 in the book inventory. The objects from Department 2 were entered in the picture inventory on 26 October 1940. On 29 October Mell ordered payment of the purchase price to be arranged. Payment was made on 6 November 1940.

Of the seventy-four objects acquired, the whereabouts of sixteen have not currently been determined. They refer to ten inventory numbers from the book inventory and six from the picture inventory. They were stored during and after the Second World War in Schloss Seebarn, Schloss Schönborn and the Hofburg and can be assumed to have been lost as a result of the fighting. The losses at the museum and in its fifteen storage sites were considerable, estimated in 1950 at 40 per cent of the total collection. It is not completely beyond the bounds of possibility, however, that the sixteen objects will still be found during the ongoing provenance research in the Museum of Military History/Military History Institute.

There is evidence that the lithograph by August Prinzhofer *Portrait of Cavalry General Count Eugen Falkenhayn* (1853) with inventory number 1940/17/BI22159, which has disappeared, was not lost during the war. It was transferred by Josef Kriehuber along with ninety-one prints on 7 June 1941 to the artist Heinrich Kautsch in exchange for a badge made by him.

The Advisory Board considered the following:

As the Board determined in its recommendations of 29 June 2005, 28 June 2006, 20 April 2012 and 15 October 2015, the sales by Siegfried Fuchs, as a person persecuted by the Nazis, were invalid transactions pursuant to Section 1 of the 1946 Annulment Act, regardless of whether the purchase price was reasonable or not or whether Fuchs himself arranged the sales. As the objects are owned today by the State, the conditions of Section 1.(1).2 of the Art Restitution Act are met and the recommendation is therefore to be made to the Federal Minister of Defence for their restitution. This applies as well to the (currently) missing sixteen objects should they be identified in the course of further research into the inventories of the Museum of Military History/Military History Institute.

Vienna, 29 June 1921

Univ. Prof. Dr. Clemens Jabloner (chairperson)

Members

Ministerialrätin Dr. Ilsebill Barta

Ltd. Staatsanwältin Hon.-Prof. Dr. Sonja Bydlinski

Assoz. Univ.-Prof. Dr. Birgit Kirchmayr

Univ.-Prof. Dr. Artur Rosenauer

Hofrat d VwGH Dr. Franz Philipp Sutter

Alternate

Hofrat Dr. Christoph Hatschek

## Annex

Inventory number	Object	Whereabouts
I 20.249	Entwurf einer Vorstellung der russisch-kayserlichen Armee, n.p. (c. 1760)	present
I 20.250	Friedrich Frh. v. d. Trenck, Trauerrede an dem Grabe unserer grossen Monarchin Maria Theresia, Vienna 1780	present
I 20.251	Friedrich Frh. v. d. Trenck, Trauer-Gedicht an dem Grabe der grossen Maria Theresia, Vienna 1781	present
I 20.252	Zeichnungen ... von dem Sieg ... bey dem Porto Lepante, Nuremberg, (1871)	unknown
II 20.253	Lista derer königl. dänischen u. sächsischen Herren Officirer ..., Hamburg (c. 1712)	present
20.254	Die Musterung oder der Korporal Einsam, Znaim 1844	unknown
II 20.255	Relazione veridica, ... della segnalata Vittoria ... Prencipe Ludovico di Baden, (n.p.) 1691	present
I 20.256	M. Krokowitsch, Marsch für das Piano-Forte ... Sophie Wilhelmine von Baden gew. ..., (n.p., n.d.)	present
II 20.257	Andreas Leonhardt, Zwei Caroussel-Fest-Märsche, (n.p., n.d.)	present
II 20.258	Philipp Fahrbach, Meter-Polka, Budapest (c. 1871)	present
II 20.259	Philipp Fahrbach, Trinkspruch-Polka, Budapest (c. 1871)	present
II 20.260	Franz v. Suppé, Erzherzog Wilhelm-Marsch, Vienna (c. 1867)	present
II 20.261	Johann Strauss, Trimmel-Marsch, Manövri-Marsch, Vienna (c. 1835)	present
II 20.262	Johann Nepomuk Král, Rudolf-Stefanie-Marsch, Hamburg (c. 1881)	present
I 20.263	Zirka 300 St. Visitenkarten österr. Officiere, in der Mehrzahl erste Hälfte & Mitte des 19. Jh., (box)	unknown
I 20.264	Abschied für Michael Hallo, Honv. Zgsf., der Ungar. Legion (Klapka), ddo Rativor 30.IX.1866	unknown
II 20.265	Franz Lehár, Vorüber!, Vienna (n.d.)	present
20.266	Johanna, das tapfere Soldatenmädchen (Pest 1845)	unknown
20.267	Lotter, Tobias Konrad, Carte géographique ... de Hongarie Fragment, Augsburg (n.d.) (1738?)	unknown
20.268	Homan(n), Johann Bapt., Theatrum belli Rhenani ... Anno 1702, Nuremberg (n.d.)	unknown
20.269	Danckerts, Kornelius, Le theatre de la guerre dans les Sevennes ..., Amsterdam (c. 1700)	unknown
20.270	Danckerts, Kornelius, Sedes belli in Dauphinae et Provinciae ..., Amsterdam (c. 1700)	unknown
20.271	Glückwunschkarte, farbig, des Majors u. Adjutanten des FM Grafen Bellegarde, Carl Menzer vom IR. 38 (n.p.), 1819	unknown
1940/17/B I22140	Anonymous lithograph: "Vier Typen der russischen Armee, c. 1850/60", n.d. (c. 1850/60)	present
1940/17/B I22141	Anonymous lithograph: "Vier Gruppen von Typen französischer Militärs", c. 1850	unknown
1940/17/B I22142	Anonymous lithograph: "Das Gefecht bei Gersweiler an der Saar", n.d.	present

1940/17/B I22143	Anonymous lithograph: "Vier Typen der russischen Armee (Kürassiere, Tscherkessen, Infanterie, Kosacken), c. 1850/60", n.d.	present
1940/17/B I22144	Anonymous copper engraving: "Ein desertierter Rekrut, c. 1760", n.d.	unknown
1940/17/B I22145	Anonymous copper engraving: "Ein von seinem Weib Abschied nehmender Rekrut, c. 1760", n.d.	unknown
1940/17/B I22146	Lithograph by Friedrich Fleischmann: "Kaiserlich-russisches Militair (Kavallerie)", n.d. (c. 1820)	present
1940/17/B I22147	Copper engraving by J. J. Metzger: "Portrait Gottfried Heinrich Graf zu Pappenheim (1594–1632)", n.d. (c. 1670)	present
1940/17/B I22148	Copper engraving by Johann Alexander Böner: "Portrait Don Baltazar de Marradas et Vique oder Maradas (1560–1638)", n.d.	present
1940/17/B I22149	Copper engraving by Isabella Piccini: "Portrait Rudolf Hieronymus Eusebius von Colloredo-Waldsee (1585–1657)", n.d.	present
1940/17/B I22150	Anonymous lithograph: "Zehn Portraits junger Offiziere", n.d. (c. 1830)	present
1940/17/B I22151	Lithograph by Josef Kriehuber: "Erzherzoge Friedrich, Albrecht, Wilhelm, Karl v. Österreich. Gruppenbild", 1835	present
1940/17/B I22152	Lithograph by Josef Kriehuber: "Portrait Alfons Ritter von Denkstein (1804–1893)", 1848	present
1940/17/B I22153	Lithograph by Josef Kriehuber: "Portrait FML Joseph Freiherr von Droste-Vischering (1784–1845)", 1846	unknown
1940/17/B I22154	Lithograph by Josef Kriehuber: "Portrait FML Carl Ludwig Graf Folliot von Crenneville (1763–1840)", n.d.	unknown
1940/17/B I22155	Lithograph by Josef Kriehuber: "Portrait FML Johann Ernst Graf von Hoyos (1779–1849)", 1834	present
1940/17/B I22156	Lithograph by Josef Kriehuber: "Portrait Oberst Wilhelm Karl Graf von Lichnowsky (1793–1864)", 1835	present
1940/17/B I22157	Lithograph by Josef Kriehuber: "Portrait FML Adolph Schütte Freiher von Warensberg (1815–1889)", 1860	present
1940/17/B I22158	Lithograph by Josef Kriehuber: "Portrait FML Christian Ernst Graf von Stolberg-Stolberg (1783–1846)", 1840	present
1940/17/B I22160	Lithograph by August Prinzhofer: "Portrait Obstl Josef Graf Saint Julien (1806–?)", 1852	present
1940/17/B I22161	Lithograph by August Prinzhofer: "Josef Andreas Graf Thürheim", 1853	present
1940/17/B I22162	Lithograph by Franz Eybl: "Portrait Oberst James Baron Kavanagh (1813–1848)", 1849	present
1940/17/B I22163	Lithograph by Franz Eybl: "Portrait GdK Franz Schlik zu Bassano und Weißkirchen (1789–1862)", 1837	present
1940/17/B I22164	Lithograph by Anton Einsle: "Portrait Erzherzog Stephan von Österreich (1817–1867)", n.d. (c. 1845)	present
1940/17/B I22165	Anonymous lithograph: "FM Josef Wenzel Radetzky von Radetz", n.d. (c. 1848)	present
1940/17/B I22166	Lithograph by Eduard Friedrich Leybold: "Portrait FML Joseph von Benczur (1759–1846)", n.d. (c. 1835/45)	present
1940/17/B I22167	Anonymous lithograph: "Der alte Invalide Koch in seinem 100sten Jahre", n.d. (c. 1790)	present

1940/17/B I22168	Lithograph by Franz Kollarz: "Portrait k.k. Linienschiffs-Kapitän Karl Leopold Freiherr Lewartow von Lewartowski (1806–1865)", 1853	present
1940/17/B I22169	Lithograph by Joseph Anton Bauer: "Portrait Rittmeister Herr von Schreckinger", n.d. (c. 1835)	present
1940/17/B I22170	Lithograph by Joseph Anton Bauer: "Portrait Freiherr Stadl", n.d. (c. 1835)	present
1940/17/B I22171	Lithograph by Joseph Anton Bauer: "Portrait Sigmund Herr von Stubenberg", n.d. (c. 1835)	present
1940/17/B I22172	Lithograph by Gabriel Decker: "Portrait Obst Anton Weiss", 1853	present
1940/17/B I22173	Lithograph by Victor Pozzi: "Portrait ubk. Marineoffizier in Waffenrock", 1853	present
1940/17/B I22174	Lithograph by Josef Kriehuber: "Portrait ubk. Husarenoffizier", 1832	present
1940/17/B I22175	Lithograph by Wilhelm Rupprecht: "Portrait ubk. ungarischer Magnat mit Malteserkreuz", n.d. (c. 1835)	present
1940/17/B I22176	Lithograph by August Prinzhofer: "Portrait ubk. k.k. Generalmajor (Vittinghof-Schell?)", n.d. (c. 1850)	present
1940/17/B I22177	Anonymous lithograph: "Legende / Erklärungsbild zu einem Gemälde mit FM Radetzky", n.d.	present
1940/16/B I22178	Anonymous drawing: "Portrait Josef Graf Hoyos-Sprinzenstein (1839–1899)"	present
1940/18/B I22179	Anonymous watercolour: "Portrait ubk. k. k. Genieoffizier", n.d. (before 1848)	present
1940/16/B I22180	Anonymous drawing: "Karikatur 'Der Stab des Erziehungshauses'", n.d.	present
1940/16/B I22181	Anonymous drawing: "Karikatur 'Pressfreies Bildnus'"	present
1940/16/B I22182	Anonymous drawing: "Karikatur 'Zur Erinnerung'"	present
1940/16/B I22183	Lithograph by Gabriel Decker: "Das Offizierskorps des zweiten Wiener Bürgerregiments im Jahre 1846", 1846	unknown
1940/18/B I22184	Anonymous oil painting: "Portrait ubk. k. k. Oberoffizier des Kürassier-Regiments 5", n.d. (before 1848)	present
1940/18/B I22185	Anonymous miniature: "Portrait ubk. Offizier eines k. k. Infanterieregiments mit Brustkürass aus der zweiten Hälfte des 18. Jh.", n.d.	present
1940/15/B I22186	Anonymous oil painting: "Portrait unknowner k. k. Oberoffizier", n.d. (c. 1820)	present
1940/15/B I22187	Anonymous oil painting: "Portrait unknowner Militär-Verpflegsbeamter im Majorsrang", n.d. (c. 1849)	present
1940/15/B I22188	Anonymous oil painting: "Zwei Reiter des 17. Jh. in Harnisch und roter Feldbinde"	present
1940/17/B I22189	Copper engraving by Johann Ziegler: "Ansicht der Festung Ehrenbreitstein", n.d. (c. 1780)	present
1940/16/B I22191	Anonymous chalk drawing: "Familienportrait k. k. Oberoffizier Friedrich Piattoli mit seiner Frau Luise, geb. Villier-Seigner und Tochter Marie"	present