



## Public Administration Files

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### Title of the holdings

**Archive:** Municipal and Provincial Archives of Vienna (MA 8)

**Record group:** 1.3 – Magistratsdepartements und Magistratsabteilungen (1892–21. Jahrhundert) (“Municipal departments and municipal departments” 1892–21<sup>st</sup> century)

**Holdings:** 1.3.2.119 – M.Abt. 119 (“municipal department 119”) (ca. 1880–1965)

**Files series:**

1.3.2.119.A23 – ÖVA – Firmen, Gesellschaften (“Companies, partnerships”) (1951–1968)

1.3.2.119.A24 – ÖVA – Liegenschaften (“Properties”) (no time period stated)

1.3.2.119.A25 – ÖVA – Handel, Gewerbe (“Trade, commerce”) (1945–1950)

1.3.2.119.A26 – ÖV – Landwirtschaft (“Agriculture”) (ca. 1945 – 1950)

1.3.2.119.A27 – ÖV – Kino (“Cinema”) (ca. 1945–1950)

1.3.2.119.A28 – ÖV – Industrie (“Industry”) (ca. 1945–1950)

Abbreviation for this type of file: ÖV or ÖVA

### Origins of the holdings

The statutory basis for public administration was provided by the *Gesetz über die Bestellung von öffentlichen Verwaltern und öffentlichen Aufsichtspersonen* (“Act on the Appointment of Public Administrators and Public Supervisors”) (State Law Gazette no. 9/1945) and the *Verwaltergesetz* (“Administrator Act”) (Federal Law Gazette no. 157/1946).

On the basis of State Law Gazette no. 9/1945, the competent state offices could, if required for “important public interests”, appoint public administrators for enterprises which had their headquarters, a branch office or a permanent establishment within the borders of the Republic of Austria as they had existed prior to 13 March 1938. During the period under public administration, the powers of the owner of the enterprises and, in the case of legal entities, the powers of their organs were suspended. The public administrator exercised all the rights and obligations of the enterprise and represented the enterprise internally and externally. If the company was recorded in the trade register or the cooperatives register, the appointment or removal of a public administrator had to be entered in the register.

To safeguard public interests the competent state authorities were also able to place companies based in the above-mentioned territory under public supervision. The management of these enterprises had to provide the appointed supervisor with all necessary information and allow the latter to inspect their books and correspondence. In addition, the supervisor had the right to object to all orders concerning the management, with the effect that these orders had to be suspended until the decision by the competent state office.

The public administrators and public supervisors were appointed following consultations with the competent chamber and the relevant professional association of workers and employees. Both the public administrators and the public supervisors had to follow the instructions of the competent state office in their work and report to the mentioned office on their activities. They were entitled to an appropriate remuneration, the level of which was determined by the competent state office, taking into account the economic capacity of the enterprise. The costs arising from the appointment of public administrators and public supervisors as well as the costs of necessary inspections were to be borne by the enterprise.

Anyone who had taken over the management or supervision of an undertaking after 1 March 1945, alone or with others, was required to report this within eight days of the entry into force of the Act to the competent state office or to the authorities designated by the latter, which could decide on the continuation of the administration or supervision in accordance with the provisions of this Act. The competent state offices could delegate the powers conferred on them by the Act to subordinate authorities. The competent state office, in agreement with the competent chamber and the competent professional association of workers and employees, could order the dissolution of a company placed under public administration. Claims for damages against the public administrator by the owner of the enterprise or by a person involved in the enterprise could only be asserted with the approval of the authority that had ordered the public administration. This approval was to be granted if the competent state office assumed that the public administrator had culpably violated his or her duties. The provisions of this Act applied *mutatis mutandis* to other assets and property rights which are not the subject of an enterprise.

The Administrator Act (Federal Law Gazette no. 157/1946) created a new legal basis for the appointment of public administrators after the State Law Gazette no. 9/1945 was repealed by the Federal Law Gazette no. 75/1946. The appointment of public administrators now fell within the competence of the Federal Ministry of Property Control and Economic Planning (cf. Federal Law Gazette no. 56/1946). Administrators could now be appointed if, on the one hand, there was “significant public interest in the continuation of the enterprise and the safeguarding of the assets” and the persons entitled to dispose of the assets were individuals,

- (a) to whom the provisions of Sec. 17 of the Prohibition Act (State Law Gazette no. 13/1945) applied; or
- (b) on whom ordinary pre-trial detention has been imposed on suspicion of a criminal offence involving the confiscation of property; or
- c) who, due to their fleeting or unknown residence, or for other reasons, were not in a position to make the necessary dispositions for the proper management of the company or otherwise could not offer any guarantee for this, or
- (d) who were obliged to register assets in accordance with the ordinance on the notification of “aryanized” and other assets seized in connection with the Nazi assumption of power (State Law Gazette no. 10/1945), insofar as that there was a risk of the assets being misappropriated,
- (e) who either possessed German nationality on 13 March 1938 or had acquired property (property rights) situated in Austria after that date from such a person.

In his study on the Austrian financial administration and the restitution of confiscated property 1945 to 1960, commissioned by the Austrian Historical Commission, Peter Böhmer stated with regard to the Administrator Act that the Austrian government and authorities in the immediate post-war period “wanted to avoid irreversible decisions on the countless properties with unclear ownership” and that therefore, with the help of the Administrator Act, public administrators were created who constituted “a kind of interim management fully excluding the person previously entitled to dispose of the property”. Ideally, a public administrator was appointed for an asset until a lawful decision on the ownership structure had been taken. After that, the public administrator was supposed to be dismissed. However, his research did not make it possible to clarify “whether a public administrator generally favored or prevented restitution”, said Böhmer.

Böhmer subdivided public administration into three phases: the first phase lasted from the immediate post-war period until around mid-1946, during which the occupation authorities in particular controlled the appointment of administrators; the second phase from 1946 to 1950, during which the Federal Ministry for Property Control and Economic Planning determined what happened; and the third phase from 1950 to the State Treaty of 1955, which began when the Federal Ministry of Finance took over the powers of the dissolved Federal Ministry for Property Control and Economic Planning.

### Contents of the files

The public administration files at the Municipal and Provincial Archives of Vienna contain the official documentation for the public administrations under the supervision of the Vienna Municipal Authority concerning companies and corporations, real estate, trade and commercial enterprises, agricultural enterprises, cinemas and industrial enterprises in Vienna, where in 1947 about 990 enterprises were under public administration.

### Alternative sources of information

The appointment and dismissal of a public administrator had to be entered in the trade register. Alternative sources of information for public administrations are, for example, information on company expropriations or company liquidations in the card index and the files of the former Property Transaction Office (at the Austrian State Archives). For seizures and restitution proceedings, the files pursuant to the Ordinance on the Notification of Seized Property, the restitution files of the Financial Directorates, the files of the Restitution Commissions or the file *Erfassung Betriebe* (“list of businesses”) of the Collection Agencies A and B (Austrian State Archives) can also be consulted. It can be determined on the basis of the entries in the commercial register (MA 63 or MA 8), who owned a trade license from when to when and where this trade was carried out.