

In accordance with Section 3 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections, Federal Law Gazette (BGBl.) I 181, at its meeting of 21 November 2008, the Art Restitution Advisory Board unanimously adopted the following

### DECISION

It is recommended to the Federal Minister for Education, Art and Culture that the objects listed in the “Siegfried Gerstl (1862–1938) supplementary dossier”, namely 549 glass negatives and slides from the archive of the Technisches Museum:

10 glass negatives 13×18 cm

inv. no. 1306–1315:

“Agricultural machines from the estate of S. Gerstl”

22 glass negatives 9×12 cm

inv. no. 3767–3788:

“Agricultural machines from the estate of S. Gerstl”

209 negatives 9×12 cm

inv. no. 15001–15204

“Diverse agricultural machines and appliances (for details see slide books of the T.M. registry)”

308 glass slides

inv. no. 9606 / 1–258

“Diverse agricultural machines and appliances”

and:

2 “slide books” (no inventory number) with handwritten comments and enclosed newspaper cuttings and handwritten memos

list referring to inv. nos. 15001–15204 with corresponding slide contact prints

slide book 1: “9609 slides 1–124, paper-copied text 1”: with 22 newspaper cutting, 10 pages with handwritten comments and a letter

slide book 2: “9606 slides 125–245, paper-copied text 2”: with 17 newspaper cuttings and 17 sheets with handwritten comments

be returned from the Technisches Museum Vienna to the legal successors *causa mortis* of Irma Gerstl.

### FOUNDATIONS

At its meeting of 26 June 2006, the Advisory Board already recommended the restitution of a reprint of the newspaper article “Die Mähmaschine in Österreich-Skizzen zur Geschichte der landwirtschaftlichen Geräte” from the Technisches Museum Vienna to the legal successors of Kommerzialrat Siegfried Gerstl. At the time of this decision, no other objects owned by Siegfried Gerstl were identified in the Technisches Museum.

[unofficial translation]

The present “Siegfried Gerstl supplementary dossier”, which the Board assumes to be correct and complete, concerns the same subject matter as the dossier “Siegfried Gerstl”, which has already been dealt with. The following facts can be established from them.

Kommerzialrat Siegfried Gerstl was persecuted by the Nazi authorities as a Jew. In a letter of 4 August 1938 he offered the Technisches Museum his book collection, various magazines and glass slides “relating in particular to the development of agricultural machines in Austria” as a gift. He stated: “As I might be forced as a Jew to leave my home, where I have lived for seventy-six years, and will be unable to take the above-mentioned books, etc., with me, I would like to ask whether you would be interested in taking them free of charge in the event that I am obliged to emigrate” (original emphasis).

In a letter of 6 August 1938, the Technisches Museum expressed its willingness to take the books and glass slides, and in a letter of 9 August Gerstl asked to be informed when the objects would be picked up. He also transferred the above-mentioned reprint already recommended for restitution.

On 22 September 1938 Gerstl informed the Technisches Museum that 200 glass slides with corresponding negative plates and “a further more than 500 books” were ready to be picked up. The Technisches Museum replied on 28 September 1938 that collection was not possible “at the moment” but that it would “return at a later date to the offer”. Siegfried Gerstl had already died on 25 September 1938, however. No further correspondence is available.

In his will, Siegfried Gerstl names his wife Irma Gerstl as sole heir. The probate proceedings were waived by a decision of the Josefstadt Bezirksgericht [local court] of 5 November 1938 for lack of funds.

Irma Gerstl was also persecuted as a Jew by the Nazi authorities. She was arrested by the Gestapo in 1943 and deported to Theresienstadt, where she perished.

While verifying the archive of the Technisches Museum, the glass slides mentioned in the correspondence were also found. In the inventory book they are listed as coming from the estate of Siegfried Gerstl. The “slide books” that were discovered at the same time are also clearly linked to the slides.

It is therefore as good as certain that the objects were transferred by the widow (and sole heir) Irma Gerstl.

The “more than 500 books” also mentioned in the correspondence have not been found to date.

The gifts by Siegfried Gerstl to the Technisches Museum were without doubt connected with the National Socialist assumption of power. Even if – in terms of the formal requirements for the validity of donation agreements – the donation was not by Siegfried Gerstl to the Technisches Museum but only came about through the transfer by his widow, the donation was without doubt connected with the National Socialist assumption of power and was therefore an invalid transaction in the meaning of Section 1 of the Annulment Act (see Heller-Rauscher, *Die Rechtsprechung der Rückstellungskommissionen*, Vienna 1949, E 221).

As the conditions of Section 1.2 of the Restitution Act are thus met, it is therefore recommended to the Federal Minister for Education, Art and Culture that the said objects be restituted.

[unofficial translation]

Vienna, 21 November 2008

Chairperson

Univ. Prof. Dr. Dr. h.c. Clemens Jabloner

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Generalanwalt Dr. Peter Zetter  
Vizepräsident Dr. Manfred Kremser  
Doz. Dr. Bertrand Perz

Alternates

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Oberrätin Mag. Dr. Verena Starlinger  
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