

1. Proceedings during marriage proceedings
2. Proceedings after annulment | divorce | separation

## 1. PROCEEDINGS DURING MARRIAGE PROCEEDINGS

Divorce proceedings, particularly those in which the couple had to provide evidence and counter-evidence for the alleged wrongdoing, usually lasted several months, if not years. In order to be allowed to live separately from the spouse during the proceedings, the spouses had to apply to the secular courts for the right to a separate place of residence. As in the early modern period, the approval of the separate place of residence was a prerequisite for receiving preliminary maintenance during the proceedings. The maintenance, as well as the provisional custody, had to be applied for either with the divorce suit or in additional proceedings. We therefore divided the additional proceedings, which were conducted parallel to the main proceedings into four categories, depending on the claimants' demands:

- **Separate place of residence:** The plaintiff asked to be allowed to live separately from the opponent during the trial.
- **Provisional maintenance:** The plaintiff asked to receive maintenance payments from the opponent for the duration of the trial.
- **Provisional custody of child(ren):** The plaintiff requested custody of all or certain children for the duration of the trial.
- **Miscellaneous:** We have assigned all those proceedings in which the plaintiff demanded the surrender of certain documents – usually the marriage contract – or certain items – from table linen to clothing, bed and furniture to jewelry – to this category.

## 2. PROCEEDINGS AFTER DIVORCE | SEPARATION

If the couple had not agreed on a divorce settlement, the consequences of the divorce had to be settled in separate proceedings. Based on the legal interest, we have divided these

proceedings into three categories:

- **Award Maintenance:** The plaintiff asked to be granted the right to maintenance.
- **Custody of Child(ren):** The plaintiff requested custody of all or certain children.
- **Division of Property:** The plaintiff requested a decision on the division of the marriage property.

The source sample also contains a few proceedings in which husbands either asked the secular courts to reduce the amount of maintenance they had to pay to wives and any children, or applied for the maintenance title to be withdrawn. In order to be able to differentiate these proceedings from the other maintenance proceedings, we divided them into the following categories:

- **Alter Maintenance:** The plaintiff demanded that the amount of maintenance be redetermined.
- **Revoke Maintenance:** The plaintiff demanded that the maintenance title be revoked.

*Andrea Griesebner, December 2020, translation Jennifer Blaak*

#### **Next sub-item: Provisional regulations**

Citation: Andrea Griesebner, Method » Start » Divorce Consequences » Secular Jurisdiction (1783-1850), in: Webportal. Marriage at Court 3.0, 2025, <[http://ehenvorgericht.univie.ac.at/?lang=en&page\\_id=10713&pdf=10713](http://ehenvorgericht.univie.ac.at/?lang=en&page_id=10713&pdf=10713)>. [Date of access: 2025-09-06]