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1. COURTS

The research of remaining divorce documents from other magistrates and local courts turned out to be a challenge. According to the *“Handbuch der neuesten Geographie”* (Manual of the latest Geography), a total of 612 local courts existed in the Archduchy Austria below the Enns in 1817. The *“Oesterreichischen National=Encyklopädie”* lists 38 magistrate und 481 local courts for the dominiens for 1836. Once again different figures are given in the *“Statistik des österreichischen Kaiserstaates”* (Statistics of the Austrian Monarchy) of 1840, where 45 magistrates and 703 local courts are mentioned.

2. SOURCES

In addition to the city of Vienna we investigated the practice of the secular courts by using council minutes from the sovereign cities of **Langenlois** and **Tulln** and the sovereign market of **Perchtoldsdorf**. The exceptionally dense transmission of the council minutes was the main reason for choosing these cities. In spite of developing various search strategies we were unable to find divorce files from these magistrates in the regional archives or in the Lower Austrian Provincial Archive.

While the divorce files from the aforementioned magistrates are probably no longer preserved, we were able to reconstruct the divorce proceedings of the princely city of Eggenburg on the basis of divorce files, some of which have been preserved in the city archive and some in the Lower Austrian Regional Archive.

As in the other study periods, we could not research all marriage proceedings between 1783 and 1850, but had to set time priorities, which are mainly based on the sources. In contrast to the early modern period, where in all four cities the carefully kept council minutes have been preserved almost completely, not only the number of preserved council books decreased in the late 18th and especially in the 19th century, but also the “density” of

content. Increasingly, the council minutes refer only to files that – as in the case of matrimonial jurisdiction – are most frequently no longer preserved.

With the exception of Eggenburg, where we were able to study marriage files, we systematically looked through the council minutes books for the other sovereign cities and markets for the first ten years after the Joseph II's Marriage Patent came into force (1783-1793). Depending on the sources, we also studied additional time segments.

EGGENBURG

Today the documents of the matrimonial proceedings are stored not only in various different boxes in the city archive, but also in the Lower Austrian Provincial Archive. The fact that the information on matrimonial proceedings is to be found in the city archive of Eggenburg was brought to our attention by Stephanie Kohlbauer. Thanks to her persisting search she was able to trace the matrimonial proceedings of four couples, stored in boxes 205, 16 and 11, which she analysed in her master's thesis in 2013. In addition to these cases the research team of the second FWF-project was also able to locate another three matrimonial proceedings in the boxes 298 und 45 in the city archive and another five matrimonial proceedings in the Lower Austrian Provincial Archive. The latter are stored in the boxes of the district court of St. Pölten 159, boxes 367, 370 and 371.

LANGENLOIS

The council books of the city of Langenlois are not available for the entire time period in which the Langenlois magistrate had jurisdiction over matrimonial affairs. The series ends with 1826. The council records from 1811-1814 no longer exist, and between 1815 and 1826 the records were not always bound together. Some of the pages which do exist are in bad condition and cover only fragments of the period.

The systematic investigation of the council records from the years 1783-1793 (RP 21-23) was made significantly easier thanks to the fact that the council records from the time periods from 1786-1810 and from 1815 and 1826 are available not only in the form of printed transcriptions, but the city archive also made these transcriptions available via download on

its homepage.

On the basis of the transcriptions available we decided to investigate a second ten year time period. We systematically examined the matrimonial proceedings from 1801-1810 (RP 25-26).

PERCHTOLDSORF

The council record books of the market Perchtoldsdorf for the time period between 1783 and 1849 can be found, albeit with a few gaps mainly in the documentation from the early 19th century, in 15 thick folio volumes in the Perchtoldsdorf Archive. As was seen in the council minutes of Langenlois, the minutes do not differentiate between the various jurisdictions of the market, but rather are kept in the form of an overall book.

For the investigation of the matrimonial proceedings between 1783 and 1793 a total of six record books (B1/39-44) with a total of slightly more than 2,000 pages were examined. Unlike the record books from the other 3 cities and markets investigated, the Perchtoldsdorf council records from this time period include an alphabetically ordered register, which made the investigation of the individual entries to the matrimonial proceedings significantly easier.

TULLN

The council records from the city of Tulln from 1783-1845 still exist. In the first ten years in which the magistrate had jurisdiction over matrimonial affairs we systematically investigated the records and found that no differentiation had been made between the various fields of activity covered in the council records. The matrimonial proceedings from 1783-1793 were investigated using three voluminous record books (RP 34-36). We also did research on matrimonial proceedings in the court record books from this same time period (GP 33-35).

Due to the fact that the Tulln Magistrate recorded political, economic and civil law affairs for the time period between 1822 and 1826 in individual books, we investigated a second time period with a length of four years. For this purpose, we examined the record books of the civil justice authorities (RP 45, 46, 49, 51, 53, 55).

3. PERIODS

The following table gives an overview of the magistrats and periods of investigation, number of proceedings examined and number of couples concerned.

	Markets and Cities	Periods	Years	Proceedings	Couples
1	City of Langenlois	1783-1793 1801-1810	20	17	10
2	Market of Perchtoldsdorf	1783-1793	10	6	3
3	City of Tulln	1783-1793 1822-1826	15	4	4
4	City of Eggenburg	1783-1848	66	20	11
	Total		110	47	28

USED LITERATURE

Joseph Marx von Liechtenstern, Handbuch der neuesten Geographie, Vol. 1 (Vienna 1817), 145.

Franz GRÄFFER u. Johann Jakob CZIKANN (Hrsg.), Oesterreichische National=Encyklopädie, Vol. 4 (Wien 1836), 117 f.

Johann SPRINGER, Statistik des österreichischen Kaiserstaates, Vol. 2 (Wien 1840), 106.

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Next sub-item: Patrimonial courts

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