

We initially planned to proceed, as is the case in many studies, using investigation periods of 5 years at times of historical caesura and/or normative change. In the course of the systematic source research we realised that such an approach would not allow us to cover the matrimonial proceedings fully, as some of the opposing parties kept the consistories busy for several years, sometimes even decades.

We therefore decided to use fewer but longer investigation periods. For selecting the time periods to examine the main question was to find out if, and in what form, the consistorial minutes were preserved.

But even with considerably longer investigation periods, the problem remained, that due to the chronological recording, we might start our investigation of matrimonial proceedings in the middle of a given case, while in other cases the proceedings were still underway at the end of the time period examined. Matrimonial proceedings which the married couples carried out before or after the investigated time period also remained beyond our investigative scope.

Therefore, as far as the sources allowed, we tried to find additional information on all the married couples who sued each other in the books adjacent to the systematically investigated time periods. This research was carried out primarily for time periods in which we were able to find information without having to read the entire adjacent minutes, for example in cases where we found books provided with name indexes.

The time periods investigated systematically are referred to as **core investigation periods** in the table below, the time periods in which we looked only for married couples who had sued each other during the core time period are referred to as **extended time periods**. The matrimonial proceedings from the core investigation period were found in **86 books** with a total of slightly over **40,000 pages**. In the extended time period the research team examined an additional **53 books** with a total of slightly more than **30,000 pages**.

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

	Ecclesiastical Courts	Core Period	Years	Ex. Period	Years	Proceedings	Couples
1	Passau	1558-1592	35		35	211	192
2	Passau	1649-1654	6		6	39	32
3	Vienna	1656-1675	20		20	391	195
	Passau	1666-1677	12	1663-1683	12	92	66
4	Vienna	1715-1721	7	1710-1730	21	216	107
	Passau	1714-1720	7	1710-1725	16	50	29
5	Vienna	1747-1751	5	1739-1756	18	228	124
	Passau	1747-1751	5	1740-1755	16	87	55
6	Vienna	1772-1783	12	1764-1783	20	774	444
	Passau	1772-1783	12	1764-1783	20	241	156
	<b>Total</b>		<b>121</b>		<b>192</b>	<b>2.329</b>	<b>1.400</b>

## PASSAU CONSISTORY 1558-1592

Four overall books (MP, PP05, PP77 and PP78) from the Passau Consistory, with a total of 2,670 pages and mostly written in Latin, were systematically examined. The choice of the relatively long core investigation period of 35 years – with a gap in the records from June 1563 until January 1566 – was the result of various considerations. On the one hand, it was important for us to be able to compare the matrimonial proceedings before and after the *Decree Tametsi*, adopted at the Council of Trent in 1563. On the other hand, we wanted to see if and how the Counter Reformation changed the practices of the consistory.

No statements can be made for the Vienna Consistory during this time period because the earliest existing overall books start only at the beginning of the 17th century.

## PASSAU CONSISTORY 1649-1654

The second core investigation period also focusses solely on the Passau Consistory. Five years following the end of the Thirty-Years War were investigated. While the matrimonial proceedings for the first year of this time period can be reconstructed only from rapulatura,

clean copies are available for the years 1650–1654.

For this investigation period three overall books (PP 15, PP 82–83) with a total of 2,118 pages – primarily written in the German language – were combed through in search of matrimonial proceedings. The books are characterised by the fact that they usually record the individual steps in the proceedings in great detail, but in 53 % of the matrimonial proceedings investigated the verdict is not included.

Although overall books from the diocese of Vienna are available, the research team decided against carrying out a comparative analysis. The major reason for this decision was the fact that the Viennese books from this time period register the hearings but not the verdicts; these were archived separately and are now no longer to be found in the archive of the diocese.

## **VIENNA CONSISTORY 1656–1675 AND PASSAU CONSISTORY 1666–1677**

The third investigation period allows for a comparative analysis of the matrimonial practices of the two consistories, even if the core investigation period is not absolutely congruent. For the Viennese consistory the research team chose to start in 1656. This decision was made based upon the fact that starting in 1656 onward, the overall books contain the verdicts, which were bound in separate rubrics. The four overall books (WP 20, WP 22, WP 24–25), with a total of 10,316 pages, still had to be examined in their entirety, since the rubric “verdict” did not contain all verdicts in matrimonial proceedings. The long core investigation period provided the advantage that we could reconstruct some verdicts because the disputing parties made reference to previous verdicts while carrying out further proceedings. Nevertheless, the verdicts of 33 % of the investigated matrimonial proceedings could no longer be reconstructed.

Research pragmatic considerations supported the decision to start the investigation of the Passau Consistory ten years later. From 1666 onwards the minutes in matrimonial matters are bound in distinct books, meaning that for finding matrimonial proceedings we did not have to read through the overall books.

Eight books (PP 45, PP 47–53), some of which were clean copies, while others were rapulatura, with a total of 2,638 pages were investigated. Although these books are given the title matrimonial matters, they mainly contain the minutes of administrative processing of the consistory, and only rarely contain the hearings or verdicts. An old archive directory indicates that the verdicts were archived in their own fascicles, which are no longer to be found in the Vienna Diocese Archive. A search for these fascicles in the archive of the Diocese of Passau was also unsuccessful, since the documents which still remain there are only those connected with the matrimonial proceedings from the Upper Officialat.

We therefore decided to follow the married couples in the books three years previous to and six years after the core investigation period. While the minutes from the years 1663–1665 are chronologically bound in overall books (PP 86 and PP 30, together 1,699 pages), the matrimonial matters from 1680 to 1683 are to be found in separate sections which also provide a name index (PP 91–93, 408 pages in total). PP 54, which contains the matrimonial matters from 1678 and 1679, is, in contrast, structured much like PP 47–53. Although we were able to reconstruct many of the courts' rulings from further proceedings of the couples, the verdicts in 33 % of the matrimonial proceedings in this examination period remain untraceable.

## **PASSAU CONSISTORY 1714-1720 AND VIENNA CONSISTORY 1715-1721**

For Passau we were able to obtain the matrimonial proceedings of our fourth investigation period from seven thick books (PP 122–128), in which the matrimonial matters were bound in their own separate sections (3,578 pages in total). The books from these years are not only particularly carefully written, but also contain a name index. Nevertheless, these books also did not register all the verdicts.

We followed the married couples in adjacent books, covering four years before (PP 118–121) and five years after (PP 129–132) this core investigation period. It was extremely helpful that the overall books from the extended investigation period were also divided into different jurisdiction sections and contained a name index. Although many verdicts could be reconstructed through information gained from subsequent proceedings, we were still unable

to find verdicts for 26 % of the matrimonial proceedings.

From the Vienna Consistory only *rapulatura* can be found for the second decade of the 18th century. Although not identified as records of matrimonial matters but rather as overall books, the books from the years 1715–1720 (WP 120–123), with a total of 1,372 pages, contain almost exclusively minutes concerning matrimonial matters. Primarily the hearings and the ensuing verdicts are recorded. In only 4 % of these matrimonial proceedings the verdict is not mentioned. The names of the couples investigated were the starting point for further research in the books from 1710–1715 (WP 116–119) and 1721–1730 (WP 124–128), thus causing us to read through another 3,488 pages of documents.

## **PASSAU CONSISTORY 1747–1751 AND VIENNA CONSISTORY 1747–1751**

The fifth investigation period focussed on the middle of the 18th century. For Passau we read through five clean copies (PP 155–159) in which the matrimonial proceedings were bound in their own separate sections (1,222 pages in total) and contained a name index. In 26 % of these matrimonial proceedings the verdict was not included.

The married couples were investigated for four years after (PP 161, PP 163, PP 165 and PP 167) and five years before (PP 148–154) this core investigation period, which meant looking through an additional 2,325 pages of matrimonial sections in nine overall books. Since the name indexes are very carefully documented, it was not necessary to read every page of the documents for the entire extended investigation period. Still, we were unable to find or reconstruct the verdicts in 26 % of the matrimonial proceedings investigated.

In the case of the Vienna Consistory the matrimonial proceedings had to be found and collected from the overall records which did not include indexes (WP 136–139, with 2,100 pages in total). The married couples were investigated for an additional five years before (WP 140–143) and other five years after this core investigation period (WP 133–135). Due to the fact that the books from the extended investigation period also did not have indexes, it was necessary to sift through seven overall books with a total of 5,186 pages. Here the research team was able to make use of preliminary work which had been done by Brigitte Holzweber

for her thesis. Since the books for this time period primarily register the hearings and the verdicts, it was possible to find the verdicts for 95 % of the matrimonial proceedings.

## **PASSAU CONSISTORY 1772-1783 AND VIENNA CONSISTORY 1772-1783**

The sixth, and last, investigation period which was examined by the research team covered the last 11 years of the church's jurisdiction over matrimonial affairs. For both consistories we systematically examined the books from the year 1772 until the end of 1783.

For the years 1772, 1773 and 1774 the overall books of the Passau Consistory are divided into the different jurisdictional sections, and each section is provided with name indexes (PP 186-189, 808 pages in total). The last clean copy of the Passau Consistory ends on the 23 December 1775. From this time on, there are only bound and unbound rapulatura available, whereby the minutes for all of 1776, are missing. The matrimonial proceedings starting from 1777 were taken from a total of 36 rapulatura, some of which were extremely difficult to read due to many abbreviations and strikethroughs (PP 192-227, with a total of 12,212 pages).

The married couples were traced back until 1764. In doing this another 2,094 pages of the matrimonial sections of the overall books (PP178-185) were examined. Since these books included name indexes not all pages had to be read. Also in this investigation period the verdicts were often archived separately, which is why 34 % of the verdicts in matrimonial proceedings remained unknown.

In contrast, the matrimonial proceedings of the Vienna Consistory had to be searched for within the overall records, which are partially clean copies and partially rapulatura (WP 155-161, 3401 pages in total). To trace the married couples back to 1764 another four volumes of rapulatura (WP 151-154) with 2,626 pages were searched through. In this case the research team also had preliminary work to draw upon, namely the research done by Tamara Lang and Martina Bergmann in the course of writing their theses. The clean copies and the rapulatura record the verdicts, which meant that it was possible to find the verdicts for 95 % of the matrimonial proceedings investigated.

Despite the change in jurisdiction, we were able to continue to trace approximately a half dozen Viennese couples because their marriage disputes left traces in the documents of the Viennese Magistrate's Office, which was responsible for matrimonial proceedings since November 1783.

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**Next sub-item: Sources**

Citation: Andrea Griesebner, Investigation Periods » Start » Data collection » Ecclesiastical Courts (1558-1783), in: Webportal. Marriage at Court 3.0, 2024, <[http://ehenvorgericht.univie.ac.at/?page\\_id=10514&lang=en&pdf=10514](http://ehenvorgericht.univie.ac.at/?page_id=10514&lang=en&pdf=10514)>. [Date of access: 2024-04-29]