

1. Method
2. Verdicts

As was also the case in the civil courts, the Catholic marriage courts were primarily confronted with contested divorce claims. The uncontested divorce was no longer possible under canon law.

1. METHOD

We divided the main proceedings into four categories based upon the goals of the petitioning spouses:

- **Order of Cohabitation:** The plaintiff requested their spouse, who often had been living separated for months or even years, to be ordered to reassume marital cohabitation.
- **Annulment:** The plaintiff petitioned the court to annul the marriage or to declare it invalid.
- **Divorce from bed and board:** The plaintiff requested the court to divorce the marriage from bed and board.

2. VERDICTS

As explained in the description of the main proceedings, the Catholic marriage courts were once again able to restrict the time span in which the couple was allowed to live separated from bed and board. We divided their verdicts issued in the main proceedings into seven categories:

- **Peaceful cohabitation:** The Catholic marriage courts did not recognise the arguments put forward or evidence presented as being sufficient to grant even a limited separation.
- **Tolerance unlimited:** The Catholic marriage courts divorced the marriage from bed and board, but prohibited remarriage until the death of one spouse.
- **Tolerance limited until ...:** The Catholic marriage courts granted the couple

permission to live separated from each other as long “as the plaintiff could renew the conjugal community without danger to his or her temporal and eternal salvation”.

- **Tolerance > 12 months:** The Catholic marriage courts granted the couple permission to live separated from each other for a limited time period.
- **Complaint rejected:** Magistrate and local courts rejected the claim because it did not meet formal requirements or the court lacked the jurisdiction.
- **Not recorded:** The verdict is not recorded. This does not mean that there was a verdict which we could not reconstruct. Marriage proceedings also came to an end even if none of the parties actively pursued the litigation: Be it because the couple had settled out of court, one or both parties could no longer afford the legal costs, or one party had died during the proceedings.

Andrea Griesebner/Isabella Planer, 2018, translation Jennifer Blaak

Last update Andrea Griesebner, January 2021

Next sub-item: Main Proceedings

Citation: Andrea Griesebner and Isabella Planer, Method » Start » Matrimonial Proceedings » Ecclesiastical Jurisdiction (1857–1868), in: Webportal. Marriage at Court 3.0, 2024, <http://ehenvorgericht.univie.ac.at/?page_id=4631&lang=en&pdf=4631>. [Date of access: 2024-05-04]