

## Marriage contract Nr. 104: Österreich - Spanien

- **Date of contract conclusion:** 1763-08-07
- **Place of contract conclusion:** Wien

### Groom

- **Name:** Leopold Erzherzog von Österreich
- **GND:** [118571877](#)
- **Year of Birth:** 1747
- **Year of Death:** 1792
- **Dynasty:** Habsburg-Lothringen
- **Confession:** katholisch

### Bride

- **Name:** Maria Ludovica von Spanien
- **GND:** [104201649](#)
- **Year of Birth:** 1745
- **Year of Death:** 1792
- **Dynasty:** Bourbon (Spanien)
- **Confession:** katholisch

### Actors for Groom

- **Name:** Franz I. Stephan von Lothringen
- **GND:** [118692925](#)
- **Dynasty:** Lothringen
- **Relationship:** Vater
- **Name:** Maria Theresia Erzherzogin von Österreich
- **GND:** [118577867](#)
- **Dynasty:** Habsburg (Österreich)
- **Relationship:** Mutter

### Actors for Bride

- **Name:** Karl III. König von Spanien
- **GND:** [118925059](#)
- **Dynasty:** Bourbon (Spanien)
- **Relationship:** Vater

# Österreich

1763-08-07

## Contract content

Preamble 1 (fol. 01r): Groom mentioned

Preface 2 (fol. 01r-01v): Bride and groom mentioned, marriage treaty of 1753 with Maria Beatrice Ricarda d'Este mentioned, now married to Archduke Ferdinand; Marriage negotiations mentioned

Preamble 3 (fol. 01v): Officials mentioned

Article 1 (fol. 02r): Preliminary discussions and signing of the treaty on 30 December 1762 mentioned, officials named, treaty of 1753 mentioned

Article 2 (fol. 02r-02v): Wedding celebrations mentioned, peace settled, war mentioned.

Article 3 (fol. 02v): Further provisions mentioned.

Article 4 (fol. 02v): Ambassadors named.

Article 5 (fol. 02v-03r): Order of succession in Tuscany settled, primogeniture settled, succession settled in the event of Leopold's death

Article 6 (fol. 03r): If the groom dies without male descendants: maintenance of the bride settled according to the custom of the House of Austria?

Article 7 (fol. 03r): Dowry regulated

Article 8 (fol. 03r-03v): Dynastic and political ties mentioned, Buen Retiro 3 October 1762 mentioned, officials mentioned, preliminaries mentioned, order of succession in Greater Etruria mentioned, secundogeniture regulated, letters of renunciation from Archduke Joseph mentioned Franz Stephan (fol. 03v-07r): Marriage decided, Italy mentioned, Greater Etruria mentioned, Preliminary Peace of Vienna 3 October 1735, acceptance on 13 December 1736, peace treaty on 18 November 1738, succession rules in Greater Etruria mentioned; Succession rules for Greater Etruria mentioned: succession passes to Archduke Leopold, succession settled, thereafter primogeniture applies; if the groom dies without male descendants: succession passes to Archduke Joseph and his male heirs; if Archduke Joseph dies without male heirs: Succession passes from line to line to the male descendants of Franz Stephan, primogeniture settled, provisions for succession to Greater Etruria of 24 January 1737 mentioned, if all male descendants die: Female succession possible, further succession regulated, Archduke Joseph's renunciation of succession in the Duchy of Greater Etruria regulated, Pragmatic Sanction mentioned; Greater Etruria's dependence on the Holy Roman Empire mentioned, feudal relationship regulated; signatures and sealing regulated; Italy mentioned, succession in Greater Etruria regulated, primogeniture regulated, Regulations in the event of the line dying out, female succession regulated, 24 January 1737 mentioned, secundogeniture mentioned; validity of family pacts and the Pragmatic Sanction regulated, renunciation of Archduke Joseph regarding the Duchy of Greater Etruria regulated; renunciation regulated, family pacts and the Pragmatic Sanction mentioned; if there are no male descendants of the groom: Archduke Joseph's right of succession in Greater Etruria regulated; signing, seal regulated

Article 2 (fol. 07v): Papal dispensation regulated

Article 3 (fol. 08r): Celebrations mentioned

Article 4 (fol. 08r): Bride's journey mentioned, costs for the procession regulated

Article 5 (fol. 08v): Second birthright in Greater Etruria regulated for the groom; separate document mentioned to be attached to the pact

Article 7 (fol. 08v-09v): Compensation for renunciation regulated, treaty of 30 October 1759 mentioned, confirmation regulated; Treaty of 3 October 1739 mentioned, compensation regulated, cession regulated, authentication regulated, signatures, seals regulated, place, date, bride's residence in Greater Etruria regulated

Article 9 (fol. 09v): Procurator mentions that the dowry amounts to 50,000 scudi, payment arrangements specified, usufruct of the dowry during the marriage regulated

Article 10 (fol. 10r-10v): Annual payments of 30,000 ducats until the accession of the Duchy of Greater Etruria are regulated, dowry or donatio propter nuptias in the amount of 50,000 guilders is mentioned, payment arrangements are specified, mortgage is regulated.

Article 11 (fol. 10v): If the groom dies before the bride and there are or are not joint descendants: the bride receives the dowry and the dowry payment; if the bride dies: the dowry and the dowry payment are inherited by the joint descendants; if there are no joint descendants: reversion regulated?

Article 12 (fol. 10v): If the bride dies before the groom: right of use of dowry and compensation regulated, inheritance to descendants mentioned; if there are no descendants: reversion regulated, part of the dowry can be freely bequeathed by the bride.

Article 13 (fol. 11r): If the marriage is not consummated or is dissolved: restoration of dowry and donatio propter nuptias regulated.

Article 14 (fol. 11r): Mortgage regulated.

Article 15 (fol. 11r-12r): Waiver regulated.

Article 16 (fol. 12r): Widow's residence regulated, household goods, jewellery and furnishings regulated

Article 17 (fol. 12r): Marriage of sons and daughters born after the marriage in accordance with the customs of the House of Austria? Regulations for the death of the groom without male heirs mentioned?

Article 18 (fol. 12r): The bride receives 30,000 guilders annually, mortgage regulated

Article 19 (fol. 12r-12v): Household goods regulated, inheritance to descendants or reversion regulated?

Article 20 (fol. 12v): Conclusion of contract mentioned, officials and power of attorney mentioned, confirmation regulated, signatures, seals of Franz Stephan/Maria Theresa/Karl, (fol. 13v-14r) : Bride and groom named, official named, signatures Maria Theresa/Franz Stephan/Karl (fol. 14v-15r): Bride and groom mentioned, official named, letter of witness mentioned, date, signatures Karl (fol. 15v-16r): Peace mentioned, officials mentioned, negotiations and confirmation mentioned, payments and securities mentioned, seal, signatures, date

Separate article (fol. 01r): Instruments mentioned; date, signatures, seal

## **Regulations on succession to the throne**

Article 5 (fol. 02v-03r): Succession order in Tuscany regulated, primogeniture regulated, inheritance regulated in the event of Leopold's death

Article 8 (fol. 03r-03v): Dynastic and political ties mentioned, Buen Retiro 3 October 1762 mentioned, officials mentioned, preliminaries mentioned, order of succession in Greater Etruria mentioned, secundogeniture regulated, letters of renunciation from Archduke Joseph mentioned Franz Stephan (fol. 03v-07r): Marriage decided, Italy mentioned, Greater Etruria mentioned, Preliminary Peace of Vienna 3 October 1735, acceptance on 13 December 1736, peace treaty on 18 November 1738, succession rules in Greater Etruria mentioned; Succession rules for Greater Etruria mentioned: succession passes to Archduke Leopold, succession settled, thereafter primogeniture applies; if the groom dies without male descendants: succession passes to Archduke Joseph and his male heirs; if Archduke Joseph dies without male heirs: Succession passes from line to line to the male descendants of Franz Stephan, primogeniture settled, provisions for succession to Greater Etruria of 24 January 1737 mentioned, if all male descendants die: Female succession possible?, further succession regulated, Archduke Joseph's renunciation of succession in the Duchy of Greater Etruria regulated, Pragmatic Sanction mentioned; Dependence of Greater Etruria on the Holy Roman Empire mentioned, feudal relationship regulated; signatures and sealing regulated; Italy mentioned, succession in Greater Etruria regulated, primogeniture regulated, regulations for the event of the line dying out, female succession regulated, 24 January 1737 mentioned, secundogeniture

mentioned; Validity of family pacts and the Pragmatic Sanction regulated, renunciation of Archduke Joseph with regard to the Duchy of Greater Etruria regulated; Renunciation regulated, family pacts and the Pragmatic Sanction mentioned; if there are no male descendants of the groom: Archduke Joseph's right of succession in Greater Etruria regulated; signing, seal regulated

Article 5 (fol. 08v): Secondary inheritance in Greater Etruria regulated for the groom; separate document mentioned, to be attached to the pact.

Article 7 (fol. 08v-09v): Compensation for renunciation regulated, treaty of 30 October 1759 mentioned, confirmation regulated; treaty of 3 October 1739 mentioned, compensation regulated, assignment regulated, authentication regulated, signatures, seals regulated, place, date, bride's residence in Greater Etruria regulated.

Article 15 (fol. 11r-12r): Renunciation regulated.

### **Regulations on inheritance law**

Article 5 (fol. 02v-03r): Succession order in Tuscany regulated, primogeniture regulated, succession regulated in the event of Leopold's death.

Article 8 (fol. 03r-03v): (fol. 03v-07r): Marriage agreed, Italy mentioned, Greater Etruria mentioned, Preliminary Peace of Vienna 3 October 1735, acceptance on 13 December 1736, peace treaty on 18 November 1738, succession rules in Greater Etruria mentioned; Succession rules for Greater Etruria specified: succession passes to Archduke Leopold, succession regulated, thereafter primogeniture applies; if the groom dies without male descendants: succession passes to Archduke Joseph and his male heirs; if Archduke Joseph dies without male heirs: Succession passes from line to line to the male descendants of Franz Stephan, primogeniture settled, provisions for succession to Greater Etruria of 24 January 1737 mentioned, if all male descendants die: Female succession possible?, further succession regulated, Archduke Joseph's renunciation of succession in the Duchy of Greater Etruria regulated, Pragmatic Sanction mentioned; Greater Etruria's dependence on the Holy Roman Empire mentioned, feudal relationship regulated; signatures and se Italy mentioned, succession in Greater Etruria regulated, primogeniture regulated, regulations in the event of the line dying out, female succession regulated, 24 January 1737 mentioned, Sekundogenitur erwähnt; Geltung von Familienpakten und der Pragmatischen Sanktion geregelt, Renunziation des Erzherzogs Joseph bezüglich des Herzogtums Groß-Etrurien geregelt; Renunziation geregelt, Familienpakte und die Pragmatische Sanktion erwähnt; wenn keine männlichen Nachkommen des Bräutigams vorhanden sind: Nachfolgerecht Erzherzog Josephs in Groß-Etrurien geregelt; Unterzeichnung, Siegel geregelt

Article 5 (fol. 08v): Secondary inheritance in Greater Etruria regulated for the groom; separate document mentioned, to be attached to the pact

Article 7 (fol. 08v-09v): Compensation for renunciation regulated, treaty of 30 October 1759 mentioned, confirmation regulated; treaty of 3 October 1739 mentioned, compensation regulated, assignment regulated, authentication regulated, signatures, seals regulated, place, date, bride's residence in Greater Etruria regulated

Article 11 (fol. 10v): If the groom dies before the bride and there are or are not joint descendants: The bride receives the dowry and the donatio propter nuptias; if the bride dies: The dowry and the donatio propter nuptias are inherited by the joint descendants; if there are no joint descendants: Reversion regulated?

Article 12 (fol. 10v): If the bride dies before the groom?: Right of use of dowry and donatio propter nuptias regulated, inheritance to descendants mentioned; if there are no descendants: reversion regulated, part of the dowry can be freely bequeathed by the bride.

Article 15 (fol. 11r-12r): Waiver regulated.

Article 19 (fol. 12r-12v): Household goods regulated, inheritance to descendants or reversion regulated.

### **External authorities involved**

Article 2 (fol. 07v): Papal dispensation regulated

## Ratifications, confirmations, approvals

Article 2 (fol. 07v): Papal dispensation regulated Karl (fol. 15v-16r): Peace mentioned, officials mentioned, negotiations and confirmation mentioned, payments and securities mentioned, seals, signatures, dating

## Text reference to past events

Preface 2 (fol. 01r-01v): Bride and groom named, marriage treaty of 1753 with Maria Beatrice Ricarda d'Este mentioned, now married to Archduke Ferdinand; Marriage negotiations mentioned

Article 1 (fol. 02r): Preliminary negotiations and signing of the contract on 30 December 1762 mentioned, officials named, contract of 1753 mentioned

Article 2 (fol. 02r-02v): Wedding celebrations mentioned, peace settled, war mentioned

Article 8 (fol. 03r-03v): Dynastic and political ties mentioned, Buen Retiro 3 October 1762 mentioned, officials mentioned, preliminaries mentioned, order of succession in Greater Etruria mentioned, secundogeniture regulated, letters of renunciation from Archduke Joseph mentioned Franz Stephan (fol. 03v-07r): Marriage decided, Italy mentioned, Greater Etruria mentioned, Preliminary Peace of Vienna 3 October 1735, acceptance on 13 December 1736, peace treaty on 18 November 1738, succession rules in Greater Etruria mentioned; Succession rules for Greater Etruria mentioned: succession passes to Archduke Leopold, succession settled, thereafter primogeniture applies; if the groom dies without male descendants: succession passes to Archduke Joseph and his male heirs; if Archduke Joseph dies without male heirs: Succession passes from line to line to the male descendants of Franz Stephan, primogeniture settled, provisions for succession to Greater Etruria of 24 January 1737 mentioned, if all male descendants die: Female succession possible, further succession regulated, Archduke Joseph's renunciation of succession in the Duchy of Greater Etruria regulated, Pragmatic Sanction mentioned; Greater Etruria's dependence on the Holy Roman Empire mentioned, feudal relationship regulated; signatures and sealing regulated; Italy mentioned, succession in Greater Etruria regulated, primogeniture regulated, Regulations in the event of the line dying out, female succession regulated, 24 January 1737 mentioned, secundogeniture mentioned; validity of family pacts and the Pragmatic Sanction regulated, renunciation of Archduke Joseph regarding the Duchy of Greater Etruria regulated; renunciation regulated, family pacts and the Pragmatic Sanction mentioned; if there are no male descendants of the groom: Archduke Joseph's right of succession in Greater Etruria regulated; signing, seal regulated

## Commentary

No pagination/numbering of contract pages Original contract divided into articles, no uniform article divisions/duplications/omissions in numbering

## References

- **Archive copy:** HHSTA Österreich FUK 1993
- **Contract language archive copy:** Latein, Italienisch, Spanisch

## Recommended citation

*Dynastische Eheverträge der frühen Neuzeit*. Contract No. 104. Philipps University of Marburg. Available online at <https://dynastische-ehevertraege.online.uni-marburg.de/en/vertraege/104.html>.

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@misc{ Dynastische Ehevertr{"a}ge der fr{"u}hen Neuzeit,
title = {Dynastische Ehevertr{"a}ge der fr{"u}hen Neuzeit: Contract No. 104},
url = {https://dynastische-ehevertraege.online.uni-marburg.de/en/vertraege/104.html}
}
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