

Marriage contract Nr. 231: Lothringen - Österreich

- **Date of contract conclusion:** 1736-01-30
- **Place of contract conclusion:** Wien

Groom

- **Name:** Franz III. Stephan von Lothringen
- **GND:** [118692925](#)
- **Year of Birth:** 1708
- **Year of Death:** 1765
- **Dynasty:** Lothringen
- **Confession:** katholisch

Bride

- **Name:** Maria Theresia von Österreich
- **GND:** [118577867](#)
- **Year of Birth:** 1717
- **Year of Death:** 1780
- **Dynasty:** Habsburg (Innerösterreich)
- **Confession:** katholisch

Actors for Groom

- **Name:** Franz III. Stephan von Lothringen
- **GND:** [118692925](#)
- **Dynasty:** Lothringen
- **Relationship:** /

Actors for Bride

- **Name:** Karl VI. (Kaiser des Heiligen Römischen Reichs)
- **GND:** [118560107](#)
- **Dynasty:** Habsburg (Innerösterreich)
- **Relationship:** Vater

Lothringen

1736-01-30

Contract content

Mention of the groom and his officials; granting of power of attorney on 18 January of the current year; mention of the bride's father, granting of power of attorney and mention of unnamed officials, mention of the bride; mention of marriage negotiations and marriage pact (fol. 11r-12r)

Invocation of God, preface (fol. 12r)

Marriage decided; marriage for the union of the houses; marriage with the knowledge and consent of the bride; officials and authorised representatives named; negotiations regarding dowry, donation propter nuptias, morning gift, widow's residence, benefits and inheritance regulations mentioned (fol. 12r-14v)

Article 1: Marriage vows according to the bride's wishes mentioned, due courtship of the bride by the groom mentioned; papal dispensation of 24 December of the previous year mentioned; marriage according to Catholic custom regulated (fol. 14v)

Article 2: Dowry of 100,000 guilders regulated, cash payment regulated, payment agreed within 2 years after the wedding or another date; trousseau (clothes, jewellery, silverware, etc.) regulated according to the bride's status (fol. 14v-15r)

Article 3: Possibility of male and female succession mentioned as a valid right, also with regard to hereditary kingdoms and hereditary lands, content of the succession decree of 19 April 1713 mentioned, change to the usual law of succession, female succession also possible in title and hereditary kingdoms, hereditary lands, etc. possible if there are no more male heirs, female succession takes effect, waivers are ineffective in this case, succession regulated in the descending line; Pragmatic Sanction of 19 April 1713 mentioned, as there is no male heir from the marriage of the bride's father, if all male heirs depart, the bride is entitled to inherit, also with regard to all places of government, after the death of the bride, her male and female descendants are entitled to inherit, without regard to any renunciations of inheritance that may have been made, in this case the renunciations of marriage become ineffective; Succession outside the German territories is also regulated; renunciation of inheritance by the bride is regulated; confirmation by the groom is regulated (fol. 15r-17r).

Article 4: Donatio propter nuptias of 100,000 guilders is regulated; The morning gift amounts to 50,000 guilders, widow's residence mentioned (fol. 17r)

Article 5: Conclusion and ratification of an earlier preliminary peace between the Emperor and France mentioned, exchange of the Duchies of Lorraine and Laas for the Grand Duchy of Tuscany has not taken place, which was stipulated as a condition in the preliminary peace terms; if the town, castle and principality of Commercy in Lorraine are not included, then dominial estates and lordships, reservation of sovereign authority, insurance mentioned, prescription of specified places and appurtenances; regulations regarding mortgages; rights of use mentioned; prescriptions and pledges of further revenues etc. regulated; Obedience of officials and subjects on the widow's estates regulated; promotion of subjects, also in a religious sense, mentioned (fol. 17r-18r)

Article 6: Contents of the preliminary peace agreement regarding Florence and Lorraine, if the Duchy of Lorraine is ceded to Florence, insurance prescription and mortgage regulated, insurance, prescription and instruction of the Grand Duchy of Florence mentioned; widow mentioned, mortgage regulated, usufruct rights regulated, obedience of officials and subjects on the widow's estates regulated; warning, promotion, etc. of officials and subjects on the widow's estates regulated; further prescriptions regulated if the widow's maintenance is insufficient (fol. 18r-18v)

Article 7: If the groom dies before the bride and there are or are not any joint descendants: The bride receives the dowry, morning gift, trousseau and her other possessions; double preparation of an inventory list is regulated, which is to be signed by the bride and groom, one copy is given to the bride, the second copy is to be kept in the court chancellery; the widow receives an annual and lifelong usufruct of 5% from the donation propter nuptias; Commercy Castle (Article 5) or Siena (Article 6) is designated as the widow's residence; The groom's heirs must prepare the widow's residence for the bride's move-in and furnish it with all necessities for the bride and her servants. The movable property and chattels belonging to the bride shall pass to the heirs of her paternal line after her death if she has no descendants from the marriage (fol. 18v-19v).

Article 8: Widow's maintenance is regulated regardless of whether there are descendants from the marriage or not: if the bride does not remarry after the death of the groom and spends her widowhood in Lorraine or, in the event of cession, in Florence, the widow's pension is 60,000 guilders, including 5,000 guilders from the annual use of the donation propter nuptias, Payment regulated from quarter to quarter, without the funds from the neighbouring places mentioned in Articles 5 and 6 or other cash receipts, payment regulated; if the widow voluntarily leaves the country and chooses another place of residence: The widow's pension consists of an annual payment of 5,000 guilders from the use of the donation propter nuptias and 40,000 guilders (fol. 19v-20v).

Article 9: If the bride dies before the groom: The joint descendants shall receive the entire maternal inheritance, which shall be administered by the groom during their minority. Upon the extinction of the Austrian male line: Decree of 19 April 1719 regulates succession and inheritance law in all hereditary kingdoms and hereditary lands; freedoms and customs customary to date are to be retained; accession to the throne possible from the age of 18; accession to the throne regulated; male and female succession possible; retention of [see contract] regulated; if the bride dies before the groom and there are no common descendants: inheritance of money and property by the groom, the bride's next heirs or the persons named by the bride in her will regulated? Transfer of inheritance regulated, creation of an inventory list regulated, the brought-into dowry excluded, the groom receives lifelong use of the dowry in exchange for insurance of the capital, after the death of the groom, the bride's next heirs in the paternal line receive the sum, unless other arrangements have been made (fol. 20v-21v)

Article 10: Awarding of titles if there are minor female or male descendants from the marriage and the bride is not yet deceased: [see contract]; if the emperor is deceased, the descendants alone are entitled to the titles; if the bride and groom die and there are joint minor female and male descendants and the emperor is also deceased: all titles, including those of all hereditary kingdoms and hereditary lands, are awarded to the heir or heirs, last will and testament mentioned (fol. 21v-22v)

Article 11: Ratification of the marriage contract after the wedding by the Emperor; ratification by the Duke of Lorraine; exchange of ratifications; Two copies of the marriage contract are stipulated, signatures of the authorised representatives of both sides are required, sealing is stipulated, one copy is to be handed over to the imperial ministers, the other copy is to be handed over to the duke's ministers; dating is mentioned (fol. 22v-23r)

Signatures of the authorised representatives (fol. 23r)

Ratification of the marriage contract by the Duke of Lorraine, compliance with the contract promised; signature and sealing by the Duke regulated; place, month and year mentioned Signature of the groom (fol. 23r-23v)

Regulations on succession to the throne

Article 3: Possibility of male and female succession mentioned as a valid right, also with regard to hereditary kingdoms and hereditary lands, content of the succession decree of 19 April 1713 mentioned, change to the usual law of succession, female succession also possible in title and hereditary kingdoms, hereditary lands, etc. possible if there are no more male heirs, female succession takes effect, waivers are ineffective in this case, succession regulated in the descending line; Pragmatic Sanction of 19 April 1713 mentioned, as there is no male heir from the marriage of the bride's father, if all male heirs depart, the bride is entitled to inherit, also with regard to all places of government, after the death of the bride, her male and female descendants are entitled to inherit, without regard to any renunciations of inheritance that may have been made, in this case the renunciations of marriage become ineffective; Succession outside the German territories is also regulated; renunciation of inheritance by the bride is regulated;

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Regulations on inheritance law

Article 3: Possibility of male and female succession mentioned as a valid right, also with regard to hereditary kingdoms and hereditary lands, content of the succession decree of 19 April 1713 mentioned, change to the usual law of succession, female succession also possible in title and hereditary kingdoms, hereditary lands, etc. possible if there are no more male heirs, female succession takes effect, waivers are ineffective in this case, succession regulated in the descending line; Pragmatic Sanction of 19 April 1713 mentioned, as there is no male heir from the marriage of the bride's father, if all male heirs depart, the bride is entitled to inherit, also with regard to all places of government, after the death of the bride, her male and female descendants are entitled to inherit, without regard to any renunciations of inheritance that may have been made, in this case the renunciations of marriage become ineffective; Succession outside the German territories is also regulated; renunciation of inheritance by the bride is regulated; confirmation by the groom is regulated (fol. 15r-17r).

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External authorities involved

Pope: Article 1: Marriage vows according to the bride's wishes mentioned, due courtship of the bride by the groom mentioned; papal dispensation of 24 December of the previous year mentioned; marriage according to Catholic custom regulated (fol. 14v)

Ratifications, confirmations, approvals

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Signatures of the authorised representatives (fol. 23r)

Ratification of the marriage contract by the Duke of Lorraine, promise to abide by the contract; signature and seal by the Duke; place, month and year mentioned Signature of the groom (fol. 23r-23v)

Text reference to past events

Article 3: Possibility of male and female succession mentioned as a valid right, also with regard to hereditary kingdoms and hereditary lands, content of the succession decree of 19 April 1713 mentioned, change to the usual law of succession, female succession also possible in title and hereditary kingdoms, hereditary lands, etc. possible if there are no more male heirs, female succession takes effect, waivers are ineffective in this case, succession regulated in the descending line; Pragmatic Sanction of 19 April 1713 mentioned, as there is no male heir from the marriage of the bride's father, if all male heirs depart, the bride is entitled to inherit, also with regard to all places of government, after the death of the bride, her male and female descendants are entitled to inherit, without regard to any renunciations of inheritance that may have been made, in this case the renunciations of marriage become ineffective; Succession outside the German territories is also regulated; renunciation of inheritance by the bride is regulated; confirmation by the groom is regulated (fol. 15r-17r).

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Commentary

Regarding AT-OeStA/HHStA LHA 35-3: No folio numbering/numbering of the contract pages Original contract divided into articles Pages of the contract appear to be missing; the archive numbering begins with fol. 11r; at least one page after 23v is missing; only a small part of the text is legible on 23v.

Literature

References

- **Archive copy:** AT-OeStA/HHStA LHA 35-3; AT-OeStA/HHStA UR FUK 1896
- **Contract language archive copy:** German

Recommended citation

Dynastische Eheverträge der frühen Neuzeit. Contract No. 231. Philipps University of Marburg. Available online at <https://dynastische-eheverträge.online.uni-marburg.de/en/verträge/231.html>.

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