

Between Scylla and Charybdis – Lawyers of the High Judge Conference in 1861

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Abstract: *With the proclamation of the October Diploma in 1860, Emperor Franz Joseph partially restored the Hungarian constitutional order. As soon as the decision had been made that the Hungarian judiciary was to be revived, the newly formed courts of law in the counties began to operate on the Hungarian laws. The issues presented themselves fairly quickly, since the Austrian laws enacted in the 1850s made so fundamental changes to the legal system that it seemed impossible to reinstate the Hungarian laws without any changes. A conference was convened by the highest-ranking judge of the country in January 1861, and its members had to resolve this seemingly impossible situation. Between Scylla (keeping the unconstitutionally introduced Austrian legal norms) and Charybdis (reinstating the “old” Hungarian laws at the expense of legal certainty), they had to find a way to restore the Hungarian legal order in such way that it would not harm the rights of the citizens.*

Key Words: *Legal History; History of the State and Law; High Judge Conference; Judex-curial Conference; Allgemeines bürgerliches Gesetzbuch; Provisional Judicial Rules; 19th Century; Hungary.*

Introduction

On January 23, 1861, a conference was assembled in the building of the Hungarian Royal Curia. It was presided over by the newly appointed Judex Curiae (Lord Chief Justice), Count George Apponyi, who selected and invited every participant. Half of the members were judges of the Tabula Septemviralis, which acted as the highest-ranking court of law in Hungary from the 16th Century.¹ The other invitees were mainly attorneys, but a professor from the University of Pest also participated, and so did the presidents of the Chambers of Commerce in Pest and Debrecen.

¹ See MEZEY, B. „Törvények s törvényszékek javításának gondja” (A felsőbbíráskodás szervezetének átalakítása a 18. században) [“The Problem of Improving Laws and Tribunals” (Restructuring of the Organisation of the Higher Judiciary in the 18th Century)]. *Jogtörténeti Szemle* [Legal History Review]. 2017, sz. 1-2, p. 12. ISSN 0237-7284.

The conference assembled on the order of Franz Joseph. According to the ordinance issued by him three months earlier (on October 20, 1860, to be exact), the purpose of this conference was to discuss the organization of the judiciary in Hungary. This royal decree saw the daylight on the same day the October Diploma was promulgated, and that was no coincidence. With this new constitution, Franz Joseph ended the era of the so-called neo-absolutism. This form of government dated to the early 1850s and may be interpreted as a reaction to the events of 1848. In spring of 1848, the Hungarian Parliament enacted 31 Acts which were named as the “April Laws”. Even though no written constitution was adopted at that time, these legal norms transformed Hungary into a constitutional monarchy, where the power of the Crown became limited and the bond between Hungary and the rest of the Austrian Empire weakened. Even if these reforms were unacceptable for the Viennese Government, King Ferdinand V gave the royal assent due to the revolutions that broke out in Vienna and Pest earlier, in March. However, the tensions grew, and the Emperor demanded the nullification of the said laws in September. Shortly after, the War of Independence broke out, which Hungary ultimately lost.

In December 1848, Emperor Ferdinand stepped down from the imperial throne. His successor became his nephew, Franz Joseph. Following the advice of Felix zu Schwarzenberg (the Austrian Prime Minister), a fully centralised “Gesamtstaat” was created by the armed force and counter-revolutionary means, and it was maintained by military and bureaucratic dictatorship for a decade.² Following the death of Felix zu Schwarzenberg, the young Emperor assumed the role of the Prime Minister essentially. Even though the government supported some economic and social reforms, the failures in foreign policy and the passive resistance emanating from Hungary made the situation gradually worse for the whole government.³ After the defeat at the Battle of Solferino of 1859 from the allied French and Piedmont-Sardinian army,⁴ it became clear that Franz

² See HANÁK, P. *1867 – európai térben és időben* [1867 – In European Space and Time Context]. 1. kiad. Budapest: MTA Történettudományi Intézet, 2001, pp. 20-21. ISBN 963-8312-79-3.

³ See HANÁK, P. *1867 – európai térben és időben* [1867 – In European Space and Time Context]. 1. kiad. Budapest: MTA Történettudományi Intézet, 2001, p. 21. ISBN 963-8312-79-3.

⁴ See KECSKEMÉTHY, A. *Vázlatok egy év történetéből: 1860 October huszadikától 1861 Octoberig* [Drafts from the History of One Year: From the twentieth of October 1860 to October 1861]. 1. kiad. Pest: Emich Gusztáv Magyar Akadémiai Nyomdász, 1862, p. 5.

Joseph had to make fundamental changes in his Empire,⁵ which, according to many historians, “was threatened with a crisis of existence” at the time.

1 The October Diploma

One of the pillars of the proposed constitutional reform was the recognition of the so-called “historical-political individualities” within the Empire (by which the countries of the Hungarian Crown and the Czech Crown, the Austro-German provinces and Galicia were meant). The October Diploma also reorganized the Habsburg Empire on a federal basis.⁶ From the Austrian perspective, the proclamation of the October Diploma meant the very beginnings of constitutionalism, but from the point of the Hungarian statesmen, compared to the “April Laws”, it was a setback. Since Franz Joseph did not recognize the “April Laws” at the time, the October Diploma reverted the country’s already existing constitutionalism to a previous state. Still, with the October Diploma the competences of the Hungarian Diet were restored, the counties were reorganised, and the judiciary power was also given back to the country.

2 The state of legal affairs in 1860 – 1861

With the (partial) restoration of the Hungarian constitutional order, Franz Joseph issued several ordinances on October 20, 1860, which contained provisional dispositions.⁷ Regarding the judiciary, the Emperor emphasized that all the laws that were promulgated in the 1850s, will remain in force and the judges shall base their verdicts on these legal norms until they are amended by the Hungarian Parliament.⁸ This provision made a lot of sense, since the aim of the Crown was to guarantee the legal certainty. Still, from the point of view of the contemporary Hungarian lawyers and statesmen, the situation was a little more complicated.

⁵ See BERZEVICZY, A. *Az abszolútizmus kora Magyarországon: 1849 – 1865: Harmadik kötet* [The Age of Absolutism in Hungary: 1849 – 1865: Third Volume]. 1. kiad. Budapest: Franklin-Társulat, 1932, p. 107.

⁶ See HANÁK, P. *1867 – európai térben és időben* [1867 – In European Space and Time Context]. 1. kiad. Budapest: MTA Történettudományi Intézet, 2001, p. 35. ISBN 963-8312-79-3.

⁷ See BERNATZIK, E. *Die österreichischen Verfassungsgesetze mit Erläuterungen*. 2. Aufl. Wien: Manz, 1911, pp. 232-233.

⁸ See KECSKEMÉTHY, A. *Vázlatok egy év történetéből: 1860 October huszadikától 1861 Octoberig* [Drafts from the History of One Year: From the twentieth of October 1860 to October 1861]. 1. kiad. Pest: Emich Gusztáv Magyar Akadémiai Nyomdász, 1862, p. 63.

Why? First and foremost, Hungary had its own legal system prior to 1848. For example, the Austrian Civil Code of 1811 (in German *Allgemeines bürgerliches Gesetzbuch*) never came into effect in Hungary before 1848. In 1853, however, it did.⁹ In criminal law, only the *Sanctio Criminalis Josephina* was imposed on Hungary – but even that Code was repelled three years after its introduction, when Joseph II died. In 1852, the Austrian *Strafgesetz* was introduced in Hungary, and so were the laws on civil procedure and criminal procedure. Still, all these legal norms were introduced to the Hungarian legal system without the approval of the Hungarian Parliament. When Franz Joseph restored the Hungarian Constitution with the October Diploma, all these changes in the legal system became rather problematic, since then the 70-year-old Hungarian Act prohibited the Head of State from changing the acts of the Hungarian Parliament through the royal decrees.

Furthermore, many argued that even if the Pragmatic Sanction of 1723 clearly stated that all the Habsburg Lands may have been inherited indivisibly and inseparably, the unity of the Austrian Empire meant completely different things for Hungary and the Viennese Court. The Hungarian statesmen always argued that even if St. Steven's Crown belonged to the House of Habsburgs, even if the country was under their rule, the Hungarian Constitution prohibited them from governing the country via absolutistic means.¹⁰ After a decade of absolutism, many argued that the pure existence of a separate legal system could act as a safeguard of the country's independence.¹¹

And finally, there was the public opinion. Basically, everything that originated from Austria, was the subject of aversion in Hungary at that time. This sentiment applied even to laws like the *Allgemeines bürgerliches Gesetzbuch*, which was clearly superior in many ways, compared to the old Hungarian laws and customs. Therefore, at the end of 1860, when the Emperor made it possible for the counties to reorganize, most of them declared that they will reinstate their judicial bodies, the regional

⁹ See NESCHWARA, Ch. Das ABGB in Ungarn. In: E. BERGER, Hrsg. *Österreichs Allgemeines Bürgerliches Gesetzbuch (ABGB): Eine europäische Privatrechtskodifikation: Band III: Das ABGB außerhalb Österreichs* [online]. 1. Aufl. Berlin: Duncker & Humblot, 2010, p. 49 [cit. 2023-05-25]. ISBN 978-3-428-53303-9. Available at: <https://doi.org/10.2307/j.ctv1q69xnx.6>.

¹⁰ See Act 10 of 1790/1791.

¹¹ See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 11.

courts. Furthermore, they argued that the newly elected judges shall issue their verdicts based on the Hungarian laws.

So, the course was set, but the implementation carried several risks. First and foremost, even though the “April Laws” abolished several feudal institutions, there was no time to enact detailed provisions back in spring of 1848. Most rules were considered temporary even by the legislators, and some of them were only declarative in nature.

Furthermore, in the 1850s, while most constitutional reforms of 1848 were eliminated, the concept of legal equality (abolishment of serfdom and noble privileges) and removal of the barriers to free property were embraced by the Habsburg government.¹² The abolishment of the *aviticitas* (a law of inheritance that made the landed property of noble families inalienable) was implemented by a royal decree in 1852. Since this legal institution influenced the development of contractual law, property law, and even the law of inheritance, its abolishment left such a void that the need for a new civil code became an understatement.¹³ Therefore, it is no coincidence that the very act on the abolishment of the *aviticitas* of 1848 made the government responsible to present the Proposal of the Hungarian Civil Code at the newly elected Hungarian Parliament.¹⁴ However, the suppression of the War of Independence made it impossible to do so. Yet, the need for a modern private law persisted, so another decree brought the Austrian Civil Code into force in Hungary in 1853.¹⁵ Its role in the legal modernization of the country cannot be underestimated.¹⁶ In the same year, detailed provisions on the abolishment of serfdom were enacted by the Urbarial Patent and two years later, the

¹² See Kaiserliches Patent vom 31. December 1851 (R.G.Bl. 2/1852). In: *Verfassungen der Welt* [online]. 2004-01-04 [cit. 2023-05-25]. Available at: <https://www.verfassungen.at/at-18/silvesterpatent51.htm>.

¹³ See KÉPES, Gy. The Birth and Youth of the Modern Hungarian Private Law. *Journal on European History of Law*. 2016, vol. 7, no. 2, p. 106. ISSN 2042-6402.

¹⁴ See Act 15 of 1848.

¹⁵ See NESCHWARA, Ch. Das ABGB in Ungarn. In: E. BERGER, Hrsg. *Österreichs Allgemeines Bürgerliches Gesetzbuch (ABGB): Eine europäische Privatrechtskodifikation: Band III: Das ABGB außerhalb Österreichs* [online]. 1. Aufl. Berlin: Duncker & Humblot, 2010, p. 54 [cit. 2023-05-25]. ISBN 978-3-428-53303-9. Available at: <https://doi.org/10.2307/j.ctv1q69nx.nx.6>.

¹⁶ See NESCHWARA, Ch. Gescheiterte Modernisierung durch Transfer: Die Österreichische Rechtsfamilie und die Ungarische Rechtskultur im 19. Jahrhundert. In: D. SEHNÁLEK, J. VALDHANS, R. DÁVID and L. KYNCL, eds. *Dny práva – 2009 – Days of Law* [CD-ROM]. 1. vyd. Brno: Masarykova univerzita v Brně, Právnická fakulta, 2009, pp. 2596-2597. Acta Universitatis Brunensis: Iuridica, no. 358. ISBN 978-80-210-4990-1.

land registry was introduced.¹⁷ In commercial law, the changes were also fundamental.¹⁸ Evidently, the impromptu abolishment of these institutions would have had catastrophic effects on the country.

Nonetheless, one-by-one, the counties declared their intentions to reorganize the Hungarian judiciary on the Hungarian laws.¹⁹ Since these ambitions were in clear violation with the royal decrees, we can raise the question: why did Franz Joseph not stop them? We think that the answer lies in the delicate nature of the state affairs. On the one hand, the October Diploma can be seen as the first attempt towards a compromise between the Emperor and Hungary. On the other hand, if he would have disbanded the municipalities, the Hungarian Parliament would have never convened. And without it, there was no hope for the coronation, which was one of the main objectives of Franz Joseph at the time.

3 The opening session of the High Judge Conference

Under these circumstances,²⁰ the High Judge Conference was opened by Count George Apponyi on January 23, 1861.²¹ In his opening speech, which he gave in the old building of the Hungarian Royal Curia, he stated that “*public law considerations have been brought into conflict with private law interests, therefore, the administration of justice in civil and criminal law cases has either been completely blocked or only very imperfectly dealt with around the country.*”²² He continued by emphasizing that “*dif-*

¹⁷ See GÁBRIŠ, T. Modernizácia uhorského právneho poriadku v 19. storočí. In: D. KOVÁČ, et al. *Sondy do slovenských dejín v dlhom 19. storočí*. 1. vyd. Bratislava: Historický ústav SAV, 2013, pp. 142-143. ISBN 978-80-971540-1-1.

¹⁸ See KÉPES, Gy. An Overview of the Hungarian Private Law Codification until 1918, with Special Regard to the Codification Aspects of a Separate Commercial Law. In: A. ŠVECOVÁ and I. LANCZOVÁ, eds. *Právno-historické trendy a výhľady V*. [Legal-historical Trends and Perspectives V.]. 1. vyd. Trnava: Typi Universitatis Tyrnaviensis, 2020, p. 49. ISBN 978-80-568-0290-8.

¹⁹ See KÓNYI, M. *Deák Ferencz beszédei: 1848 – 1861: Második kötet* [Speeches of Ferencz Deák: 1848 – 1861: Second Volume]. 1. kiad. Budapest: Franklin-Társulat, 1886, p. 324.

²⁰ See GÁBRIŠ, T. Edition of the Provisional Judicial Rules of the Judex-curial Conference from 1861 and the Methodology of Editions of Historical Legal Sources. *Krakowskie Studia z Historii Państwa i Prawa* [online]. 2014, vol. 7, nr 3, p. 473 [cit. 2023-05-25]. ISSN 2084-4131. Available at: <https://doi.org/10.4467/20844131KS.14.035.3100>.

²¹ See Különfélék [Miscellaneous]. *Pesti Napló* [Pest Journal]. 1861, vol. 12, sz. 3285, p. 3.

²² See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 8.

ferent rules are planned in several municipalities,”²³ in which he saw clear danger. He concluded his speech by stating that he met with the King recently, who shared with him that “his supreme aim is only that Hungary should regain its independent and autonomous judiciary, on the condition that the security of the property and the [...] stability of private law relations should not be thereby jeopardised.” He added that the High Judge Conference “may deliberate with perfect freedom [...] in the matter of the administration of justice, bearing in mind only the principle just mentioned, which all of us will acknowledge to be salutary and holy.”²⁴

Just after the opening speech, there was some ambiguity. Some raised the question: what falls within the conference’s competence? Franz Joseph’s royal decree of October 20, 1860, stated clearly that the enacted laws in the 1850s shall remain in effect, therefore, the “deliberation on the organization of the judiciary”²⁵ should have referred only to the court structure and organization. Yet, the circumstances have changed fundamentally between October 20, 1860, and January 23, 1861. We would argue, just hypothetically, that if almost the whole country would not have declared its intention to reintroduce the Hungarian laws in judicial cases, this conference would have been only a footnote in the Hungarian legal history. Its participants would have parted ways after a day or two, when an agreement would be reached on the restoration of the Hungarian court system. Furthermore, they would have accepted some provisional rules regarding the advocacy, and they would have probably disbanded the notarial profession, since it did not exist in Hungary before 1848. Instead, this conference assumed a role that was (probably) not intended by the King originally when its participants started to discuss to what extent it was possible to restore the Hungarian laws and customs.

4 Were there other possibilities?

Hypothetically, what other steps could they have taken?

²³ See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 8.

²⁴ See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 9.

²⁵ See KECSKEMÉTHY, A. *Vázlatok egy év történetéből: 1860 October huszadikától 1861 Octoberig* [Drafts from the History of One Year: From the twentieth of October 1860 to October 1861]. 1. kiad. Pest: Emich Gusztáv Magyar Akadémiai Nyomdász, 1862, p. 64.

Firstly, they could have decided to keep the Austrian laws in force, but, as we mentioned, almost none of the municipalities would have complied with such decision. The sentiment against the Austrian legal norms was just too strong.

Secondly, they could have suspended the administration of justice temporarily, but that would have been not only contrary to the wishes of the King, but it would have also harmed the interests of many citizens. This could have been a viable option only if they knew for sure that the Hungarian Parliament would assemble very soon, and the King would be crowned just after. But on January 23, 1861, nobody knew when the Hungarian Parliament would convene. Furthermore, the coronation of Franz Joseph seemed even more distant, and according to the Hungarian laws, only the crowned King had the right to give the royal assent.

And finally, they could have left the decision with the municipalities – but that would have led to judicial anarchy. As Ferenc Deák said: “... *since the laws on private relations are needed every day, necessity would force the authorities to fill the gap, and they would impose these rules, only to do so differently, and the uniformity required in the administration of justice would be replaced by a variety of rules.*”²⁶ Consequently, the only real solution was to deliberate to what extent it was possible to restore the Hungarian laws and customs. This approach, however, presented many challenges.²⁷

5 Debates regarding the High Judge Conference

First and foremost, the High Judge Conference itself was truly a conference? Some even argued that it was only a private meeting of citizens. Evidently, the *Judex Curiae* was tasked by the King to assemble the judges of the *Septemviralis* Court along with other capable lawyers. At the same time, there was no Hungarian law, custom or legal tradition that could have empowered the participants to enact or to modify legal

²⁶ See RÁTH, Gy. *Az Országbírói értekezés a törvénykezés tárgyában: Második kötet* [The High Judge Conference Regarding the Administration of Justice: Second Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 293.

²⁷ See MEZEY, B. *Az Országbírói Értekezés legitimitásához* [To Legitimize the High Judge Conference]. In: Á. MARGITTAY-MÉSZÁROS, szerk. *Ünnepi tanulmányok Siska Katalin 60. születésnapjának tiszteletére: Viginti quinque anni in ministerio universitatis et iurisprudentiae* [Festive Studies in Honour of Katalin Siska's 60th Birthday: Viginti quinque anni in ministerio universitatis et iurisprudentiae]. 1. kiad. Debrecen: Debreceni Egyetem, Állam- és Jogtudományi Kar, 2021, pp. 32-33. ISBN 978-963-490-359-8.

norms.²⁸ Sensing the constitutional issues, one of the participants proposed that the resolutions should be presented as the decisions of the Septemviralis Court.

Furthermore, it became apparent very soon that the social and economic developments since 1848 made a “*restitutio in integrum*” of the Hungarian laws impossible. Therefore, they had to fill many gaps in the legislation, which belonged to the sole competence of the Hungarian Parliament.²⁹ Consequently, many participants were very hesitant to propose any amendments to the old Hungarian laws, let alone to ask the King to impose them on the country. Yet, (almost) everyone understood that these changes were necessary. If the High Judge Conference would have abided only the constitutional principles of law-making, and consequently, repelled all the Austrian laws and restored the Hungarian ones, firstly, its participants would restore the legal inequality that characterized the Hungarian legal system before 1848. Obviously, that was not their goal. Secondly, many legal institutions, like the land registry, would have disappeared overnight, and that would have had dire consequences, not to mention the Urbarial Patent. Thirdly, the abolishment of the *aviticitas* without any supplemental rules would have left the country without a properly functioning system of inheritance.³⁰ Therefore, by strictly adhering to the constitutional principles of legislation, the High Judge Conference would have harmed the rights of many individuals.³¹

Consequently, the supporters of the “*restitutio in integrum*” had to acknowledge two things. Firstly, the fact that some Austrian laws had to stay in effect, at least temporarily. As Martyn Rady stated: “*By confirming the institution of the land registry and referring back to the Austrian Civil Code as explanatory of this, the temporary legislative rules provided a gateway through which further provisions of the Code might be deemed appli-*

²⁸ See GÁBRIŠ, T. *Dočasné súdne pravidlá Judexkuriálnej konferencie z roku 1861: Monografická štúdia a historickoprávny komentár*. 2. preprac. vyd. Bratislava: Wolters Kluwer, 2014, pp. 55-57. ISBN 978-80-8078-601-4.

²⁹ See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, pp. 8-12.

³⁰ See *Országgyűlés Képviselőházának naplója: Második kötet* [Journal of the House of Representatives of the Parliament: Second Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, pp. 164-166.

³¹ See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 11.

*cable to Hungary.*³² Secondly, that the High Judge Conference could protect the rights of the citizens and ensure legal certainty only if it made some provisional changes to the Hungarian laws. As Boldizsár Horváth said: “*It is the duty of the public authorities not only to remedy violations of rights, but also to prevent violations of rights, and, therefore, every citizen may require them to give a firm direction to legal acts and events.*”³³ Even so, the Protocols of the High Judge Conference show us that the High Judge Conference was very restrictive in this regard.³⁴

Conclusions

To conclude, let us imagine a pair of scales. On one of the scales, we put our unconditional – and if we might say, our natural and unquestionable – attachment to the validity of laws, while on the other scale we put public credit, legal certainty and the protection of rights which were acquired and exercised in good faith. In other words, on one of the scales, we put the Hungarian laws and on the other, the necessary amendments and the Austrian legal norms. And where the equilibrium between the two scales is found, those are the decisions of the High Judge Conference. Naturally, just as the scale needs a few turns to find its balance, the participants of the High Judge Conference also needed their time to reach agreements. Particularly, the deliberations regarding the law of inheritance lasted for a long time. The sub-committee proposed that the Austrian Civil Code should remain in effect, but this concept was rejected. Then, the *restitutio in integrum* was proposed, but it was also rejected. After that, some participants made a proposal that contained a new set of rules based on the “spirit” of the old Hungarian inheritance laws. Ultimately, an amended version was accepted on March 4, 1861, after a long debate. After that, the High Judge Conference terminated, but the legal institution it created – the distinction between “ancestral” and “acquired”

³² See RADY, M. *Customary Law in Hungary: Courts, Texts, and the Tripartitum*. 1st ed. Oxford: Oxford University Press, 2015, p. 228. ISBN 978-0-19-874391-0.

³³ See RÁTH, Gy. *Az Országbírói értekezlet a törvénykezés tárgyában: Első kötet* [The High Judge Conference Regarding the Administration of Justice: First Volume] 1. kiad. Pest: Landerer és Heckenast, 1861, p. 32.

³⁴ See GÁBRIŠ, T. *Dočasné súdne pravidlá Judexkuriálnej konferencie z roku 1861: Monografická štúdia a historickoprávny komentár*. 2. preprac. vyd. Bratislava: Wolters Kluwer, 2014, p. 94. ISBN 978-80-8078-601-4.

goods – applies even nowadays. Just not as a part of the Provisional Judicial Rules,³⁵ but the Hungarian Civil Code.

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³⁵ See GÁBRIŠ, T. *Dočasné súdne pravidlá Judexkuriálnej konferencie z roku 1861: Monografická štúdia a historickoprávny komentár*. 2. preprac. vyd. Bratislava: Wolters Kluwer, 2014, p. 119. ISBN 978-80-8078-601-4.

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