



Introduction

Hungary celebrates this year the 300th anniversary of the Diet of Pozsony (1722/23), in which fundamental reforms were passed by the Diet; among them the legal status of the monarch, the structure of government, and the judicial system. These reforms required both by the king and the estates (prelates, barons and nobility, the free royal cities) established a new constitutional order which was fit to the reality, and opened the door to the stability and development of the country after its liberation from the Ottoman occupation (1526/41–1699/1718) and wars.¹ First of all we should make it clear that the Kingdom of Hungary was never part of the Austrian Hereditary Lands or the Holy Roman Empire, the country remained a sovereign state under the rule of the Habsburgs too. The so badly called ‘Habsburg Monarchy’ (1526–1848) never existed as an entity, although various emperors (mainly Joseph II or Francis Joseph I) and influent politicians in Vienna wanted to create a unified (Austrian) empire. In reality there was no common state, common legislative, executive or judicial power, not even the person of the monarch was common, it was just the same – the Act II of 1723 was the first act in Hungary which declared that the person of the monarch in Hungary and Austria should be the same (!) –, no common law system, neither common borders, common currency, or common ‘citizenship’. Although the term ‘Habsburg Monarchy’ is so popular in the (inter)national historiography,² but if we read the laws of Hungary, the legal reality (the sovereignty of the country) is evident for us. We can speak about the Habsburg ‘power’ in Central Europe, but absolutely not about an ‘empire’. We can see a certain kind of cooperation in defence and finance between the various sovereign states (Hungary and

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¹ Géza Pálffy: *Hungary between Two Empires (1526–1711)*, Bloomington, Indiana University Press, 2021.

² Let see for example; Robert Adolf Kann: *A History of the Habsburg Empire, 1526–1918*, University of California Press, 1980, Petr Mat'a – Thomas Winkelbauer: *Die Habsburgermonarchie 1620 bis 1740: Leistungen und Grenzen des Absolutismusparadigmas*, Stuttgart, Franz Steiner Verlag, 2006, Robert John Weston Evans: *Austria, Hungary, and the Habsburgs: Central Europe c. 1683–1867*, Oxford University Press, 2008, Géza Pálffy: *A Magyar Királyság és a Habsburg Monarchia a 16. században*, Budapest, MTA BTK TTI, 2016.

the Hereditary Lands of Austria) under the rule of the same dynasty; the House of Habsburg. The Diet of Pozsony (1722/23) proved to be a cornerstone to ensure that the sovereignty could be maintained despite of the absolutistic aspirations of the monarchs. How?

Charles III (1711–1740)

During the War of the Spanish Succession³ (1701–1714) Archduke Charles⁴ was the Habsburg candidate for the Spanish throne against the Duke of Anjou⁵ (Philip V of Bourbon). Under the international pressure (England, the Dutch Republic) the Habsburgs (Emperor Leopold I and his sons; Joseph I King of the Romans, and Archduke Charles) signed a succession treaty (Pactum Mutuae Successionis, 1703) in which they established that Joseph I should inherit the thrones of Hungary and the Hereditary Lands of Austria from his father – as king of the Romans he had a good chance to be elected Holy Roman Emperor after the death of his father –, meanwhile both Leopold I (†1705) and Joseph I (†1711) disclaimed their rights in the Spanish Crown in the favour of Charles.⁶ London and Amsterdam wanted to avoid the unification of the Spanish and the French Empires under the rule of the Bourbons, just as to keep off the reincarnation of the union between the Spanish Crown and the Holy Roman Empire (as it was in the time of Emperor Charles V), so due to their request, the treaty agreed by the Habsburgs, established that in the case of the lack of male successors any of the brothers, the daughters shall inherit to evade the personal union between Madrid and Vienna. Of course, the Habsburgs wanted to maintain the mutual succession to secure the continuity of the dynasty in the entire Habsburg heritage. To achieve that elementary goal, the treaty had a secret article in which they declared that in the case of the lack of the male successor, the other brother (Joseph or Charles or their sons etc.) should inherit instead of the daughter or any other female successor.⁷ Despite of the efforts of the pro-Habsburg international coalition – England (Great-Britain from 1707), the Dutch Republic, Portugal, Savoy etc. –, Charles was unable to stabilize and perpetuate his reign in Spain, and after his brother, Joseph I died without male heirs in 1711 unexpectedly, due to the secret article of the former succession treaty, left Spain and returned to Vienna. This episode provoked a significant fracture within the pro-Habsburg coalition – the possibility of the reincarnation of the ‘empire’ of Charles V seemed to become reality –, the allies (mainly Great-Britain) tried to ensure their political, economical and geostrategic interests with the Bourbons, which finally led to the negotiations and later peace of Utrecht-Rastatt (1713/14).⁸ Although Charles could not enforce his rights in Spain, he denied to recognize Philip V of Bourbon as legitimate king, the peace treaty and mutual recognition between King Philip V and Emperor Charles VI was signed just a decade later (1725) in Vienna.⁹ The war

³ Let see the legal aspects of the conflict; Álvaro Silva Soto: *Entre Austrias y Borbones Derecho y razón de estado en la sucesión de Carlos II*, Editorial Dykinson, Madrid, 2021, Joaquim Albareda Salvadó: *La guerra de Sucesión de España (1700–1714)*, Barcelona, Crítica, 2010.

⁴ Roberto Quirós Rosado: “«Hault et puissant Prince, mon très cher et très aymé bon cousin et nepveu». El archiduque Carlos y la Monarquía de España (1685–1700)”, *Mediterranea, Ricerche storiche*, 33, 2015, 47–78.

⁵ Between 1701 and 1702 the Duke of Anjou occupied the thrones of the various Spanish kingdoms, let see the oaths taken by Philip V; Santos Coronas González: *Los juramentos forales y constitucionales de Felipe V en los reinos de España (1700–1702)*, Madrid, Boletín Oficial del Estado, 2017.

⁶ István Csekey: *A magyar trónöröklési jog*, Budapest, Athenaeum, 1917, 166.

⁷ Csekey op. cit. 167.

⁸ Let see the English version of the complete text; *A Complete Collection of Treaties from 1688 to 1771*, Treaty of Utrecht.

⁹ Let see the complete text; *Coleccion de los Tratados...* (1800) Reynado de Felipe V Parte II Tratado de Paz de Viena.

itself was not just a struggle between the Habsburgs and the Bourbons for the Spanish Crown, it was an 'election' between two concepts too; the absolutism represented by the Bourbons, and the former constitutional system of the Spanish Habsburgs represented by Archduke Charles.¹⁰ It is important from the aspect of our topic; when Charles returned to Vienna in 1711, he was obligated to remedy the harms of the Hungarian estates (Rákóczy's War of Independence 1703–1711)¹¹ agreed in the Treaty of Szatmár (1711).¹² It seems to be possible that the intensive cooperation between the Hungarian estates and the new monarch – after the inflexible absolutistic attitude of Leopold I¹³ and of Joseph I¹⁴ – was based on not just the political reality, but on Charles' personality also.

The legal status of the monarch, the female succession in Hungary

Charles III was crowned king of Hungary during the Diet of Pozsony¹⁵ (1712/15) and he confirmed the former male succession order of the country (Act II of 1687), which secured the return of the free election of the monarch by the Diet (as it was before 1687) in the case of the extinction of the male line of the dynasty. The Habsburgs inherited the throne of the Hereditary Lands of Austria in their own right, but in Hungary (before 1687) they were elected by the Diet, as Werbőczy mentions it clearly in his famous lawbook, the *Tripartitum*; '*the Prince is elected by the nobility*'.¹⁶

The monarch was not sovereign in Hungary, the sovereignty belonged to the Holy Crown,¹⁷ this constitutional theory insured that the monarch was unable to appropriate the public power

¹⁰ Anne Dubet: *Un estadista francés en la España de los Borbones: Juan Orry y las primeras reformas de Felipe V (1701–1706)*, Madrid, Biblioteca Nueva, 2008, Catherine Desos: *Les Français de Philippe V. Un modèle nouveau pour gouverner l'Espagne (1700–1724)*, Strasbourg, Presses Universitaires de Strasbourg, 2009.

¹¹ José Manuel de Bernardo Ares: *Luis XIV rey de España. De los imperios plurinacionales a los estados unitarios (1665–1714)*, Madrid, Iustel, 2008, Agustín González Enciso: *Felipe V: la renovación de España, sociedad y economía en el reinado del primer Borbón*, Navarra, Universidad de Navarra, 2003, Enríque San Miguel Pérez: *La instauración de la monarquía borbónica en España*, Madrid, Comunidad de Madrid, 2001, Agustín Guimerá Ravina: *El reformismo borbónico: una visión interdisciplinaria*, Madrid, Alianza, 1996, Joaquim Albareda Salvadó: *Los orígenes del Partido Español frente a Francia (1700–1714)*, *Magellánica, Revista de Historia Moderna*, 2018, 111–149.

¹² The dethronement of the dynasty was declared at the Ónod Assembly in 1707, let see; Sándor Gebei: *Az 1707. évi lengyel és magyar detronizáció politikai háttere*, *Hadtörténeti Közlemények* 120, 2007/4, 1268–1296, Géza Pálffy: *Egy elbukott, mégis sikeres függetlenségi mozgalom – A Rákóczi-szabadságharcról hosszabb történelmi távlatban*, In: *Rákóczi Emlékkönyv*, Budapest, Bethlen Gábor Alapkezelő Zrt., 2021, 14–29.

¹³ János Kalmár: *Szatmár, 1711: Vég, folytonosság, kezdet*, *Századok* 146, 2012/4, 875–886, János Kalmár: *Magyarországgal kapcsolatos kormányzati elképzelések Szatmár után*, In: György Csatóry (ed.): *Rákóczinak dicső kora: tanulmánykötet*, Ungvár, PoliPrint Kiadó, 2012, 133–141.

¹⁴ Árpád Károlyi: *A magyar alkotmány felfüggesztése 1673-ban*, Budapest, MTA, 1883, János Kalmár: I. Lipót magyarországi valláspolitikája és a Kollonich-féle Einrichtungswerk, In: Gabriella Erdélyi – Péter Tüstor (szerk.): *Mindennapi választások: Tanulmányok Péter Katalin 70. születésnapjára*, Budapest, MTA Történettudományi Intézet, 2007, 507–518.

¹⁵ János Kalmár: *Az 1708/09. évi ún. "labanc" országgyűlés*, In: Dániel Ballabás (ed.) *Országgyűlések – országos gyűlések*, Eger, Líceum Kiadó, 2011, 55–68, János Kalmár: *Adalékok az 1708. évi pozsonyi országgyűlés megnyitásának körülményeihez*, In: Tamás Dobszay et alii (ed.): *Rendiség és parlamentarizmus Magyarországon: A kezdetektől 1918-ig*, Budapest, Argumentum Kiadó, 2013, 210–217.

¹⁶ Dezső Márkus (ed.): *Corpus Juris Hungarici (1657–1740)*, Budapest, Franklin, 1900, Act I of 1715, Sándor Gebei: *Az 1708–1715. évi országgyűlés összehívásának körülményei*, In: Péter Kónya (ed.): *Az országgyűlés 1715-ben és a magyar társadalom a 18. században*, Eperjes, 2016, 24–38.

¹⁷ István Werbőczy: *Hármaskönyv*, In: Dezső Márkus (ed.): *Corpus Juris Hungarici*, Budapest, Franklin, 1897. I, 3, 7§ 'Neque enim princeps, nisi per nobilis elegitur'.

¹⁸ Ákos Timon: *A Szent Korona elmélete és a koronázás*, Budapest, Stephaneum, 1920, Ferenc Eckhart: *A szentkorona-eszme története*, Budapest, MTA, 1941.

(legislative, executive and judicial etc.), despite of the centralistic (16–17th centuries) and later absolutistic (17–18th centuries) policy of the Habsburgs, or to exclude the estates from these branches.¹⁸ The right to elect the monarch was a strong expedient in the hands of the Hungarian estates against the centralistic and later absolutistic policy of the monarchs during the 16–17th centuries.¹⁹ It was an uncomfortable situation for the dynasty undoubtedly, as they were obligated to negotiate with the Diet (to remedy their constitutional complains, harms etc.) to ensure the election of the next monarch in every single case.²⁰ Although the Habsburgs had tried to convince the Diet to accept the succession and the primogeniture²¹ in accordance with their own familiar rules²² (*Hausgesetz*) many times before, but they could achieve their goal just in 1687.²³ How?

After the liberation of Buda (1686) from the 145 years-long Ottoman occupation, the Diet of Pozsony (1687/88) under the terroristic pressure of the imperial army²⁴ and on the urge of monarch²⁵ accepted the succession of the male line of Leopold I (1657–1705),²⁶ and for the case of its extinction, the succession of Charles II of Spain²⁷ (1665–1700), and his male line in Hungary with the respect of the order of the primogeniture.²⁸ With the extinction of the male line of the Spanish branch of the House of Habsburg in 1700, the force of the Act III of 1687 lapsed. Do not forget, that the clause of the Act III of 1687 ensured the return of the free election of the monarch in the case of the total extinction of the male line of the dynasty, which was confirmed during the Diet of Pozsony (1712/15) by King Charles III too.²⁹

The Holy Crown was also brought back to Pozsony, as the laws had required it many times before,³⁰ the Holy Crown belonged not to the monarch, but to the country, its permanent guard place was in Visegrád and later in Pozsony under the custody of the crown's guards elected by the Diet – and not in the imperial treasury in Vienna –, as the various laws required it.³¹ During the Diet, Charles – as archduke of Austria – and the last male member of the dynasty, fearing from the probable extinction of the male line of the House in his person, published the former treaty of

¹⁸ Gejza Ferdinandy: *A királyi hatalom és méltóság Magyarországon*, Budapest, 1895, 75.

¹⁹ Vilmos Fraknói: *A magyar királyválasztások története*, Budapest, Athenaeum, 1921.

²⁰ During the 16th century the Habsburgs tried to avoid the expression 'election' and use the 'recognition' in the laws, but during the 17th century the Diets emphasized consequently the election of the monarch in the legal terms.

²¹ Csekey op. cit. 112.

²² Ferenc Eckhart: *A Habsburg-Lotharingiai Ház családi törvénye*, Budapest, MTA, 1929.

²³ Fraknói op. cit. 189–203.

²⁴ Péter Kónya: *Az eperjesi véisztörvényszék, 1687*, Eperjes–Budapest, 1994.

²⁵ Vilmos Fraknói: *A Habsburg-ház trónöröklési jogának megállapítása az 1687/8-ik évi országgyűlésen*, Budapest, Athenaeum, 1922, Béla Baranyai: *Hogyan történt az 1687/88 évi 1-4. törvénycikk szerinti törvényszöveg becikkelyezése*, *A Gróf Klebelsberg Kuno Magyar Történetkutató Intézet évkönyve* 3, 1933, 65–104.

²⁶ *Corpus Juris Hungarici* Act II of 1687, Kálmán Goldschmiedt: *A trónöröklés kérdése az 1687/88-i országgyűlésen*, Budapest, 1914.

²⁷ The Spanish monarch sent aid to Vienna during the siege, a part of the troops came to Hungary, took part of the liberation of Buda too, let see; Rubén González Cuerva: *La última cruzada: España en la guerra de la Liga Santa (1683–1699)*, In: [Porfirio Sanz Camañes](#) (ed.): *Tiempo de cambios guerra, diplomacia y política internacional de la Monarquía Hispánica (1648–1700)*, Madrid, Actas, 2012, 221–248.

²⁸ *Corpus Juris Hungarici* Act III of 1687.

²⁹ *Corpus Juris Hungarici* Act III of 1715.

³⁰ Géza Pálffy: *A Szent Korona a Rákóczi-szabadságharc idején (1703–1712)*, In: Géza Pálffy (ed.): *A Szent Korona hazatér. A magyar korona tizenegy külföldi útja (1205–1978)*, Budapest, MTA BTK TTI, 2018, 365–391.

³¹ Let see for example; *Act II of 1464, Act XXV of 1498, Act XVI of 1608, Act IV of 1622, Act XXXV of 1681* etc.

succession, and issued it as an order (*Pragmatica Sanctio*, 1713) in Austria.³² The 'new' order, mostly based on the former testaments of the monarchs³³ (mainly Ferdinand I and Ferdinand II) and succession treaties, required the same succession both in Austria and in Hungary (indivisibiliter ac inseparabiliter), but it was irrelevant in Hungary due to the fact that those documents were never accepted by the Hungarian Diet and thus the female succession was not regulated by the Hungarian law. The female succession was insured in Austria by the Pragmatica Sanctio (and by the former rules), but not in Hungary, so if the Hungarian Diet would not have accepted the possibility of the female succession in 1723, on the urging of Charles III, the collision between the various (Austrian and Hungarian) rules would have led to the situation in which the female members of the dynasty (for example Maria Theresa) would have inherited in the Hereditary Lands of Austria, but not in Hungary after the death of Charles, where the Diet would have had the right of the free election of the monarch. Of course, Maria Theresa could have been elected by the Diet freely, but without any guarantee, so that situation would have meant an uncalculatable uncertainty in politics, in public security both in Hungary and Austria. It is true that the succession was to the detriment of the liberties of the Hungarian estates, because it diminished their position at the negotiation table in the face of the monarch. On the other hand, the powerful Ottoman Empire was still in the neighbour, during the 18th century the Habsburgs lost two wars³⁴ – despite of the alliance with Russia (!) – against the Sublime Porte. So the natural 'common defence', which came from the 'union' between Austria and Hungary under the rule of the same dynasty, was needed as the danger or threat was reality at that time still. To inherit the throne of Hungary as the law – the Acts I-II of 1723 – required; (1) the successor shall be the legitimate descendent of an Austrian Archduke or Archduchess, (2) to be born to parents who are legally married to each other, (3) shall be Roman Catholic, and (4) can ascent to the throne with the respect of the order of the primogeniture established by the law.³⁵ The Hungarian law limited the right of the succession to the female lines of Charles III, Joseph I and Leopold I, which meant that the Hungarian law was much more strait than the Pragmatica Sanctio, which allowed the succession back to the female lines of Ferdinand I. Thanks to the Acts I-II of 1723, Maria Theresa could inherit all the thrones of his father in 1740.

³² Gustav Turba: *Die Grundlagen der Pragmatischen Sanktion*, Leipzig, 1911, János Poór: A Pragmatica Sanctio történetéhez, In: András Geró – Beatrix Nagy (ed.): *Mária Terézia – a magyarok királynője*, Budapest, Habsburg Történelmi Intézet, 2018, 151–177.

³³ Gustav Turba: *Die Pragmatische Sanktion*, Wien, 1913, 1–17, 6, „Das von Nuhn hinfüran, zu Ewigen Zeitten, alle unsere Erbkünigreich, Erzherzogthumber, Fürstenthumber, lande, und leüthe, sambt aller Ein- und Zugehörung, keines wegs, noch auf Einige weis, Es seye durch verrer Testament, Vermächt, Heüraths oder Einige andere benannte, noch unbenannte conträct zerthailt, oder zertrennt, sondern allezeit Inns gesambt auf denn Eltisten descendenten nach art und aufweisung des Juris Primogeniturae und Maioratus fallen und verstatmet werden solle”.

³⁴ Selim Güngörürler: *The Repercussions of the Austro-Russian-Turkish War (1736–1739) on the Diplomacy and the International Status of the Ottoman Empire*, Istanbul, Libra Kitapçılık ve Yayıncılık, 2014, Matthew Z. Mayer: The Price for Austria's Security: Part I – Joseph II, the Russian Alliance, and the Ottoman War, 1787–1789, *The International History Review* 26, 2004/2, 257–299.

³⁵ *Corpus Juris Hungarici* Act II of 1723, Let see; Bálint Ökröss: A sanctio pragmatica, *Jogtudományi Közlöny* 1866, 11–13, 23–28, 61–62, 90–95, 120–128, 137–140, Ferenc Salamon: *A magyar királyi szék betöltése és a Pragmatica Sanctio története*, Pest, 1866, Ferenc Vigyázó: *A Pragmatica Sanctio*, Budapest, 1894, Ödön Polner: *A pragmatica sanctio és a házi törvények*, Budapest, Franklin, 1902, Gejza Ferdinandy – Bódog Schiller: *A Pragmatika Sanctio és a házi törvények*, Budapest, *Magyar Jogászegyleti Értekezések* XXVI, 1903/5, 193–258, Viktor Jászi: *Válasz a Pragmatica Sanctio és a házi törvények tárgyában*, Budapest, *Magyar Jogászegyleti Értekezések* XXVIII, 1903/3, 67–143, Mihály Réz: *Közjogi Tanulmányok. A királyi ház törvényei. Az osztrák és a magyar Pragmatica Sanctio*, Budapest, Pallas, 1914.

With the acceptance of the succession in 1687, the Diet established constitutional guarantees too; (1) the monarch is obligated to issue the inauguration letter³⁶ (*diploma inaugurale*) before the coronation, in which the monarch promised that he would respect the sovereignty of the country, defend and restore its territorial integrity,³⁷ the constitution, the Golden Bull of 1222³⁸ (except the right of resist),³⁹ the rights and privileges of everybody, (2) the obligation of the coronation with the Holy Crown⁴⁰ within a Diet,⁴¹ do not forget, despite of the succession, the monarch could become king only by the coronation,⁴² and finally (3) to take a coronation oath⁴³ in which the new monarch had to swear to comply his constitutional duties. These guarantees were confirmed in 1723 by Charles III too.⁴⁴ The example of the usurper Joseph II (1780–1790) shows perfectly the fundamental importance of these constitutional guarantees, the emperor wanted to eliminate the sovereignty of Hungary, to transform the countries in a unified empire, but after his failure, under his younger brother, King Leopold II (1790–1792) the Diet of Pozsony (1791/91) restored the former constitutional order.

The system of government and the noble counties

The central executive power – within the ‘royal’ council (*consilium regni*)⁴⁵ –, which had been practiced both by the king and the estates in Hungary before Mohács, was reorganised by Archduke Ferdinand I of Habsburg (1521/26–1564) radically after his election to the throne of Hungary. Ferdinand I (also archduke of Austria and king of Bohemia) created new councils both in Austria (*Cancellaria Aulica Austriaca, Camera Aulica, Consilium Bellicum*) and in Bohemia (*Cancellaria Aulica Bohemica* etc.).⁴⁶ The biggest challenge for the Habsburgs and these countries was to organize the defense against the attacks of the Ottomans during these centuries (the sieges of Vienna in 1529 and 1683 show perfectly the real and permanent danger), so the Habsburgs brought fundamental financial and administrative reforms to achieve that goal.⁴⁷ Of course these reforms on one hand, the Ottoman occupation and permanent wars on the other made the position

³⁶ Dezső Márkus (ed.): *Corpus Juris Hungarici (1608–1657)*, Budapest, Franklin, 1900, *Corpus Juris Hungarici* Act II of 1622, Act I of 1638, Act I of 1659, Act II of 1715.

³⁷ The Habsburgs denied to restore the territorial integrity of the Kingdom, and after the liberation of the country, they maintained the Principality of Transylvania as a separated entity from Hungary, which unconstitutional situation survived until 1848/1867. The female succession was accepted in Transylvania in 1722, let see; István Csekey: A Pragmatica Sanctio Erdélyben, *Erdélyi Múzeum* XXXII, 1915, 145–159.

³⁸ Attila Zsoldos: *The Golden Bull of Hungary*, Research Centre for the Humanities, Budapest, 2022.

³⁹ *Corpus Juris Hungarici* Act IV of 1687.

⁴⁰ János M. Bak – Géza Pálffy: *Crown and Coronation in Hungary 1000–1916 A.D.*, Budapest, Research Centre for the Humanities, Hungarian National Museum, 2020.

⁴¹ Emma Bartoniek: *A magyar királykoronázások története*, Budapest, Magyar Történelmi Társulat, 1987, 112–167, Géza Pálffy: Nádasdy Tamás nádor a magyar királyok koronázási szertartásáról, In: Tünde Császtvay – Judit Nyerges (ed.): *A 60 éves Jankovics Józsefnek*, Budapest, Balassi Kiadó – MTA Irodalomtudományi Intézet, 2009, 305–310.

⁴² Gejza Ferdinandy: *A koronázás és közjogi jelentősége*, Budapest, Athenaeum, 1893/2, 212–234.

⁴³ *Corpus Juris Hungarici* Act I of 1687.

⁴⁴ *Corpus Juris Hungarici* Act III of 1723.

⁴⁵ András Kubinyi: A királyi tanács az 1490. évi interregnum idején, *Levéltári Közlemények* 48-49, 1978, 61–80, András Kubinyi: A Jagelló-kori magyar állam, *Történelmi Szemle* XLVIII, 2006/3-4, 287–307, András Kubinyi: A magyar országgyűlések tárgyalási rendje (1445–1526), *Jogtörténeti Szemle*, 2006/2, 3–11.

⁴⁶ Michael Hochedlinger – Petr Mat’ a – Thomas Winkelbauer (ed.): *Verwaltungsgeschichte der Habsburgermonarchie in der Frühen Neuzeit. Band 1: Hof und Dynastie, Kaiser und Reich, Zentralverwaltungen, Kriegswesen und landesfürstliches Finanzwesen*, Wien, Böhlau Verlag, 2019.

⁴⁷ István Kenyeres – Géza Pálffy: A Habsburg Monarchia és a Magyar Királyság had- és pénzügyigazgatásának fejlődése a 16–17. században, *Századok*, 152, 2018/5, 1033–1076.

of the country and the Hungarian nobility worse and worse in front of the Hereditary Lands of Austria.⁴⁸

Before Mohács, the presence and participation of the Hungarian estates in the 'royal' council (*consilium regni*) was insured by the (customary) law.⁴⁹ But now, in these new offices, the estates could participate on the invitation of the monarch only, not in their own right, which was a significant difference to the detriment of the estates, although later they tried to improve their positions without significant results.⁵⁰ In consequence of the permanent Ottoman threats and wars, Buda – the former capital – lost its function, in 1541 the city was occupied by the Ottoman armies, the headquarters of these new councils were appointed in Pozsony, which city became the new capital of Hungary, at the same time the traditional place for the Diet until 1848, and the place for the supreme courts in the 16–17th centuries.⁵¹

The new Hungarian councils⁵² (*Cancellaria Aulica Hungarica, Camerae Ungaricae, Consilium Hungaricum*) legally were not subordinated to the Austrian councils, but in reality, many times the monarch decided in Hungarian internal affairs with the help of the Austrian councils, without ask or listen the opinion of the Hungarian councils, in the practice their task was limited to execute the orders coming from Vienna. Of course, that situation led to permanent political conflict between the Hungarian Diet and the Habsburg monarchs during the 16–17th centuries,⁵³ the most sensitive topics were the financial questions⁵⁴ and the military administration.⁵⁵ The estates required from the monarch to respect the sovereignty of Hungary, the constitutional order and the competences of the Hungarian authorities many times without any long-term success. The old Hungarian laws ensured important competences to the Palatine⁵⁶ (*palatinus regni*), who was a mediator between the king and the estates – the Palatine was elected by the Diet among the four candidates of the monarch⁵⁷ –, and to the Ban of Croatia⁵⁸ (nominated by the king) in the system

⁴⁸ Géza Pálffy: A bécsi udvar és a magyar rendek a 16. században, *Történelmi Szemle* XLI, 1999/3-4, 331–367, 339.

⁴⁹ Dezső Márkus (ed.): *Corpus Juris Hungarici (1000–1526)*, Budapest, Franklin, 1899, *Corpus Juris Hungarici* Act V of 1507.

⁵⁰ For example; Dezső Márkus (ed.): *Corpus Juris Hungarici (1526–1608)*, Budapest, Franklin, 1899, *Corpus Juris Hungarici* Act XXXVIII of 1569, Act IV, VIII and IX of 1588, Act XXI, XXII and XXIX of 1609, Act XXV of 1613, Act VIII of 1618, Act XVII of 1622, Act IV of 1681.

⁵¹ Géza Pálffy: A Magyar Királyság új fővárosa: Pozsony a XVI. században, *Fons* XX, 2013/1, 3–76.

⁵² Győző Ember: *Az újkori magyar közigazgatás története Mohácstól a török kiűzéséig*, Magyar Országos Levéltár kiadványai, III. Hatóság- és hivataltörténet 1, Budapest, 1946, István Fazekas: *A magyar udvari kancellária és hivatalnokai 1527–1690 között*, Budapest, BTK TTI, 2021.

⁵³ Kálmán Benda: Habsburg-politika és rendi ellenállás a XVII. század elején, *Történelmi Szemle* 13, 1970/3, 404–427.

⁵⁴ István Kenyeres: I. Ferdinánd magyarországi pénzügyigazgatási reformjai és bevételei, *Történelmi Szemle* XLV, 2003/1-2, 61–92, István Kenyeres: A Habsburg Monarchia és a Magyar Királyság pénzügyei és hadi költségei a 16. század közepétől a 17. század első harmadáig, *Történelmi Szemle* LV, 2013/4, 541–568, István Szíjártó M.: A magyar rendek adómegajánlási joga és a 18. századi adómegajánlási rend kialakulása, *Történelmi Szemle* XLVI, 2004/3-4, 241–295.

⁵⁵ Géza Pálffy: A török elleni védelmi rendszer szervezetének története a kezdetektől a 18. század elejéig, *Történelmi Szemle* XXXVIII, 1996/2-3, 163–217, Géza Pálffy: Kerületi és végvidéki főkapitányok és főkapitányhelyettesek Magyarországon a 16–17. században, *Történelmi Szemle* XXXIX, 1997/2, 257–288.

⁵⁶ *Corpus Juris Hungarici* Acts of 1485.

⁵⁷ *Corpus Juris Hungarici* Act III of 1608.

⁵⁸ Tamás Pálosfalvi: A bánok helye a királyság kormányzati struktúrájában. Királyi hatalom és területi különkormányzat 1435–1526, In: Pál Fodor – Dénes Soksevits (ed.): *A horvát–magyar együtt élés fordulópontjai*, Budapest, MTA BTK TTI, 2015, 146–153, Szabolcs Varga: *Bán vagy alkirály? A horvát-szlavón báni hatalom változása a 16–17. században*, In: Pál Fodor – Dénes Soksevits (ed.): *A horvát–magyar együtt élés fordulópontjai*, Budapest, MTA BTK TTI, 2015, 160–167.

of the central government. The Habsburgs tried to eliminate these authorities and their importance many times; to avoid the election of the Palatine (the chair was vacant between 1530 and 1554, from 1562 to 1608, and again between 1667 and 1681), and replace the dignity by a person nominated only by the king, but the Diet protested against that unconstitutional policy. The Diet of 1715 and later the Diet of 1723 found a remedy to the century-old problems, the authority of the Palatine was restored mostly at that time.⁵⁹ Although the laws required the convocation of a new Diet within a year after the death of the Palatine,⁶⁰ the monarchs failed to comply their duties many times in the 18th century, the chair was vacant between 1732 and 1741, and again between 1765 and 1790, so interesting that the last three Palatines were the members of the Habsburg dynasty; Archduke Alexander Leopold (1790–1795), Archduke Joseph (1796–1847) and Archduke Stephen (1847–1848).⁶¹

Charles III agreed to respect the independence of the Hungarian councils (*Camara, Cancellaria*) from other countries' government⁶² – as it had been required and repeated by the estates many times in the past – and that the affairs of Hungary should be discussed with Hungarians.⁶³ As a result in 1723 a new council was created⁶⁴ (*consilium regium locumtenentiale Hungaricum*) under the presidency of the Palatine, with 22 councilmen (3 barons, 3 prelates and 16 nobles), the affairs of Hungary could be negotiated only by Hungarians, just as the royal orders of the Habsburg monarch – as king of Hungary – in Hungarian affairs could be executed only through the Hungarian councils.⁶⁵ The independence of the Hungarian councils (*Camara, Cancellaria*) from other countries' government was declared again.⁶⁶

The Habsburg monarchs could not interfere the organization of noble counties, due to the entire county was under the control of the nobility.⁶⁷ Although the leader of the county, the főispán (*supremus comes*) was nominated by the king, they had to take an oath before the county's assembly⁶⁸ (*congregatio generalis*) during the inauguration⁶⁹ – so interesting the conditions/articles of Pál Rákóczy's oath as főispán in Torna County (1626)⁷⁰ –, the other

⁵⁹ *Corpus Juris Hungarici* Act IV of 1723.

⁶⁰ *Corpus Juris Hungarici* Act III of 1608.

⁶¹ Elemér Mályusz: *Sándor Lipót főherceg nádor iratai (1790–1795)*, Budapest, Magyar Történelmi Társulat, 1926, Sándor Domanovszky: *József nádor élete I-II*, Budapest, Magyar Történelmi Társulat, 1944.

⁶² *Corpus Juris Hungarici* Act XVII and XVIII of 1715.

⁶³ *Corpus Juris Hungarici* Act XLI of 1715.

⁶⁴ Győző Ember: *A M. Kir. Helytartótanács ügyintézésének története 1724–1848*, Budapest, M. Kir. Országos Levéltár, 1940.

⁶⁵ *Corpus Juris Hungarici* Act XCVII, CI, CII of 1723.

⁶⁶ *Corpus Juris Hungarici* Act XVI of 1723.

⁶⁷ István Ereky: *Tanulmányok a vármegyei önkormányzat köréből*, Budapest, Grill, 1908, 72.

⁶⁸ Istványi Géza: *A generalis congregatio: első közlemény*, Levéltári közlemények 17, 1939, 50–83, Istványi Géza: *A generalis congregatio* (Második és befejező közlemény), Levéltári Közlemények 18–19, 1940–1941, 179–207.

⁶⁹ Before Mohács had to take an oath to the royal council, let see: *Corpus Juris Hungarici* Act LX of 1486, Act XVIII of 1518 (Bács),

⁷⁰ Sándor Kolosvári – Kelemen Óvári (ed.): *A magyar törvényhatóságok jogszabályainak gyűjteménye*, Budapest, 1890, 119–120, (1) he will defend the rights and privileges of the nobility in the county, (2) protects everybody's right to practice religion as they please, (3) to maintain the old practice of the election of the alispán, (4) he shall participate in the congregatio generalis/sedria's work, (5) he won't proceed without the authorization of the congregatio generalis, (6) he will pursue the evildoers, (7) he will mediate between the king and the county if it is needed, (8) he will respect the elected members of the county.

members of the government of the county, the alispán⁷¹ (*vice comes*) the szolgabíró⁷² (*judex nobilium*) etc. were elected by the noble community of the county in the county's assembly, the participation of the nobility was obligatory from the Middle Ages.⁷³ The judicial power (*sedria, sedes judiciaria*) was also practiced by them in the county.

The first serious attempt to eliminate the sovereignty of Hungary came from the usurper Joseph II, being true to his famous motto – '*everything for the people but nothing by the people*' –, he tried to eliminate the Kingdom of Hungary and sought to create a unified (Austrian) empire during his illegal decade (1780–1790). He refused the coronation itself, opposed to convoke the Diet, which would have been his first duty. The emperor eliminated the Latin and Hungarian language in the public administration and judicial process and ordered the use of the German, eliminated the century-old local constitutional structure of local administration, the noble counties, the self-governments, and the century-old constitutional system of justice.⁷⁴ After his hostile and anti-Hungarian decade, the Diet of Pozsony⁷⁵ (1790/91) could achieve that his younger brother and successor, Emperor and King Leopold II (1790–1792) finally agreed to restore the sovereignty and the constitutional order in the country. So it was declared and clarified that Hungary was totally independent from the imperial authorities – as it was always –, and could be governed only by the legitimate King of Hungary within the marks of the law and the customary law of the country, and absolutely not by the style of government of other countries.⁷⁶ The end of the 18th and the beginning of the 19th century – after the dictatorial and chaotic years of Emperor Joseph II – was the time to restore the harmony between the Habsburgs and the Hungarian estates. The obligation of the coronation was limited to six months after the death of the predecessor,⁷⁷ before the coronation of Leopold II, the Holy Crown was brought back from Vienna to Hungary⁷⁸ and its permanent guarding place was designated in Buda,⁷⁹ earlier, Joseph II had ordered unlawfully that the Holy Crown (the irreplaceable sign of power and sovereignty of the Kingdom of Hungary) be taken from Pozsony to Vienna. The convening of the Diet once in three years was required again⁸⁰ – the last Diet was held in 1765 (!) –, and the authority of the monarch was clarified in the executive and legislative power, just as the old independence of the judicial power (Royal Curia of Hungary) was restored.⁸¹ Although the Diet declared (and reclaimed) the restoration of the territorial integrity of the Kingdom⁸² – the military defense zone at the Southern border of the country was created (1718) by the Habsburg administration after the liberation of the country from the Ottoman usurpation, and it was under the direct jurisdiction of the *Aulic War Council* –, like as the former authority and jurisdiction of the ancient institutes of the Hungarian

⁷¹ From the end of the 15th century the alispán was elected by the congregatio generalis, let see; József Holub: *A főispán és alispán viszonyának jogi természete*, In: Imre Szentpétery (ed.): *Emlékkönyv Fejérpataky László életének hatvanadik évfordulója ünnepére*, Budapest, 1917, 186–211.

⁷² Gábor Béli: *A nemesek négy bírója – A szolgabírók működésének első korszaka (1268–1351)*, Pécs, Dialóg Campus, 2008.

⁷³ *Corpus Juris Hungarici* Act VII of 1435 (II).

⁷⁴ Lajos Hajdu: *II. József igazgatási reformjai Magyarországon*, Budapest, Akadémiai Kiadó, 1982.

⁷⁵ Tamás Dobszay: *A rendi országgyűlés utolsó évtizedei (1790–1848)*, Budapest, Országház Könyvkiadó, 2019, 30.

⁷⁶ Dezső Márkus (ed.): *Corpus Juris Hungarici (1740–1835)*, Budapest, Franklin, 1901, Act X of 1790.

⁷⁷ *Corpus Juris Hungarici* Act III of 1790.

⁷⁸ István Soós: *Koronánk a bécsi kincstárban (1784–1790)*, In: Géza Pálffy (ed.): *A Szent Korona hazatér. A magyar korona tizenegy külföldi útja (1205–1978)*, Budapest, MTA BTK TTI, 2018, 395–480.

⁷⁹ *Corpus Juris Hungarici* Act VI of 1790.

⁸⁰ *Corpus Juris Hungarici* Act XIII of 1790.

⁸¹ *Corpus Juris Hungarici* Act XII of 1790.

⁸² *Corpus Juris Hungarici* Act XI of 1790.

government,⁸³ such as the Hungarian Royal Council, the Palatine,⁸⁴ the Primate⁸⁵ or the Ban of Croatia.⁸⁶ The ancient liberties and privileges of the free Royal Cities,⁸⁷ the autonomy of the Jász-Kun Community,⁸⁸ etc. were also in the focus.⁸⁹ Although the use of the Hungarian language in the public administration was reclaimed by many, finally they decided to restore the use of the Latin instead of the German which Emperor Joseph II had imposed illegally.⁹⁰ These articles were the answers of the Hungarian estates to the absolutistic and illegal aspirations of the Habsburgs.

The judicial system, the Curia of Hungary

Although the origins of the curia goes back to the reign of King St Stephen, the laws of King St Ladislaus⁹¹ and the famous Golden Bull⁹² (1222) itself mention it as the place where the king and his locum-tenens, as chief judges (from the beginning the *comes palatinus*⁹³ later *palatinus regni*, from the 12th century the *comes curiae*⁹⁴ later *iudex curiae*, from the 14th century the *cancellarius* and from the 15th century the *personalis*) practiced the judicial power with their vice-judges (*protonotarius*).⁹⁵ The judicial power – as part of the public power – was practiced both by the monarch and the estates; the barons, the prelates and the nobility had their seats in the royal courts in their own right,⁹⁶ and we can see the appearance and development of the communities' courts from the 13th century too.⁹⁷ By the end of the 15th century, except the főispán,⁹⁸ all judges of the *sedria* were elected by the noble communities (*congregatio generalis*).⁹⁹ Although the *sedria* and the *congregatio generalis* were separated formally just at the beginning of the 17th century,¹⁰⁰ the medieval system (the election of the judges) survived the Ottoman period and the absolutistic

⁸³ *Corpus Juris Hungarici* Act XIV, XXXIX and LVIII of 1790.

⁸⁴ Norbert C. Tóth, *A Magyar Királyság nádora. A nádori és helytartói intézmény története (1342–1562)*, MTA BTK TTI (Budapest, 2020).

⁸⁵ István Késmárky: *Az esztergomi érseknek, mint Magyarország primásának jogai és kiváltságai*, Budapest, 1896.

⁸⁶ Ivana Horbec: A felvilágosult abszolutizmus és a báni méltóság. Bevezetés a horvát-szlavón rendek politikájába (1756–1790), In: Pál Fodor – Dénes Sokcsevits (ed.): *A horvát-magyar együttélés fordulópontjai Intézmények, társadalom, gazdaság, kultúra*, Budapest, MTA BTK TTI, 2015, 168–174.

⁸⁷ István Kállay: *A városi önkormányzat hatásköre Magyarországon 1686–1848*, Budapest, Magyar Országos Levéltár kiadványai, III Hatóság- és hivataltörténet 9, 1989.

⁸⁸ Erzsébet Bánkiné Molnár: *A Jászkun Kerület igazgatása, 1745–1876*, Szolnok, A Jász-Nagykun-Szolnok Megyei Múzeumok közleményei 51, 1995.

⁸⁹ *Corpus Juris Hungarici* Act XXV of 1790.

⁹⁰ *Corpus Juris Hungarici* Act XVI of 1790, Henrik Hönich: Latin vagy magyar? A nyelvkérdés a diéta előtt 1790–91-ben, In: Tamás Dobszay – István H. Németh – József Pap – István Szíjártó M. (ed.): *Rendi országgyűlés – polgári parlament. Érdekképviselet és törvényhozás Magyarországon a 15. századtól 1918-ig*, Budapest–Eger, 2020, 273–293.

⁹¹ Péter Váczy: *A magyar igazságszolgáltatás szervezete a XI–XII. században*, Miskolc, Ludvig-Janovits Nyomda, 1930.

⁹² *Corpus Juris Hungarici* Article IX of 1222.

⁹³ Tibor Szőcs: *A nádori intézmény korai története 1000–1342*, Budapest, 2014.

⁹⁴ Tibor Szőcs: Miből lett az országbíró? Az udvarispáni tisztségek kialakulása, *Századok* 151, 2017/5, 1063–1088.

⁹⁵ Imre Hajnik: *A magyar bírósági szervezet és perjog az Árpád- és a vegyes házbeli királyok alatt*, Budapest, MTA, 1899.

⁹⁶ *Corpus Juris Hungarici* Act II and IV of 1498.

⁹⁷ *Corpus Juris Hungarici* Act V of 1291.

⁹⁸ *Corpus Juris Hungarici* Act LX of 1486.

⁹⁹ *Corpus Juris Hungarici* Act II of 1435 (II), Act IX of 1486, Act II of 1504, Act LXX of 1548.

¹⁰⁰ *Corpus Juris Hungarici* Act XXIV of 1613.

policy of the Habsburgs.¹⁰¹ At the Diet of 1723 the late medieval organization was confirmed¹⁰² in accordance with the century-old practice; the alispán was elected by the *congregatio generalis*, the community could choose among the four candidates of the főispán, the other judges (*iudex nobilium, judicariae assessor*) were elected freely, the főispán even had no right to nominate candidates. So interesting that in Heves county, where the főispán was the bishop of Eger, baron Tamás Pálffy tried to nominate candidates for the vacant chairs without success in 1661.¹⁰³

The monarch had taken part in the most important cases personally before Mohács, but this medieval practice changed radically with the Habsburgs.¹⁰⁴ After 1526, the monarchs spent the most of their time in the Holy Roman Empire and came to Hungary only for the sessions of the Diet, sometimes the estates could not meet the king for decades as it happened under Ferdinand I between 1528 and 1542 or Rudolph between 1583 and 1608. The Ottoman occupation, the wars on one hand, the centralistic and later absolutistic policy of Habsburgs in the 16–17th centuries on the other, provoked the collapse of the medieval system of the high courts of the country. These courts moved to Pozsony also, the former high forums ‘transformed’ into two courts; the Court of the Seven was composed of seven judges under the presidency of the Palatine (*tabula septemvirale*),¹⁰⁵ and the Royal Court, which remained under the presidency of the Personalis (*tabula regia judicaria*).¹⁰⁶ During the Ottoman period, mainly in the 17th century, these courts were not functioning ordinary, and could not comply their constitutional duties. Although the monarch had to swear to respect the laws and customs of the country;¹⁰⁷ the jurisdiction of the Hungarian courts¹⁰⁸ (a Hungarian noble could be judged only by the Hungarian courts), or the personal and institutional guarantees of the independence of justice,¹⁰⁹ the Habsburgs tried to bring new, but unlawful forms in the judicial system (delegated judges recruited from foreign lands, or the illegal processes of the Camara against the Hungarian nobility). Despite of the efforts of Imre Thököly’s uprising,¹¹⁰ during and after the liberation of Hungary, the *Neoacquistica Commissio*’s goal was to confiscate the lands of the ‘rebel’ and mainly protestant nobility – opponent groups of the absolutistic policy of Leopold I – to break down the dualism which was uncomfortable for the Habsburgs in Hungary. These abuses provoked the independence war led by Prince Ferenc II Rákóczy, although the Hungarians could not achieve their main goal, the independence from the Habsburgs, with the treaty of Szatmár, they were able to ensure the restoration of the constitutional order and the constitutional reform of the judicial system; the first steps during the Diet of 1715, the structural reforms and the (re)foundation of the Curia of Hungary at the Diet of 1723.¹¹¹

¹⁰¹ Gábor Béli: A vármegyei nemesi bíraskodás szervezete 1723-ig, *Jogtörténeti Szemle* 2017/1-2, 21–31.

¹⁰² *Corpus Juris Hungarici* Act LVI of 1723.

¹⁰³ Nándor Szederkényi: *Heves vármegye története III. (1596–1687)*, Eger, Érseki Lyceumi Könyvnyomda, 1891, 292.

¹⁰⁴ Imre Hajnik: *A királyi bíróság személyes jelenléte és ennek helytartója a vegyesházakbeli királyok korszakában*, Budapest, MTA, 1892.

¹⁰⁵ János Vinkler: *A magyar igazságszolgáltatási szervezet és polgári peres eljárás a mohácsi vésztől 1848-ig*. I. kötet, Pécs, Dunántúli Egyetemi Nyomdája, 1927, 159–210.

¹⁰⁶ Vinkler op. cit. 211–232.

¹⁰⁷ Let see the coronation oath of Ferdinand I (1527) in the *Corpus Juris Hungarici*.

¹⁰⁸ *Corpus Juris Hungarici* Act II of 1622 (11§).

¹⁰⁹ *Corpus Juris Hungarici* Act XII of 1471, Act X of 1492.

¹¹⁰ *Corpus Juris Hungarici* Act II of 1681.

¹¹¹ Kinga Bódiné Beliznai: A Kúria szervezete és működése (1723–1868), In: Kinga Bódiné Beliznai – Zoltán Megyeri-Pálffy (ed.): *300 éves a Kúria*, Kúria, Budapest, 2023, 12–37.

The monarch, Charles III played fundamental role in the reform of the Curia,¹¹² the president was the Palatine, the vice-president was the *Iudex curiae*, it was divided into two courts: the *Tabula Septemviralis* (Court of the Seven) and the *Tabula Regia Iudiciaria* (Royal Court). The palatine, five prelates, eight magnates and eight nobleman, one Reporter of the mine courts and a recorder composed the *Tabula Septemviralis*, after 1723.¹¹³ The *Tabula Regia* was composed of two [prelates](#), two barons of the Court, two deputy judge advocates of the Kingdom: the vice [Palatine](#), the deputy judge advocate of the Curia Regia, four protonotaries, four assessors of the Kingdom, four assessors of the archdiocese, four adjunctive assessors.¹¹⁴ Although the Central Archive was founded in 1723,¹¹⁵ the special archive for the Curia¹¹⁶ was established at the beginning of the 19th century. As I mentioned above, Joseph II eliminated almost the entire judicial system of Hungary, after his death the estates declared at the Diet of 1790/91 that the modification of the judicial system (create or eliminate courts in Hungary) requires the consent of the Diet.¹¹⁷ After the Revolution and War of Independence of 1848/1849 Prime Minister of Hungary Count Lajos Batthyány was condemned to death and executed illegally by foreign court.¹¹⁸

Conclusions

The results of the negotiations of the Diet of 1722/23 agreed by King Charles III proved to be grounded decisions for long term. The legal status of the monarch remained in force until the beginning of the 20th century, the central structure of the government remained until 1848, the noble counties until the second half of the 19th century. The Curia of Hungary is the oldest supreme court in the continent, and we celebrate this year it's 300th anniversary.

¹¹² György Bónis: *A bírósági szervezet megújítása III. Károly korában (Sytematica Commissio)*, Budapest 1935.

¹¹³ *Corpus Juris Hungarici* Act XXIV of 1723.

¹¹⁴ *Corpus Juris Hungarici* Act XXV of 1723.

¹¹⁵ *Corpus Juris Hungarici* Act XLV of 1723.

¹¹⁶ *Corpus Juris Hungarici* Act XV of 1807.

¹¹⁷ *Corpus Juris Hungarici* Act XII of 1790.

¹¹⁸ Attila Horváth: Konceptió per az első független felelős magyar kormány miniszterelnöke ellen – Gróf Batthyány Lajos pere, *Jogtörténeti Szemle*, 2008/1, 12–21.