The *Eventualmaxime* in the Hungarian Civil Procedure - A Historical Perspective

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Abstract

The Hungarian Parliament adopted the new Code of Civil Procedure on 22 November 2016. During the codification proceedings, the gravity of the Hungarian traditions and the achievements of European legal development were emphasised. One of the most notable features of the new Code is the application of the structure of 'divided litigation', which means that the proceedings before the courts of first instance are divided into two parts: the preparatory stage and the main hearing stage. One of the main principles of the preparation is the Eventualmaxime*, which had not been applied as a main rule since 1911, and since 1952 it has not been applied at all. This essay introduces the historical basics of this legal institution. It examines the theoretical features including analysing the definition. It highlights the reasons behind the necessity of the* Eventualmaxime *as well. The second part will introduce the presence of this principle in the Code of 1868, where it became the main directive principle in the ordinary procedure before the regional courts. It will also point out that it was not applied in the proceedings before local courts. During the codification in the late 19th century, the* Eventualmaxime *was revaluated, and as a result it was not applied as a main rule in the Code of 1911. The final part, will focus on those regulations where the Code of 1911 applied this principle to intensify the efficiency of civil litigation.*

Keywords: *Eventualmaxime; civil litigation; Code of 1868; Code of 1911; Hungary*

Theoretical Basics of the Eventualmaxime

The Definition of the Eventualmaxime

The *ius commune* (in German: *gemeines Recht*) had two characteristic features: dividing the proceedings into stages and the application of the *Eventualmaxime*.[1]

The *Eventualmaxime* is 'that rule of the civil litigation which determines the sequence of actions of the parties in such a way that the party is obliged – under the burden of *praeclusio* – to propose all his pleas, statements and proofs together

[1]Oberhammer & Domej (2005) at 108.

in the same term or deadline. It is called *Eventualmaxime* as the parties should propose those facts and proofs that are only needed accidentally (*in eventum*).'[1]

Determination of the Sequence of the Parties' Actions

The civil procedure is a chain of actions. The relations between procedural acts can be different, and they consist of two groups. On one hand, there are several procedural acts which assume other previously made acts. For example, the written statement of defence presumes the statement of claim; a judgment presumes the closure of the hearing; the proposition of proofs presumes the previously made statements. In this case, there is a natural order which determines the sequence of procedural acts (successive address),[2] so as a main rule, the *Eventualmaxime* is not needed.

On the other hand, there are procedural acts which only have a common aim,[3] so they are not interdependent.[4] For example: several witnesses, reasons serving as a ground for the termination of the procedure. An important feature of the *Eventualmaxime* is that it only obliges the parties, since the parties bear the burden of presenting the relevant facts of the case and submitting the respective supporting evidence.[5]

Propose all Statements and Proofs Together

When the written procedure served as the main rule in the civil proceeding, the parties had the opportunity to protract the proceedings by addressing those procedural acts successively which were not interdependent. It meant that the principle of free action provided the base of protraction, which had to be impeded.[6] The main device was the *Eventualmaxime*, which obliged the parties to make all not-interdependent statements (or even those ones which presume another one) to be included in the same document.[7] "When this principle applies in its pure form the parties shall make their allegations at the earliest possible time, as a rule in the initial statement of claim or of defence".[8]

In Eventum

The *Eventualmaxime* forces the party to propose those facts and proofs, which are only needed after the opponent has stated his defence.[9] This feature of the *Eventualmaxime* effects only the proof submission. For instance, in his joinder of

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[1]Fodor (1900) at 370.
[2]Ziskay (1872) at 353.
[3]Ibid.
[4]Magyary (1924) at 261; Bacsó (1917) at 98.
[5]Herczegh (1871) at 13-20.
[6]Mariska (1868) at 211; Magyary (1924) at 263.
[7]Magyary (1898) at 101.
[8]Oberhammer (2004) at 226.
[9]Czoboly (2014) at 141; Kovács (1928) at 589.

claims, the plaintiff states the defendant scraped his car and the defendant's dog bit him. He backed up the proofs as well. The defendant, however, confessed he had scraped the plaintiff's car, but denied the other claim. In this situation, the evidence taking for the first claim is unnecessary since a statement of fact may be accepted by the court as the truth if it does not have any doubt regarding its veracity and if it is acknowledged by the party with opposing interests.[1]

In eventum is inseparable from advancement, since the *Eventualmaxime* orders the parties to make all statements and proofs without knowing the reaction of the other party. Therefore, one of the most important traits of the *Eventualmaxime* is the cumulation of proofs, which results in a vast number of documents.[2]

Preclusion

The Principles of Set and Free Action in Litigation

Preclusion is derived from the Latin verb *praecludo* meaning "to exclude". It is important to differentiate between the principles of set and free actions in the civil procedure. The *Eventualmaxime* was used to be called the principle of set action.[3] In contrast, the principle of free actions bears that the party may propose his statements and proofs anytime during a procedure.[4] The principle of free action helps the court to issue an adequate verdict.[5]

The principle of free action was applied even in the appellate proceeding. In contrast, in Austria, Franz Klein attempted to speed up appellate proceedings by forcing the parties to present the *relevant* factual information at first instance. However, they wanted to avoid the *Eventualmaxime* as well.[6]

Types of Preclusion

The previous differentiation means that there are two types of preclusions as well. One is related to the *Eventualmaxime* and depends only on deadlines and terms, which means the parties shall not validly perform a procedural act they omitted to perform, and any belated procedural act shall be ineffective.[7] The consequences of the omission may only be remedied by an excuse.[8] Preclusion is necessarily the sanction of the *Eventualmaxime*. Without this sanction, the *Eventualmaxime* would be rather *lex imperfecta*, since the only tool to impede protraction would be the fine, what has no real preventive force for the parties.

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[1]See section 266 subsection 1 of Act CXXX of 2016.

[2]Herczegh (1891) at 26; Haendel (1932) at 12.

[3]Bacsó (1917) at 98.

[4]Its classical rule was Section 221. of the Act I of 1911.

[5]Bacsó (1934) at 21.

[6]Lewisch (2005) at 579. For the Austrian *Eventualmaxime*, see furthermore van Rhee (2008) at 11-12.

[7]Section 149 subsection (1) of the Act CXXX of 2016.

[8]Section 150 subsection (1) of the Act CXXX of 2016.

The second is connected to the principle of free actions depends on the discretion of the court. Should a party make his statements in the litigation later, even though he had the opportunity to do so earlier, the court has the right to exclude his statements if it aimed the protraction of the proceeding.[1] This right is part of the case management (in German: *materielle Prozessleitung*).

To sum up, the subjective preclusion excludes only those actions which were proposed culpably late. The strict system of the *Eventualmaxime* does not know this differentiation.[2]

The Eventualmaxime as a Main Rule in Hungary

Structure of the Civil Procedure after the Compromise

After the Austro-Hungarian Compromise of 1867, the legislation had good examples in Western Europe for the structure of the judicial system.[3] As a result, its remake was executed immediately.[4] However, it was impossible to reform the civil litigation this early, since the new structure of the judicial system was not stable enough to handle the modern civil proceedings. The legislation adopted temporarily the Act LIV of 1868.

The Act separated the ordinary proceeding and the summary procedure. The former was a written procedure, where only documents could be the bases of the adjudication. The parties were allowed to propose certain number of documents during the process. However, it did not exclude hermeneutic elements form the procedure, since the oaths were oral[5] and witnesses were also verbally interrogated.[6] The litigation pertained to regional courts consisting of *panels*.

The latter one was based on oral hearings and the proceedings belonged to district courts consisting of a single professional judge (so called *sole judge*). The simpler cases were usually dealt with summary procedure.

The legislation got the *Eventualmaxime* through the ordinary proceeding consequently, since without this principle, the protraction of the procedure would have been inevitable.[7] The parties had three opportunities to propose their statements and proofs (so altogether the adjudication was based on six documents).

First Round of Documents

The proceeding began with the *statement of claim*. The plaintiff was obliged to propose the legal basis and the facts entirely, in chronology and clearly, combined with the proofs.[8] The address was 'entire' if no facts were left out which

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[1] Section 222 of the Act I of 1911.
[2] Rosenberg, Schwab &. Gottwald (1993) at 447.
[3] Magyary (1942) at 10-11.
[4] See Act IV of 1869, Acts VIII, IX, XXXI and XXXII. of 1871.
[5] Section 240 of Act LIV of 1868.
[6] Section 201 of Act LIV of 1868.
[7] Ministerial explanation to the bill on the Code of Civil Procedure 1910 at 305.
[8] Section 64 of Act LIV of 1868.

could have influenced the adjudication of the claim. It was 'chronological' if the progression was kept, in which the relevant fact occurred and 'clear' if the court was able to understand it without further researches.[1] I find it interesting that not every section of the statement of claim had the same importance. The courts did not reject the statement of claim if the proofs were not enclosed.[2]

After the communication of the claim, the defendant had to propose his written statement of defence, in which had to address all pleas and proofs.[3] The defendant's obligatory entering into the action needs to be stressed. It means that the defendant had to propose his formal defence and his defence on the merits together. If he proposed a formal defence only, and the court rejected it, thus he became the losing party ('silent confessor').[4]

The New Code regarding the Written Statement of Defence

In the Code of 1952, the formal defence and the defence on the merits were *alternative,* meaning that the party could propose only the termination of the procedure, and the court decided about it in the first place ("primary role of the formal defence").[5] The defendant was obliged to propose his defence on the merits merits if the formal defence was unsuccessful. However, the court had the right to force him to introduce more than his formal defence according the discretion of the court.

Our new regulation also concusses the defendant to propose his formal defence and his defence on the merits together. However, it applies different measures. If a party fails to include a preparatory statement specified in the Code or requested by the court in the preparatory document, it shall be construed that the party does not dispute the respective statement of fact, statement of law, or evidence of the opposing party, and does not object the respective request or motion of the opposing party being granted, unless he earlier made a statement to the contrary, and he does not wish or cannot submit a statement of fact, statement of law, request, evidence, or motion to present evidence regarding the respective preparatory statement to support his action or statement of defence.[6]

If the written statement of defence submitted by the defendant contains only a formal defence, the provisions laid down in section 203 (2) shall be applied. Moreover, should the party supplement his defence with defence on the merits later, the court shall impose a fine upon him.[7]

As a main rule, the court has discretion to decide whether "the party had the opportunity to do so earlier". However, this discretion is impossible regarding

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[1]Herczegh (1891) at 125.
[2]Fodor & Márkus (1894) at 167; Ministerial explanation to the bill on the Code of Civil Procedure 1910 at 305.
[3]Section 133 of Act LIV of 1868
[4]Sections 134 and 136 of Act LIV of 1868; Herczegh (1891) at 205..
[5]Kapa (2006) at 609. Kiss (2010) at 577.
[6]Section 203 subsection (2) of Act CXXX of 2016.
[7]Generally, the court shall impose a fine upon the party if he makes or changes a preparatory statement, even though he had the opportunity to do so earlier in the preparatory document or hearing during the preparatory stage. Section 183 subsection (5) of Act CXXX of 2016.

the defence on the merits, since the only way to propose it is *in the written statement of defence.*

Sections 183 subsection (5) and 203 subsection (2) together result in the strengthening of the obligation to enter the litigation. It does not depend on the *discretion and decision of the court*, but on the *Act itself.*

Obviously, the defendant does not propose the defence on the merits in all cases, since there are situations, when the pleas can be allocated without doubts. There will be, however, cases as well, when the defendants are uncertain, and "make sure" that they propose a full defence, even though their primary defence tends to the termination of the procedure.

The Second and Third Rounds of Documents

The second round of documents was called reply document on the plaintiff's side and rejoinder on the defendant's. It is important to highlight the importance of the statement of claim and the written document of defence, since only those statements and proofs were allowed to be proposed which weakened the opposite party's previous statements. To sum up, the first round of documents marked the content of further documents. [1] The Act of 1868 knew a third round of documents with final statements, where the same rule had to be applied as in the second round.

Apart from this, the Act recognized the difference between the appropriate statements and inappropriate statements which meant the statement and proofs that could have been proposed in the first round of documents (e.g. add another legal basis to the claim).[2] These were excluded from the proceeding. Appropriate statements were allowed if their aim was to weaken the opponent's position.

The Second Round of Documents in the New Code of Civil Procedure

In the new Code of Civil Procedure, after the submission of a written statement of defence against the claim, and depending on the circumstances of the case, the court has discretion whether to order further preparations to be made in writing before scheduling a preparatory hearing, schedule a preparatory hearing, or proceed without ordering further preparations to be made in writing or scheduling a preparatory hearing.[3]

If the court orders further preparations to be made in writing, the written statement of defence shall be served on the plaintiff, and the plaintiff shall be called upon to *submit a reply document* within an appropriate deadline. [4]

Since the party is allowed to propose the reply document or the rejoinder if he was requested by the court or is allowed by an Act to do,[5] the main measure that

[1]Fodor (1900) at 370.
[2]Herczegh (1891) at 206.
[3]Section 187 of Act CXXX of 2016
[4]Section 188 of Act CXXX of 2016.
[5]*Ministerial explanation to the bill on the Code of Civil Procedure.* 2016. Explanation to Section 203.

their content shall be "in line with the invitation of the court." Apart from it, the party may also make a preparatory statement without a specific request.[1]

At first glance, it seems that our new regulation does not know the distinction between appropriate and inappropriate preparatory statements. This would make the *Eventualmaxime* obsolete, since there would be no point applying it if the parties had full freedom in proposing anything. In my opinion, however, it does know a similar distinction as well, but with a different system of consequences.

Adding completely new statement and proofs is appropriate. Adding additional information which could have been proposed in the statement of claim (which was inappropriate after 1868) is also allowed, but it is considered to be an amendment of the action. One of the new features of the Code is the redefinition of the amendment of the action. It now means that a party, in comparison to the statements of fact, statements of law, legal arguments and requests made or presented earlier concerning his claim, including any counter-claim or set-off, invokes a different or additional fact, raises or invokes a different or additional legal argument or right to be enforced, or modifies the amount or content of his requests or any part thereof, or submits any other request.[2]

The statement containing the amendment of the action shall be made with a content *that meets the requirements of the statement of claim*. The court shall reject the statement containing the amendment of the action if the action submitted therein would give rise to the statement of claim being rejected under the Code. The rules pertaining to the rejection of the statement of claim shall apply to the issue of a notice to remedy deficiencies.[3]

Similarly, if the defendant proposes a statement which could have been proposed in the written statement of defence is an *amendment of the statement of defence*. It means that a party, in comparison to the statements of fact, statements of law and legal arguments made or presented earlier concerning his statement of defence, including any statement of defence made against a counter-claim or set-off, invokes a different or additional fact, a different or additional complaint based on substantive law or legal argument, or withdraws his statement acknowledging or not contesting, in whole or in part, another statement of fact, statement of law or request, including the subsequent contestation of a statement of fact, statement of law or request that had been regarded as uncontested or unopposed.[4]

Considering the legal consequences, there is a significant difference between the two amendments. If the amendment of action is deficient, *it must be rejected*. However, the deficiency of the amendment of the defence results in the application of *the general rule of Section 203 paragraph 2*.

Evasion of the Written Procedure – The "Judicial Information"

The trial court consisted of three judges as a main rule: the chairman, the *rapporteur* (who presented the case to the council) and the third member. In the

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[1]Section 201 subsections (1)-(2) of Act CXXX of 2016.
[2]Sestion 7 subsection 1 point 12 of Act CXXX of 2016.
[3]Section 185 subsections (2)-(3) of Act CXXX of 2016.
[4]Sestion 7 subsection 1 point 4 of Act CXXX of 2016.

written procedure, only the *rapporteur* knew the whole case, and the parties did not have the opportunity to present their point of view in an oral hearing.

As a result, a new legal institute appeared - the so called *judicial information.* It meant that the parties or their representatives visited the members of the council (except for the *rapporteur* who obviously knew the case[1]) privately and represented their case in orally. This was, of course, morally reprehensible, and was banned in our procedural reforms of 1911 and 1912.[2]

Application of the Eventualmaxime in the Summary Procedure and in the Act I of 1911

Prelude – The Summary Procedure

Even the Act LIV of 1868 regulated the summary procedure, which took place before local courts. It was based on oral hearings, which knew the *Eventualmaxime* only as an exceptional rule.

The Act XVIII of 1893 on the summary procedure was considered to be a transition between the procedural orders of 1868 and 1911. Basically, it provided an opportunity to the courts to experience the procedure, which was based on oral hearings until the Parliament adopted the modern Code of Civil Procedure of 1911. The ministerial explanation also highlighted that “the adoption of the new legislative acts would suit the right judicial policy if the transition did not interfere with the order of jurisdiction (or minimised the interference to the lowest possible measure). The more definite the difference between the current and the new system, the greater the interference would be, which includes the interference in the judicial system itself as well.”[3]

Oral hearings do not need the *Eventualmaxime*, since the statement of a party is *followed by the opponent’s immediate counter-statement*, and the judge is able to control the process of the procedure with his *materielle Prozessleitung*.

The Act I of 1911 – Raising the Pleas Together

The *Eventualmaxime* was criticised in the 19th century because “it demolishes the healthy law and the truth, whose consequence was that the people hated the jurisdiction.”[4] The Code guaranteed the greatest liberty to the party with the (almost complete) abolishment of the *Eventualmaxime* and the unity of the hearing.[5]

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[1]Fodor (1905) at 428; Fodor (1910) at 165.
[2]See Section 88 of Act LIV of 1912.
[3]Ministerial explanation to the bill on the summary procedure 1892 at 46.
[4]Nagy (1885) at 35.
[5]The unity of the hearing means that although the Act knew the divided litigation, the only role of the preparatory hearing was to decide about the question whether the procedure had to be terminated or not. The parties proposed all statements and proofs in the main hearing. Ministerial explanation to the bill on the Code of Civil Procedure 1910 at 310.

The *Eventualmaxime* affected the *proposition of pleas* in both acts, with almost completely same regulation. So the defendant had to propose his pleas *together* after the statement of claim. Its sanction was the *preclusion*, with two exception: on one hand, the exclusion did not refer to those pleas, which had to be taken into consideration *ex officio*. On the other land, the defendant could perform the omitted pleas under the general rule of an excuse. In this case, the reason for the omission and the circumstances substantiating the absence of any fault regarding omission had to be presented in the request for excuse.[1]

Summary

This essay presented the emergence of the *Eventualmaxime* in the Hungarian legal history. It argued that in the written proceedings, this principle was the main rule since without it, the protraction was inevitable. Oral hearings, however, did not require this principle since the judge controlled the process with case management (*materielle Prozessleitung*). Some parts of this essay compared the old regulation with the new one. As a result, the most crucial points are highlighted below:

1. The *Eventualmaxime* always forms a strict and rigid system. It affects the defendant's written statement of defence the most. Being similar to the regulation of 1868, our new Code also *forces the defendant into the litigation*. However, the measures are different. While the Code of 1868 had direct measure, since if the formal defence was irrational, and the defendant did not propose the defence on the merits, *he became a losing party* immediately, the Code of 2016 applies indirect measures. If there is no defence on the merits, the defendant will face a system of consequences. He is not excluded from proposition, but the court shall impose a fine.

If the plaintiff's statement of claim is void, needs to be rejected with the possibility of proposing it again *without any consequences*, since the rejection does not result in *res iudicata*. This system of regulation regarding both parties raises the question: *are the parties in the litigation equal?*

2. The system of the 1868 Code was a *written procedure completely.* As it was mentioned before, our new Code guarantees discretion to the court to decide the way of preparation. However, if the court chose the written preparation, it is not possible to close the preparatory stage based on written documents only, so *in this case, the preparatory hearing of the party is compulsory.* The Act guarantees more opportunities for the parties to propose their statements in the preparatory hearing, which is incorrect theoretically and it makes the *Eventualmaxime* obsolete.

The *Eventualmaxime* fulfils its aim in the written procedure and in those "mixed procedures", in which the parties are not allowed to add more statements in the oral hearing (so they are only allowed to repeat their written statements).[2] To sum up: *the written preparation (and the Eventualmaxime) could only be effective*

[1] Section 27 of Act XVIII of 1893; Section 180 of Act I of 1911.
[2] Magyary (1898) at 102.

if the parties are forbidden to propose more statements than they had in the written preparation. The following two examples are to support this claim:

a) In the system of the Act LIV of 1868, only the written documents (and the *Eventualmaxime*) could be the base of the adjudication. In addition the *amendment of the statement of claim* (which we know today) was not allowed. The essay showed that the parties could not supplement their previously proposed statements, which they proposed in the statement of claim/written statement of defence, in the second round (reply document/ rejoinder), since these were "inappropriate".
b) In the Act I of 1911, when the defendant proposed his formal defence, the court decided about it *separately* (it was a partial judgment). After this judgment became binding, it was the obstacle which made it impossible for the defendant to proposes more pleas in the procedure.

The basic theoretical feature of the *Eventualmaxime* from the examples that *if the civil procedure applies this principle, the statements proposed this way shall be isolated from the other parts of the procedure (the court shall decide about them separately), and the parties shall not be allowed to propose new statements or to change them.* The *Eventualmaxime* closes the documents,[1] with the exception of an excuse, which breaks this strict system.

In the new Code, the legislation *did not respect this basic theoretical feature,* which is supported by two tokens. First, the parties have the right to propose new preparatory statements after the summary of the court.[2] The unity guaranteed by the *Eventualmaxime* is split with more statements, since it is possible to supplement their written documents. Secondly, I find that rule questionable that before the order closing the preparatory stage is adopted, a party may change his preparatory statements without the consent of the opposing party.[3] This rule may result in that the opponent will change his statement as well. Therefore, protraction becomes a threat, even though the main aim of our new regulation was the opposite.

This system raises a question: why does our new regulation apply the *Eventualmaxime and the written preparation as an unnecessary formalistic procedure if any statement could be proposed or changed in the oral hearing?* The *Eventualmaxime* guarantees now the reasonable time for a single act, but not for the whole procedure.

3. In his essay I tried to point out the most important problems in our new Code. It is really difficult to decide a procedural question in a theoretical way, since the law of civil procedure (and the procedural law itself) is the most practical discipline of jurisprudence. Several times, it is almost impossible to answer a question, forasmuch we must see the *complete procedure entirely* to

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[1]Herczegh (1891) at 27.

[2]Section 191 subsection 3 of Act CXXX of 2016. In the summary, the court reviews the documents which the parties propose in written form.

[3]Section 183 subsection 4 of Act CXXX of 2016.

find the solution for a tiny problem. In conclusion, our legal practice shall decide whether the old-new regulation makes the civil procedure more effective or not.

References

Bacsó, J. (1917). *A polgári perrendtartás tankönyve*. Budapest: Grill Károly Könyvkiadóvallalata. .

Bacsó, J. (1934). *A polgári per célja*. Budapest: Studium Könivkiadó R.-T.

Czoboly, G. (2014). *A perelhúzás megakadályozásának eszközei*. Doctoral Thesis, Univerity of Pécs.

Fodor, Á. (1900). 'Eshetőségi elv', in *Magyar Jogi Lexikon III.* Budapest: Pallas.

Fodor, Á. (1905). *A birói informáczió* in *Jogtudományi Közlöny* 52. (Dec. 1905)

Fodor, Á. (1910). *A birói informáczió* in *Jogtudományi Közlöny* 20. (May 1910)

Fodor, Á. & Márkus, D. (1894). *A polgári törvénykezési rendtartás kézikönyve I.* Budapest: Singer és Wolfner.

Haendel, V. (1932). *A perbeli cselekmények koncentrációja a magyar perjog fejlődése szolgálatában*. Ifj. Ludvig és Janovits Könyvnyomdája, Miskolc.

Herczegh, M. (1871). *Magyar polgári törvénykezési rendtartás*. Pest: Heckenast.

Herczegh, M. (1891). *Magyar polgári törvénykezési rendtartás*. Budapest: Franklin..

Kapa, M. (2006). A tárgyalás. In *A polgári perrendtartásról szóló 1952. évi III. törvény magyarázata II. kötet.* Budapes: Magyar Közlöny és Lapkiadó..

Kiss, D. (2010). 'A tárgyalás' in *A polgári perrendtartás magyarázata I. kötet*. Budapest: Complex.

Kovács, M. (1928). *A polgári perrendtartás magyarázata I.* Budapest: Pesti Könyvnyomda.

Lewisch, P. (2005). 'Franz Klein (1854-1926)', in J.G. Backhouse (ed.) *The Elgar Companion to Law and Economics.*2nd Ed. Cheltenham:UK–MA:USA: Edward Elgar, pp. 576-584

Magyary, G. (1898). *A magyar polgári peres eljárás alaptanai. A perbeli cselekvés tana.* Budapest: Franklin..

Magyary, G. (1924). *Magyar polgári perjog*. Budapest: Franklin.

Mariska, V. (1868). 'A bizonyiték elmélete a magánjogi eljárásban' in *Jogtudományi Közlöny* 26. .

Nagy, D. (1885). 'A német perrendtartás'. *Jogtudományi Közlöny* 5. (Feb. 1885).

Oberhammer, P. (2004).' Speeding Up Civil Litigation in Austria: Past and Present Instruments', in C.H. van Rhee (ed.) *The Law's Delay. Essays on Undue Delay in Civil Litigation*. Antwerp – Groningen: Intersectie Uitgevers.

Oberhammer, P. & T. Domej (2005). 'Germany, Switzerland, Austria (ca. 1800-2005)', in *European Traditions in Civil Procedure.* Antwerp – Oxford: Interentia. pp. 103-122.

Rosenberg, L., Schwab, K.H. & P. Gottwald (1993). *Zivilprozessrecht*. München: C.H. Beck.

Van Rhee, C.H. (2008). 'The development of civil procedural law in twentieth century Europe: from party autonomy to judicial case management and efficiency' in C.H. Van Rhee (ed.) *Judicial Case Management and Efficiency in Civil Litigation*. Antwerp–Oxford: interestia.pp.11-26.

Ziskay, A. (1872). 'Az esetlegességi elvről' in *Jogtudományi Közlöny* 49. (Dec. 1872).