

Book VI.  
Title XXXIV.

If anyone prevents or compels another to make a testament.  
(Si quis aliquem testari prohibuerit vel coegerit.)

Bas. 35.4; D. 29. ?<sup>1</sup>

6.34.1. Emperor Alexander to Severa.

A criminal proceeding is added to a civil suit, if it appears that a testator did not make his testament voluntarily, but was compelled to make it by the appointed heir, or to appoint as heirs persons whom he did not want.  
Subscribed December 18 (229).

Note.

The use of force in compelling a man to make a testament was prohibited and punishable under the Julian law against the use of violence. C. 9.12. The civil proceeding here mentioned probably consisted in classic time in the denial of the right of possession, or an interdict taking it away. 10 Z.S.S. 71; 43 Z.S.S. 190. Note 2 to Bas. 35.4.4, indicates an action for intimidation against the perpetrator. (C. 2.19). The last clause of this rescript was probably added by the compilers.

6.34.2. Emperors Diocletian and Maximian to Nicagera.

The law is well known that persons, who are shown to have hindered a man in making of a testament, are barred, as unworthy persons, from any benefit from the man's inheritance.<sup>2</sup>  
Promulgated January 1(285).

6.34.3. The same Emperors and the Caesars to Eutyichides.

It is nothing criminal for a husband to induce his wife by flattery and caresses to make her last will in his favor.  
Given December 28 (294).

6.34.4. The Emperor Zeno. (In Greek)

If anyone prevents a man from making a testament or prevents him from finishing it after he has begun it, he is liable to the party injured thereby, and any remaining property shall be confiscated and he shall spend the rest of his life in exile.  
Given at Constantinople May 30 (479).

---

<sup>1</sup> The question mark is penciled in the original.

<sup>2</sup> [Blume] See. C. 3.28.23.